

*Repeal of By-law No 1446.
A By-law to*

Regulate the use of land and the use, bulk, height and location of buildings and to prohibit certain uses of certain lands and buildings in the City of North Bay.

The Council of the Corporation of the City of North Bay enacts as follows:-

SECTION 1 -- TITLE.

This by-law may be cited as "The Zoning By-law."

SECTION 2 -- DEFINITIONS.

In this By-law -

(1) "Accessory" shall mean naturally and normally incidental, subordinate and exclusively devoted to.

(2) "Basement" shall mean any part of a building having a floor more than four (4) feet below grade.

(3) "Basic Height" shall mean the vertical distance between grade and (1) in the case of a flat roof, the highest point of the roof surface; (2) in the case of a mansard roof, the deck roof line; (3) in the case of a gabled, hip or gambrel roof, the mean height level between eaves and ridge. A penthouse, tower, cupola, steeple or other roof structure that is used only as an ornament upon or for the mechanical operation of any building shall be disregarded in calculating the height of such building.

(4) "Board" shall mean the Board of Appeals established pursuant to the provisions of this by-law.

(5) "Boarding House" shall mean a dwelling house where meals are regularly served for a charge.

(6) "Building" shall mean any structure, either temporary or permanent, that is used or capable of being used for the shelter, accommodation or enclosure of persons, animals, chattels or property of any kind and shall include any vehicle or tent, awning or other covering used on a lot for any such purpose. *Amended by #1613*

(7) "Building By-law" shall mean the Building By-law of The Corporation of the City of North Bay as amended and validated from time to time.

(8) "Building Line" shall mean any line regulating the position of a building on a lot in accordance with the provisions of this or any other by-law.

(9) "Commission" shall mean the Town Planning Commission of North Bay as established by City by-law.

(10) "Coverage" shall mean in the case of a residential building, the combined area of all the buildings on the lot at the level of the floor of the lowest storey containing habitable rooms and in the case of a non-residential building the combined area of all the buildings on the lot measured on the level of the lowest floor above grade.

(11) "Cubic Content" shall mean the volume of a building exclusive of porches, sun rooms and garages; and for the purpose of computation the height of a building shall be deemed to be the distance between the general level of the footings and the top of the roof, if a flat roof, or halfway up the roof if a pitched roof, except that for unexcavated portions the height shall be measured from halfway between the grade and the footing.

(12) "Dwelling house" shall mean a building or part of a building occupied or capable of being occupied, in whole or in part, as the home, residence or sleeping place of one or more persons, either permanently or transiently; but not including living quarters for a caretaker, et., that are accessory to non-residential buildings.

(a) " Dwelling unit " shall mean a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment.

(b) " One family dwelling house " shall mean the whole of a dwelling house occupied by not more than one family.

(c) " Duplex dwelling house " shall mean the whole of a dwelling house that is divided horizontally into two separate dwelling units; each of which has an independent entrance.

(d) " Double duplex dwelling house " shall mean two attached duplex dwelling houses.

(e) " Semi-detached dwelling houses " shall mean a pair of attached one-family dwelling houses.

(f) " Group housing " shall mean more than two attached one-family dwelling houses.

(g) " Multiple dwelling house " shall mean a dwelling house that has been converted to provide two or more dwelling units.

(h) " Apartment house " shall mean a building, other than a double duplex dwelling house, erected for the purpose of providing three or more dwelling units.

(13) " Erect " shall mean erect, build, construct or reconstruct and shall include (1) the removal of a structure from one lot and re-locating it on another lot and (2) any physical operation, such as excavating, filling or draining, preparatory to commencing the work of erecting, building, constructing or reconstructing a building or structure, and the words " erected " and " erection " shall have a corresponding meaning.

(14) " Family " shall mean one person, or two or more persons who are inter-related by bonds of consanguinity, marriage or legal adoption, occupying, with or without one or more domestic servants, a dwelling unit.

(15) " Front " - A building shall be deemed to front on the street opposite to its principal entrance or if such entrance is not opposite to a street, upon the street from which it gains its principal access.

(16) " Garage " shall mean a building or part of a building in which self-propelled vehicles, trailers or trailer cars are parked or stored, or are housed or sheltered for the purpose of storing, servicing, repairing, selling or displaying same.

(a) " Private garage " shall mean a building, not over one storey or fourteen (14) feet in height, or a part of such a building, that is used by the occupants of the premises upon which it is located for sheltering not more than four motor vehicles and in which (1) no service for profit is rendered and (2) space for not more than two such vehicles is rented.

(b) " Neighbourhood garage " shall mean a building or part of a building used by the residents of the neighbourhood for sheltering motor vehicles.

(c) " Commercial garage " shall mean a garage other than a private or neighbourhood garage.

(17) " Grade " shall mean the average elevation of the surface of the ground at the base of a structure or of the main front wall of a building, exclusive of any embankment in lieu of steps.

(18) " Ground floor area " shall mean the area of that portion of a lot occupied by a building exclusive of any porch, sunroom or garage.

(19) " Hotel " shall mean a building or part of a building, that contains a general kitchen and dining and other public rooms, the remaining rooms of which contain no provision for cooking, and are usually hired to transients as places of abode.

(a) " Private hotel " shall mean a hotel, the rooms in which are usually hired to other than transients.

(20) "Institution" shall mean a building used for a non-commercial purpose by an organized body or society for promoting a particular object.

(21) "Lodging or Rooming house" shall mean an existing dwelling house where lodgings are provided for hire; provided however that in an R1 district the provision of lodgings for not more than two persons and in R2 districts the provision of lodgings for not more than three persons shall not be considered a lodging or rooming house use.

(22) "Lot" or "Property" shall mean a parcel of land whether or not occupied by a building or structure.

(a) "Corner lot" shall mean a lot situated at the intersection of two streets, of which the two adjacent sides that abut the intersecting streets include an angle of not more than one hundred and thirty-five (135) degrees and, where such adjacent sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the street lines drawn through the extremities of the interior lot lines provided that (1) in the latter case the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents and (2) any portion of a corner lot distant more than one hundred (100) feet from the corner, measured along the street line, shall be deemed to be an interior lot.

(23) "Lot or boundary lines of lots" shall have the following meanings:

(a) "Front lot line" shall mean the line that divides a lot from the street provided that in the case of a corner lot the shorter lot line that abuts a street shall be deemed to be the front lot line and the longer lot line that so abuts shall be termed the "flank" of the lot.

(b) "Rear lot line" shall mean the lot line opposite the front line.

(c) "Side lot line" shall mean a lot line other than a front or rear lot line.

(24) "Non-conforming" shall mean lack of conformity with the provisions of this by-law.

(25) "Non-residential use" - When used in reference to a building shall include a use that is residential, but accessory to the principal use of such building.

(26) "Occupied" shall include arranged, designed or intended to be occupied.

(a) "Change of occupancy" shall mean the discontinuance of the existing use of a building, structure, lot or premises and the substitution therefor of a use of a different kind or class.

(27) "Parking lot" shall mean any area used for the storage of more than five motor vehicles in the open air.

(28) "Playground" (Public) - shall mean an area set aside for the purposes of recreation for the benefit of the community and not operated for profit.

(29) "Public Utility" shall include buildings or structures used for the supply of electricity, gas, steam and water and for telephone, telegraph, transportation, drainage and incineration service supplied to or available for the use of or consumption by the public.

(30) "School" shall mean an educational establishment.

(a) "Public School" shall mean a school under the jurisdiction of the School Board for the City of North Bay, the Separate School Board for the City of North Bay, or operating under charter from the Provincial Government.

(b) "Private School" shall mean a school other than a public school.

(c) "Nursery School" shall mean a school for children of pre-school age operating under the jurisdiction of a recognized educational authority.

(31) "Setback" when used in reference to an upper portion of a building, shall mean the setting back of the outer walls of such upper portion from the building line.

(32) "Sign" shall include the paintings or posting of an advertisement or notice on a building or structure.

(33) "Storey" shall mean that part of a building other than a basement which is between the surface of one floor and the surface of the floor immediately above, or the ceiling above if there be no floor, or the roof above if there be no ceiling or floor.

(34) "Street" shall mean a public highway or private thoroughfare which affords a principal means of access to abutting lots.

(35) "Structure" shall mean anything that is built or constructed of parts joined together.

(36) "Use" shall mean the purpose for which a lot or a building or structure, or any combination thereof is designed, arranged, intended, occupied or maintained, and "used" shall have a corresponding meaning.

(a) "Permitted use" shall mean a use that is not contrary to the provisions of this by-law.

(37) "Value" shall mean value as determined ^{by the} ~~by the Commission in consultation with the Assessment Commissioner.~~ *Building Inspector*

(38) "Volume" shall mean the number of cubic feet contained in that part of a building above the average grade, except where otherwise provided.

(39) "Window" (primary) shall mean the window to a habitable room not having other adequate light or ventilation.

(40) "Yard" shall mean that part of a lot unoccupied by the building or buildings or structures thereon and in determining yard measurements the minimum horizontal measurements shall be used.

(a) "Front yard" shall mean a yard that extends across the full width of a lot between the front lot line and the nearest main wall of such building or buildings on the lot.

(b) "Side yard" shall mean a yard that extends from a front yard to a rear yard between the side line of a lot and the nearest main wall of the main building or structure, exclusive of any chimney breast.

SECTION 3 -- GENERAL PROVISIONS.

Scope (1) No building or structure shall hereafter be erected or altered and no building, structure, lot or premises, shall hereafter be used in whole or in part except in conformity with the provisions of this by-law.

Non-conforming uses. (2) Any non-conforming use legally established that exists at the effective date of this by-law may be continued, except as hereinafter provided. Any use of any building, structure, lot or premises that exists at the date of any amendment hereof and is made non-conforming by such amendment may be continued but such use and such building, structure, lot or premises shall be subject to the provisions herein-respecting abandonment, vacancy, reconstruction, alteration and repair.

Abandonment (3) Any non-conforming use that is discontinued or unused for more than three consecutive years shall not be resumed nor shall such non-conforming use revert to any other non-conforming use, ~~except that the Commission may defer enforcement of this provision for one or more further periods of three years.~~

Buildings under construction.

(4) Nothing in this by-law shall require any change in the plans, construction or use of any proposed building or structure for which an application for a building permit has been received by the Commission and the erection of which was commenced prior to the effective date of this by-law provided that such erection is completed within one (1) year from the date of issue of the said permit.

Licences

(5) Nothing in this by-law shall operate to relieve any person of the obligation to obtain any license, permission, permit, authority or approval required by this or any other by-law of the Corporation.

Reconstruct- aged non-conforming buildings.

(6) Nothing in this by-law shall apply to prevent the re- construction or continued use of any non-conforming building or structure that is damaged by causes beyond the control of the owner subsequent to the effective date hereof provided the residual value of such building or structure exceeds ~~the~~ *sixty per cent and provided that* percent of the value thereof immediately prior to the damage. *in R1 and R2 districts and fifty per cent thereof in all other districts*

Repair or alteration of non-conforming buildings

(7) Nothing in this by-law shall apply to prevent (1) the strengthening or restoration to a safe condition of any non-conforming building or structure or part of any such building or structure or (2) the alteration or repair of any existing non-conforming buildings or structure provided such alteration or repair will not increase the height, size or volume or change the use of such building or structure. *in R1 and R2 districts and fifty per cent thereof in all other districts*

Setbacks

(8) Where setbacks are required under the provisions of this by-law, in respect to a building subject to regulation as to coverage, such setbacks shall be at the rate of one foot for each two feet that the building exceeds the permissible basic height and shall be applied to all the outer walls of the buildings.

(9) Where setbacks are required under the provisions of the by-law in respect to a building not subject to coverage regulations on an interior lot such setbacks shall be :-

- (a) in respect to the front building line, one foot for each two feet that the building exceeds the permissible basic height.
- (b) In respect to the rear building line, one foot for each two feet that the building exceeds 25 feet in height except that when the rear building line is separated by a lane from the rear building line of another lot, such setback shall be one foot for each two feet that the building exceeds in height 25 feet plus one half of the width of the lane.
- (c) In the case of a corner lot setbacks above the basic height, from the interior building lines shall only be necessary where any such interior building line abuts or is separated by a lane from the rear building line of another lot in which cases the provisions in respect to the rear building line of an interior lot shall apply.
- (d) Setbacks above the basic height from a side building line of an interior lot shall not be necessary except where such side building line abuts or is separated by a lane from the rear building line of another interior lot in which cases the provisions in respect to the rear building line of an interior lot shall apply.

Ultimate erection

(10) Nothing in this by-law shall apply to prevent the ultimate erection to the full height as originally structurally designed and provided for in the existing structure of any building or structure erected to a lesser height prior to the effective date hereof.

Non-conforming signs

(11) Every sign or billboard that does not conform with the provisions of this by-law shall be removed within the period of one (1) year from the effective date hereof, provided

however that a non-conforming sign that specifically describes the business or nature of a non-conforming building, structure or use may be maintained as long as such building, structure or use is maintained.

Storage of Apartment house vehicles.

(12) The owner of every building hereafter erected or altered for use as an apartment house shall therein or upon lands appurtenant thereto provide and maintain accommodation for storage of self-propelled passenger vehicles for the use of the occupants of such apartment house. Such accommodation shall consist of at least one hundred and sixty square feet of accessible storage space for each dwelling unit in such apartment house, exclusive of the area of the entrance or driveway leading to such storage accommodation.

Vehicle storage for assembly

(13) The owner of every building or structure hereafter erected or altered for use, in whole or in part as a theatre, auditorium, arena, social club or other place of assembly, other than a church, in which accommodation for an audience or congregation of people is or may be provided, shall, within one thousand (1000) feet of such building or structure, provide and maintain accessible off-street parking space, exclusive of driveways, consisting of at least two hundred (200) square feet of space for each six (6) persons comprised in a capacity audience or congregation of persons in such building.

Parking lot in residential areas

(14) Where a parking lot is required to be provided in accordance with the provisions of Section 3 (12) and 3 (13) of this by-law such parking lot may be located in a residential district subject to the approval of the Commission upon such conditions as to lighting, screening hours, etc., as the Commission may direct.

Loading space

(15) The owner of every building or structure hereafter erected or altered for use, in whole or in part for manufacturing, storage, warehouse, department store, wholesale store, market, hotel, hospital, mortuary, laundry, or dry cleaning purposes or for any other purpose involving the use of vehicles for the receipt or distribution of materials or merchandise in such numbers as to constitute a serious interference to traffic, shall provide and maintain, on lands appurtenant to such building or structure, adequate space for such vehicles to stand and for loading and unloading the same.

Location of dwellings.

(16) Every building used for residential purposes shall face or front on a street, provided that -

(a) Where such street is a highway in a C district and is less than forty (40) feet in width no portion of any such building shall be located at a lesser distance from the centre line of such street than twenty (20) feet.

(b) No such building shall be erected on lands facing or fronting on a private thoroughfare having a lesser width than forty (40) feet.

(17) No person shall in any residential district erect any building having a front yard less than 20 feet in depth provided that where such building is located between existing buildings fronting on the same street in the same block and distant not more than 80 feet from the building to be erected the middle point of the front wall of such building shall not be closer to the street line than on a straight line joining the nearest angle of the front walls of such existing buildings.

(a) Where the existing building on one side of the building to be erected is more than 80 feet distant the straight line shall be drawn from the other existing building to a point 20 feet back from the front lot line at a distance of 80 feet measured in the opposite direction to such existing building.

(b) Where such existing building on one side of the building to be erected has been built on a corner lot in accordance with the provisions of subsections 19 & 20 of this section or where the lot on which the building is to be erected joins a corner lot which is vacant the front yard of the proposed building shall be the same depth as that of the nearest

existing building on the other side if less than 80 feet distant otherwise it shall be not less than 20 feet.

(18) No front yard required to be provided under this by-law shall be obstructed, but this provision shall not apply to prevent the construction or location of (a) an uncovered terrace having a maximum projection from the street wall of the building or structure of eight (8) feet; (b) one or more bays, each having a maximum projection from the street wall of the building or structure, excluding eaves or cornices, of three (3) feet and a maximum width of ten (10) feet; (c) an open roofed porchway or verandah, not exceeding one (1) storey in height, and having a maximum projection from the street wall of the building or structure, excluding eaves and cornices, of eight (8) feet and a maximum width of forty (40) per cent of the frontage width of such street wall; provided that any enclosure of any such terrace, porchway or verandah shall not exceed five (5) feet six (6) inches in height from the ground level, exclusive of roof supports. *Nothing in this subsection shall act to prevent the erection of benches in accordance with the building by-law.*

(19) Wherever a building is erected on a corner lot but with its main entrance facing the flank of such lot such building and any garage and accessory structure appurtenant to such building shall conform to the front yard requirements applicable to the street upon which such lot fronts but the front yard requirements applicable to the street upon which such lot flanks may be reduced by six (6) inches for every one (1) foot that such building, garage or accessory structure is distant from the nearest lot fronting on such flanking street, provided however that such front yard shall not be so reduced to a lesser width than three feet.

(20) Wherever a building is erected on a corner lot it shall not be necessary to provide a yard adjoining the flank of such lot except as set forth in the next preceding subsection.

(21) Any side yard upon which a primary window of the dwelling house to which it is appurtenant opens shall have a width of not less than 4 feet. In the case of other windows the width shall be not less than 2 feet.

Multi-ple dwell-ings (22) No dwelling house in an R1 area shall be remodelled or converted into a multiple dwelling until five (5) years or more after the date of its being occupied.

(23) No part of a building, the floor of which is more than four feet below the grade shall be used for human habitation.

SECTION 4 -- DISTRICTS.

(1) For the purpose of this by-law and of the map hereto annexed, hereinafter referred to as the District Map, the following classes of use districts are hereby established, namely:-

- Residential districts R1
- R2
- R3

- Commercial and Industrial districts C1
- C2
- C3

(2) The uses of buildings, structures, lots and premises permitted by this by-law in such districts may be referred to as R1, R2, R3, C1, C2, and C3 uses, respectively.

(3) Subject to the provisions hereof respecting setbacks, no person shall

(a) in any area of the City of North Bay designated as an R1, R2, R3, area, erect any building or structure including any sign to a greater basic height than thirty-five (35) feet.

(b) in any area of the City of North Bay designated on the District Map as a C1 area, erect any building or structure including any sign to a greater basic height than seventy (70) feet or so that the volume thereof exceeds in cubic feet the product of the number of square feet in the area

of the lot upon which such building or structure is or is proposed to be erected multiplied by one hundred (100).

District Map

(4) The City of North Bay is hereby divided into the use districts delineated on the District Map aforesaid, which map and the notations, references and other information shown thereon are hereby incorporated in and declared to form part of this by-law to the same extent as though fully described herein.

District boundaries

(5) Where the position of the boundary line of a use district as shown on the district map is not co-incident with the limit of a street but parallel thereto and the distance from such street limit is not indicated, such boundary line shall follow the rear lot lines of the properties fronting on such street excepting that where a rear lot line is at a greater distance than 150 feet from such street limit the boundary line shall be considered to be at a distance of 120 feet therefrom.

(a) Where the district map indicates that the permissible uses of lots fronting on intersecting streets are not the same, the uses permissible for a corner lot shall be the same as those applicable to the street upon which the proposed building or other use is intended to front regardless of the permissible uses of such corner lot as indicated on the map.

SECTION 5 -- R1 DISTRICTS.

Uses permitted

(1) No person shall, in any R1 District, erect, alter or use any building, structure, or premises in whole or in part, or use any lot or part of a lot for any purpose other than one or more of the following R1 uses, namely:

- (a) A detached one-family dwelling house.
- (b) The office of a physician or dentist located in the detached one-family dwelling house used by such physician or dentist as his private residence.
- (c) A public park.
- (d) A golf club.
- (e) Any use accessory to any of the foregoing uses.

Signs

(2) No person shall, in any R1 district, erect, place or display on any building, structure, premises, or lot any sign or billboard other than one non-illuminated real estate sign, not exceeding ^{nine} four (4) square feet in area, advertising the sale, rental or lease of such building, structure, premises or lot, and/or one non-illuminated trespassing, safety or caution sign, not exceeding ^{four} two (2) square feet in area, and/or a sign indicating the name and profession of a doctor or dentist. Such sign shall not be more than ^{two} one (1) square foot in area. *and/or than any temporary notices or non-advertising sign or name plate or decorative signs*

(3) Buildings erected, altered or used for R1 uses in any R1 district shall comply with the following requirements, subject to the provisions of section 3, subsection 2.

- (a) Lot frontage minimum --- 60 ft.
- (b) Lot area minimum --- 4500 sq. ft.
- (c) Basic height maximum --- 35 ft.
- (d) Lot coverage max. --- 35%
- (e) Ground floor area

one storey bldg. min. --- 900 sq. ft.
two storey bldg. min. --- 700 " "

(f) Cubic contents min. --- 18,000 cu. ft.

(g) ~~Full basement with min. clear head room of 7 ft.~~ *clear head room of seven feet is required for any basement constructed in R1 district*

(h) Foundations and basement walls must be

constructed in accordance with the provisions of building by-law Number 1416, part 5 sections 1 to 4 incl. & part 8 sections 1 to 11 incl.

(i) Where available sewer connections must be *and amended thereto* made otherwise approved form of septic tank must be installed.

(j) Water service must be installed therein.

(k) Exterior finish on sidewalls shall consist of solid brick, brick veneer, asbestos shingles, dressed and painted wood siding or other materials approved by the Commission.

(l) Roof covering shall consist of asphalt shingles, asbestos shingles or other approved materials.

(m) The valuation of any dwelling or building to be erected must not be less than the average valuation as fixed by the Building Inspector per dwelling house for that particular block in the said R 1 district.

PROVIDED however that in any R1 district in any existing subdivision where the lots or frontages are less in width than the minimum prescribed width of 60 feet, nothing in this by-law shall apply to prevent the erection of a one storey dwelling house with a minimum cubic content of 9,000 cu. ft. or a two storey dwelling house with a minimum cubic content of 14,000 cu. ft. on a lot between two adjacent lots already built upon before the effective date of this by-law, or a corner lot with the adjacent flanking lot built upon before the effective date of this by-law.

WHERE two or more adjacent and flanking lots are not already built upon the total frontage for each unit or building to be erected thereon must be the prescribed minimum of 60 feet in any R1 district.

(4a) Wherever, in any R1 district a one-family dwelling house has become too large, obsolete, unsuitable and unmarketable for single family use, such dwelling house may, on application to and with the approval of the Commission, be remodelled and used as a multiple dwelling house, provided that the building is satisfactory to the Building Inspector from a structural standpoint and no exterior addition thereto, or exterior alteration thereof, is made except with the consent of the Commission and, if they so direct, the approval of a jury of registered architects and provided further that a two-third majority of the owners of land who, in the opinion of the Commission, would be affected are not opposed to the proposed remodelling.

(b) Where any of the affected owners of land are opposed to the proposed remodelling the Commission shall consider the application at a public hearing in accordance with the provisions of Section 16.

(c) No dwelling unit in a multiple dwelling in an R1 district shall have a floor area of less than 600 sq. ft.

SECTION 6 -- R2 DISTRICTS.

USES PERMITTED (1) No person shall in any R2 district erect, alter, or use any building, structure or premises in whole or in part or use any lot or part of a lot for any purpose other than one of the following uses, namely:-

(a) R1 uses.

(b) R2 uses, as follows:

Semi-detached dwelling house,
Duplex dwelling house,
Double duplex dwelling house,
Multiple dwelling house,
Group housing,
Public School,
Separate School,
Nursery School,
Church,
Playground,
Apartment houses.

(c) Any use accessory to any of the foregoing uses.

PROVIDED however that no building shall be erected, altered or used for any of the purposes mentioned above except multiple dwelling house and uses permitted in an R1 district until the plans thereof have been approved by the Commission or by a jury of Registered Architects if required, appointed by the Commission. In the case of multiple dwelling houses, the Building Inspector, if exterior alterations are necessary, may require the approval of a jury of architects.

(2) No person shall in any R2 district erect, place or display any sign except those permitted in R1 districts.

(3) Buildings erected, altered or used for R1 and R2 uses in and R2 district shall comply with the following requirements:

(a) For detached one-family dwelling houses:-
 Lot frontage, min. ---- 45 ft.
 Lot area, min. ---- 3000 sq. ft.
 Basic height, max. ---- 35 ft.
 Lot coverage ----

(b) For semi-detached one-family dwelling house (pair)
 Lot frontage, min. ---- 45 ft.
 Lot area, min. ---- 4000 sq. ft.
 Basic height, max. ---- 35 ft.
 Lot coverage, max. ---- 40%

(c) For duplex dwelling houses
 Lot frontage, min. ---- 45 ft.
 Lot area, min. ---- 3000 sq. ft.
 Basic height, max. ---- 35 ft.
 Lot coverage, max. ---- 40%

(d) For double duplex dwelling houses
 Lot frontage, min. ---- 60 ft.
 Lot area, min. ---- 4500 sq. ft.
 Basic height, max. ---- 35 ft.
 Lot coverage, max. ---- 40%

(e) For group housing
 Building frontage, min. --- 30 ft. per dwelling unit
 Lot area, min. average per dwelling --- 3000 sq. ft.
 Basic height --- 35 ft.
 Lot coverage, max. average per dwelling --- 40%
 Number of dwellings in a group, max. --- 8

(f) ~~Full basement with minimum~~ ^{clear} head room of seven feet. *is required for any basement constructed in any R2 district*

(g) Foundations and basement walls must be constructed in accordance with the provisions of building by-law Number 1416, part 5 sections 1 to 4 inclusive and part 8, sections 1 to 11 inclusive. *of any amendments thereto*

(h) Where available sewer connections must be made otherwise approved form of septic tank must be installed.

(i) Water service must be installed therein.

(j) Exterior finish on sidewalls shall consist of solid brick, brick veneer, asbestos shingles, dressed and painted wood siding or other materials approved by the Commission.

(k) Roof covering shall consist of asphalt shingles, asbestos shingles or other approved materials.

(l) The valuation of any dwelling or building to be erected must not be less than the average valuation as fixed by the Building Inspector per dwelling house for that particular block in the said R 2 District.

PROVIDED, further no person shall erect or use any terrace exceeding one hundred and fifty (150) feet in length or of which any dwelling house has a lesser frontage than thirty (30) feet.

(m) For multiple dwelling houses
 Dwelling unit area, min. ---- 600 sq. ft.

Uses permitted.

SECTION 7 -- R3 DISTRICTS.

(1) No person shall, in any R3 district, erect, alter or use any building, structure, or premises in whole or in part, or use any lot or part of a lot for any purpose other than one or more of the following uses, namely:

(a) R1, and R2, uses.

(b) R3 uses as follows:

- | | |
|-----------------------------|------------------------------|
| Community Centre | Badminton Club |
| Lawn Bowling Club | Convalescent Home |
| School or College (Private) | Hospital (private or public) |
| School (Private Technical) | Fraternal Societies |
| Boarding house | Institution |
| Lodging or Rooming House | Library |
| Apartment House | Museum |
| Art Gallery | Private Hotel |
| Athletic Club | Social Club |
| | Tennis Club |

Any other use to be approved by the Commission.

(c) Any use accessory to any of the foregoing uses.

(2) No person shall, in any R3 area, erect, place or display on any building, structure, premises or lot any sign other than those permitted in R2 districts or one sign not exceeding 2 feet in area advertising rooms to let, tourist accommodation or similar use.

(3) Buildings erected, altered or used for R3 uses in an R3 district shall comply with the following requirements:-

- (a) Lot frontage min. --- 30 ft.
- (b) Lot area, min. --- 3000 sq. ft.
- (c) Basic height max. --- 35 ft.
- (d) Lot coverage ~~minimum~~ *40% maximum*
- (e) Where sewer and water services are both available, connection must be made.
- (f) Where water only is available an approved form of septic tank must be installed and water services installed.

(4) The requirements set out in the next preceding subsection shall not apply to prevent the use of an existing building for an R3 use.

(5) The valuation of any dwelling to be erected must not be less than the average valuation as fixed by the Building Inspector per dwelling house for that particular block in the said R 3 District.

SECTION 8 - C1 DISTRICTS.

(1) No person shall, in any C1 district, erect, alter or use any building or structure, in whole or in part, or use any lot or part of a lot for any purpose other than one or more of the following uses, namely:-

- (a) R1, R2, and R3, uses.
- (b) C1 uses, as follows:

- | | |
|-------------------------------------|---------------------------|
| Airport | Hydro sub-station |
| Automobile Sales & Service | Kennel |
| Amusement park | Municipal Buildings |
| Animal Hospital | Market Garden |
| Armouries | Nurseries (Horticultural) |
| Auctioneer | Observatory |
| Beauty Parlour | Office |
| Billboard or other advertising sign | Parking lot |
| Bowling alley | Police station |
| Dance Hall | Pool room |
| Exhibition | Post office |
| Fire Hall | Race track |
| Funeral director or mortuary | Restaurant |
| Garage | Retail store |
| Storage garage | Commercial Skating Rink |
| Gasoline service station | Studio (Commercial) |
| | Telephone exchange |
| | Theatre. |

- Government Buildings
- Greenhouse
- Hairdresser
- Hotel
- Commercial Baths
- Veterinary Hospital
- Y.M.C.A. & Y.W.C.A.

subject to the provisions of section 19

(c) Factory, laundry, dairy, baker, printer, cleaner, or dyer, employing not more than ten (10) persons except when in the opinion of the Commission the operation would cause a nuisance.

(d) Any C2 use that in the opinion of the Commission would not be in any way detrimental to the adjacent property or to the district.

(e) Any use accessory to any of the foregoing uses.

(2) No person shall, in any C1 district, erect any building that does not conform to the requirements set out in Section 11 of this by-law.

SECTION 9 -- C2 DISTRICTS.

(1) No person shall, in any C2 district, erect, alter or use any building or structure in whole or in part, or use any lot or part of a lot for any purpose other than one or more of the following uses, namely:-

- (a) R1, R2, R3, and C1 uses.
- (b) C2 uses as follows:-

- Blacksmith
- Builders' Supply
- Builders' Yard
- Chemicals (non-noxious manufacture)
- City Yard
- Coal Yard (Retail)
- Cold Storage
- Express & Haulage
- Ice Plant (manufacture)
- Lumber Yard
- Machinery (Light)
- Metal Worker (Sheet or ornamental)
- Paint Works
- Morgue
- Power Line (high tension)
- Power Plant
- Railway
- Stable
- Storage warehouse
- Wholesale (for new goods)
- Workshop
- Baker
- Cleaner (Dry)
- Dairy
- Factory for light manufacturing
- Dyer
- Laundry
- Printer

(c) Any use accessory to any of the foregoing uses.

(2) No person shall, in any C2 district, erect any building that does not conform to the requirements set out in Section 11 of this by-law.

SECTION 10 -- C3 DISTRICTS.

(1) No person shall in any C3 district, erect, alter or use any building or structure, in whole or in part, or use any lot or part of a lot for any purpose other than one or more of the following uses, namely:-

- (a) R1, R2, R3, C1, and C2 uses.
- (b) C3 uses as follows:-

- Abattoir
- Acid Works
- Ammonia (Manufacture)
- Asphalt Plant
- Chemicals (noxious)
- Gas Works (Commercial)
- Glue factory
- Incinerator (Public)
- Sewage Disposal Plant
- Smelter

- | | |
|-------------------------------|--|
| Boiler factory | Junk Yard (Rags, Scrap metal, Rubber, wood, paper etc.) |
| Brewery | |
| Brickyard | Monument works |
| Bridge Builder | Paper Mill |
| Car Barns | Pottery Works |
| Cement Products | Second-hand dealers in bags, baskets, barrells, bottles, boxes, cartons, drums, mattresses |
| Coal (Wholesale) | feathers, etc. |
| Poultry killing establishment | Pipe and fittings. |
| Contractor's Yard | |
| Distillery | Ship building |
| Dredging Company | Stone cutting yard |
| Factory (Heavy manufacturing) | Storage elevator |
| Foundry | Structural Steel. |
| | Wrecker. |
| Flour Mill | |
| Glass Works | |

Subject to the provisions of section 19
 (c) Any use accessory to any of the foregoing uses.

(2) No person shall, in any C3 district, erect any building that does not conform to the requirements set out in Section 11 of this by-law.

(3) The following uses and any other uses not heretofore mentioned that are not covered in any commercial district herein designated must be approved by the Commission and Council:-

- | | |
|-------------------------|-------------|
| Concrete Plant | Stock yards |
| Cement works | Tar works |
| Fertilizer | Tannery |
| Gasoline & Oil Storage | |
| Gasoline & Oil Refinery | |

(a) As to location

(b) As to being non-prejudicial to the health of or non-injurious to the surrounding neighbourhood by reason of dust, smoke, fumes, etc.

SECTION 11 - GENERAL PROVISIONS
 RESPECTING C. DISTRICTS.

(1) In a C district the basic height of any building erected or altered for a C use shall be 35' but this basic height may be increased to a maximum height of 100 feet if setbacks in accordance with the provisions of section 3 (9) are applied to all that portion of the building over 35 feet in height.

(2) Notwithstanding the provisions of subsection (1) where the area of the upper portion of a building has been reduced by setbacks to 25% or less, of the area of the building at the ground level, such building may be increased in height without further setback until the maximum permissible volume has been reached provided that no part thereof is located closer to any lot line than twenty (20) feet.

(3) Notwithstanding anything contained in this section or in sections 8, 9, and 10, the provisions of sections 6 and 7 relating to R2 uses shall apply to every building erected in a C district for an R1 and R2 use; and the provisions of sections 6 and 7 relating to R3 uses shall apply to every building erected in a C district for an R3 use; except that in all cases no front yards shall be necessary.

(4) Any commercial or industrial use not enumerated in sections 9, 10, or 11 shall be classified C3 until otherwise classified by the Commission and in determining the proper classification the Commission shall have regard to the extent to which the proposed use may prove detrimental to the neighbourhood.

SECTION 12 -- FIRE ZONES.

(1) For the purpose of this by-law and of the map hereto annexed, hereinafter referred to as the District Map, the following classes of fire zones are hereby established, namely:-
 F 1 -- F 2 -- F 3 --

(2) In an F1 zone all buildings hereafter erected shall be of first class fire resistive construction as defined in the building by-law.

(3) In an F2 zone all buildings hereafter erected must be of first or second class fire resistive construction as defined in the building by-law.

(4) In an F3 zone all buildings hereafter erected must be of first or second class fire resistive or ordinary construction, as defined in the building by-law.

SECTION 13 -- ADMINISTRATION

(1) This by-law shall be administered by the Building Inspector or the person performing from time to time the duties of that official.

Permits (2) The Building Inspector shall not issue a permit for the erection, alteration, repair or change of occupancy, of any building or structure unless the location, proposed use and dimensions of such building or structure conform with the requirements of this by-law or are approved by the Commission.

PROVIDED however that when the proposed use, dimensions and location of a proposed building or structure on a lot or the dimensions of that lot do not precisely conform to the said requirements but in the opinion of the Commission are sufficiently close thereto to constitute a sufficient and reasonable compliance therewith they may issue a permit and such lack of conformity shall not be deemed a violation of this by-law.

(3) No person shall change the existing use of any land, building or structure to a different class or kind of use unless and until he shall have first obtained from the Commission a certificate that the new use is in accordance with the provisions of this by-law.

Applications (4) In addition to the requirements of the Building by-law, every applicant for a building permit shall if required file with his application a plan in triplicate, drawn to scale, that shows the true dimensions of the lot proposed to be built upon or otherwise developed, the proposed location and dimensions of the building or structure in respect to which such permit is being applied for and the location on such lot of every existing building or structure, together with all information necessary to disclose the proposed use of each building or structure aforesaid and to determine whether or not such building or structure and the proposed use thereof conform with the requirements of this by-law.

Certificates (5) The owner or tenant of any building, structure or lot may apply to the Building Inspector for a certificate that such building, structure or lot and/or the use thereof complies with the provisions of this by-law and if it appears that such building, structure or lot or use so complies, the said Building Inspector shall issue such certificate.

(6) Every applicant for a certificate under this by-law shall pay to the Building Inspector in advance such fee for the examination of plans, etc., as the Council may from time to time by by-law or resolution prescribe.

SECTION 14

In case any building or structure is erected, altered, occupied, En-occupied, converted or used, or land is occupied or used in violation of any of the provisions of this by-law, the City Council or Building Inspector shall institute or take any appropriate action or proceeding in law equity or otherwise to prevent, restrain, correct or abate such violation.

SECTION 15 - BOARD OF APPEALS.

BOARD ESTABLISHED.

(1) There is hereby established a Board of Appeals which Board shall perform its duties and exercise its powers as provided in this by-law in such a manner as to promote the health, safety, morals and convenience of the community and prevent depreciation of real property

and congestion of population and traffic.

(2) The Board shall consist of five (5) members, all of whom shall be property owners in the City of North Bay and shall be appointed by the Council, one of whom shall be a member of the Commission. Members of the Council or of the Legislative Assembly of the Province of Ontario or of the Parliament of Canada or employees of the Corporation shall not be eligible for appointment to the Board. Two (2) members of such Board shall be appointed for a term of three (3) years, two (2) for a term of two (2) and one (1) for a term of one (1) year. At the expiration of such terms all appointments shall be made for a term of three (3) years. Members and former members of the Board may be removed for cause after consideration by the Council on written charges.

(3) The Board may adopt from time to time such general rules and regulations relating to its procedure as it may deem necessary.

Meetings (4) Regular meetings of the Board shall be held as often as it is deemed necessary by the Board. Special meetings shall be held at the call of the Chairman or as the Board may determine, or upon written request of three (3) members provided twenty-four hours' notice has been given to each member before the time set for such meetings. Three (3) members of the Board shall constitute a quorum for the conduct of its business except where a concurring vote of four members is required.

Records (5) Concise records shall be kept of all proceedings before the Board and minutes shall be kept of all its official acts. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files, and other evidence pertinent to the issues of the matter before the Board.

Officers, Employees, & Compensation.

(6) The Board shall annually elect its own chairman and vice-chairman and shall annually appoint a secretary and such other employees as may be necessary for the performance of its duties. The Board shall fix the compensation for its Secretary, staff and employees, subject to the approval of the Council.

Departmental Assistance.

(7) The Board may request reasonable assistance from any City Department or agency and it shall be the duty of such City Department or agency to comply with such requests.

Quarters.

(8) Office quarters for the Board shall be provided by the Council.

SECTION 16 - HEARINGS BY AND APPEALS TO THE BOARD.

(1) The Board shall hear and decide all matters referred to it or upon which it is required to pass, pursuant to this By-law. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or other body charged with the enforcement of this By-law, or to decide in favour of the applicant any matter upon which it is required to pass under this By-law, or applications may be instituted by any person or by any officer, department, board or bureau of the City.

(2) Appeals to the Board shall be instituted within such time as shall be prescribed by the Board by general rule, by the filing, in writing, with the officer from whom the appeal is taken and with the Board of a notice in writing of the appeal specifying the grounds thereof. The official from whom any appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The effect of lodging an appeal shall be to stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board, after such notice of appeal shall have been filed with him, that by reason of facts stated in the certificate

a stay would in his opinion cause imminent peril to life or property in which case such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a judge of the District Court, on the application of the appellant, upon notice to the officer from whom the appeal is taken and upon due cause being shown.

Notice of hearings.

(3) The Board shall determine the interested parties who may be affected by any matter brought before it and shall prescribe the means by which such interested parties shall be notified as to the time and place of hearing of such matter. The Board may require the party appealing to give such notice to the interested parties as it shall prescribe.

Hearings.

(4) The Board shall fix a reasonable time for each hearing and shall give due notice thereof to the parties and by advertisement in a daily local newspaper and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by counsel or agent. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken.

The findings of the Board shall be forthwith communicated to the official from whom the appeal is taken and he shall conform thereto on the matter in question.

SECTION 17 - POWERS OF THE BOARD

(1) Upon appeals the Board shall have power to hear and decide appeals where it is alleged by the appellant that there is any error in any refusal of a building permit or other order, requirement or decision made by the Commission or Building Inspector, in the administration of this by-law. Nothing contained in this paragraph shall be deemed to authorize the Board to reverse or modify a refusal or other order or decision which conforms to the provisions of this by-law.

(2) In addition to determining the matters specifically submitted to its jurisdiction the Board shall have power to authorize the following variances from the provisions of this by-law.

Public Utilities.

(a) To permit a public service or public utility corporation or commission to erect and use, for the purpose of such corporation or commission, a building, or an addition to an existing building, in any district or area in which such class of building or addition is permitted hereunder to be erected and used, to a greater height or of a greater volume than hereinbefore prescribed, for such district or area; and permit a public service or public utility corporation or commission to locate any building or structure for use, for the purposes of such corporation or commission in any district or area, notwithstanding that such building or structure or the proposed use, height or area thereof does not comply with the restrictions imposed by this by-law upon such district, if the Board is satisfied that such building or structure is reasonably necessary for the public convenience and provided that such building or structure is designed and erected, and the lot upon which the same is located is landscaped, to conform harmoniously with the general architecture and plan of such district or area.

Non Conforming use, Extension of

(b) permit an applicant to extend, alter or enlarge a non-conforming use, building or structure upon a lot owned by such applicant, if such lot is partially occupied by such building, structure or use at the effective date of this by-law.

(c) permit an applicant to extend any building, structure or

use into a more restricted district immediately adjacent thereto upon such conditions as will safeguard the character of the more restricted district, and the safety, health and welfare of the community.

(d) permit such modifications of the yard, or lot area and width regulations as may be necessary to secure an appropriate improvement of any lot which at the effective date of this by-law was of such restricted size that it cannot at the date of the application in respect thereto be appropriately improved without such modification.

7
Park- (e) permit a partial or complete deviation from the provisions of subsections 12, 13 and 15 of section 3 where in the opinion of the Board the volume of vehicular service or vehicles to be parked does not require compliance with said provisions and Load- ing space will not cause undue interference with the public use of any street or lane and where such deviation will not be inconsistent with the purpose and spirit of this by-law.

Exceptional

(f) permit a deviation from the strict application of any provisions of this by-law where by reason of the exceptional shallowness, narrowness or shape of any lot or by reason of exceptional topographic conditions or other exceptional situation or condition of any lot or for any other reason, such strict application would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such lot so as to relieve such difficulty or hardship provided such relief can be granted without a substantial impairment of the intent purpose and integrity of the by-law.

SECTION 18 - AMENDMENTS.

(1) The Board shall not have power to make any new or amend any existing provision of this by-law or any District Map.

(2) Where any person desires that a change or alteration be made in any of the provisions of this by-law, he shall make application in that behalf to the Commission, and at the same time shall forward a copy of such application to the Board,

With the least possible delay after the receipt of such copy, the Board shall report its opinion in respect to the said application to the said Commission, which shall after due consideration forward a recommendation thereon to the Council provided, however, that where such application is for the purpose of changing the boundaries of any District the Board shall before rendering its opinion to the said Commission, cause a poll to be taken of those persons whom it considers would be affected by such change, and providing further that where the opinion of the Board is unfavourable to the proposed change, or where the result of the poll indicates that 20% of those affected are opposed to the proposed change, the Council shall not pass an amending by-law, except on a two-thirds vote of the members present.

Where the Board is of its own motion of the opinion that a change or alteration should be made in any of the provisions of this by-law, a similar procedure shall be followed.

(3) In all matters coming within the provisions of this section the Board, before making its report to the Commission, shall hold a hearing in the same manner as is prescribed in Section 16.

SECTION 19 - LICENSES.

No new license shall be granted for or in respect to the use of land or premises for any of the following purposes, unless and until such land or premises has been first approved by the Commission as to location.

Gasoline Service Station	Parking Lot
Storage Garage	Public Hall
Junk Yard	Second hand shop

SECTION 20 - VIOLATIONS AND PENALTIES.

(1) Every person who contravenes any of the provisions of this by-law shall upon conviction thereof forfeit and pay at the discretion of the convicting magistrate a penalty not exceeding (exclusive of costs) the sum of \$50.00 for each offence, and the provisions of Section 520 (2) of the Municipal Act shall apply to the said penalty.

(2) The imposition of a penalty under subsection 1 shall not operate as a bar to any other remedy or proceeding under this by-law.

SECTION 21 - REMEDIES

In addition to any other remedy provided and any penalty imposed under the next preceding section, any contravention of this by-law may be restrained, and any requirement of it may be enforced by action at the instance of the Corporation.

SECTION 22 - VALIDITY

Should any section, clause or provision of this by-law be declared by the Courts to be invalid, the same shall not affect the validity of the by-law as a whole, or any part thereof other than the part so declared to be invalid.

SECTION 23 - WHEN EFFECTIVE.

This by-law shall come into full force and effect when approved by the Municipal Board of the Province of Ontario.

SECTION 24 - REPEAL

All by-laws restricting the use of land in the City of North Bay are hereby repealed.

Read a first time October 1/ 1945

Read a second time October 9/ 1945

Read a third time, October 31/ 1945
and Passed

[Signature]
Municipal Mayor

[Signature]
W. J. Stone

[Signature]
Mayor

[Signature]
Clerk

THAT:

By-Law No. ¹⁴⁴⁶ being a By-Law to regulate the use of Land and the use, bulk, height, and location of buildings and to prohibit certain uses of certain lands and buildings in the City of North Bay be read a third time and passed with the following amendments made thereto

*Amended by
By-Law 1618
1617 1601 1561
1531 1520 1515
1490 1483
1459 1456
1446*

SEC. 2 Subs (37)

The words - "Commission in consultation with the Assessment Commissioner" shall be deleted and "Building Inspector" substituted therefore.

SEC. 3 Subs (3)

The words - "except that the Commission may defer enforcement of this provision for one or more further periods of three years" shall be deleted.

SEC. 3 Subs (6)

The words fifty (50) per cent shall be changed to sixty-six and two thirds ($66\frac{2}{3}$) per cent and the following words added to the subsection "in R1 and R2 districts and fifty (50) per cent of the value thereof in all other districts."

SEC. 3 Subs (18)

The following words shall be added "Nothing in this subsection shall act to prevent the erection of fences in accordance with the building by-law."

SEC. 5 (R1 - Districts) Subs (3) (g)

✓ Shall be deleted and the following substituted therefore "clear head room of seven feet is required for any basement constructed in any R1 district."

SEC. 5 Subs 3 (h)

✓ Shall have the following words added "or any amendments thereto."

SEC. 5 Subs (3) (m)

x shall be deleted and the following substituted therefore. "The valuation of any dwelling or building to be erected must not be less than the average valuation as fixed by the Building Inspector per dwelling house for that particular block in the said R1 district." |

SEC. 6 Subs 3 (f) -

✓ Shall be deleted and the following substituted therefore "clear head room of seven feet is required for any basement constructed in any R2 district"

SEC. 6 Subs (3) (g)

✓ Shall have the following words added "or any amendments thereto."

SEC. 6 Subs (3) (l)

|| Shall be deleted and the following substituted therefore "The valuation of any dwelling or building to be erected must not be less than the average valuation as fixed by the Building Inspector per dwelling house for that particular block in the said R2 District." ||

SEC. 7 Subs (3) (d)

✓ After the words "lot coverage" shall be added the word "maximum!"

SEC. 7 Subs (5)

x || Shall be deleted and the following substituted therefore "The valuation of any dwelling to be erected must not be less than the average valuation as fixed by the Building Inspector per dwelling house for that particular block in the said R3 district." ||

Section 5 (2)

That the word (4) in fourth line be changed to read (9) and that the word (2) in the seventh line be changed to read (4); and that the following be added to said section after the words Dentist occurring in the eighth line "AND OR THAN ANY TEMPORARY NOTICE OR NON ADVERTISING SIGN OR NAME PLATE OR DECORATIVE SIGN" and that word (1) in last line be changed to (2).



P.F.B-4620

ONTARIO

THE ONTARIO MUNICIPAL BOARD

IN THE MATTER of Section 406 of "The Municipal Act" (R.S.O.1937, Chapter 266), (as re-enacted by O.S.1941. Chapter 35, Section 13), and

IN THE MATTER of the application of the Corporation of the City of North Bay for approval of its Restricted Area By-law Number 1446, intituled:- "By-law No.1446, being a by-law to regulate the use of land, and the use, bulk, height and location of buildings and to prohibit certain uses of certain lands and buildings in the City of North Bay." as amended by By-law Number 1456.

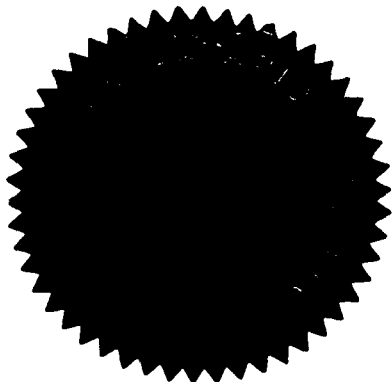
APPOINTMENT FOR HEARING

THE ONTARIO MUNICIPAL BOARD hereby appoints Tuesday, the Ninth day of April, A.D. 1946, at the hour of Ten O'clock in the Forenoon at the Council Chamber in the City of North Bay, for the hearing of all parties interested, in support of or opposing this application.

DATED at Toronto, this 20th day of March, A.D. 1946.

W. B. Anderson

SECRETARY.





ONTARIO

THE ONTARIO MUNICIPAL BOARD

Tuesday, the 9th day of April, A.D. 1946

B E F O R E :

R. S. Colter, Esq., K.C.,
CHAIRMAN.

)
) IN THE MATTER of Section 406 of
) "The Municipal Act" (R.S.O.1937,
) Chapter 266), (as re-enacted by
) Section 13, Chapter 35, O.S.1941), and
) IN THE MATTER of an application by the
) Corporation of the City of North Bay
) for approval of its By-law No.1446
) intituled: "By-law No.1446, being a
) By-law to regulate the use of land and
) the use, bulk, height and location
) of buildings and to prohibit certain
) uses of certain lands and buildings
) in the City of North Bay" and
) IN THE MATTER of amending By-laws
) No. 1456 and 1459.

UPON THE APPLICATION of the said Corporation and upon consideration of the material filed and the application having come on for hearing pursuant to Notice as directed, on the 9th day of April, 1946, at the Council Chamber in the City of North Bay before Mr. R. S. Colter, Chairman of the Board, duly authorized under section 406, subsection 10 of "The Municipal Act" (R.S.O.1937, Chapter 266), (as enacted by section 11, subsection 2, Chapter 16, O.S.1943), and upon hearing what was alleged and upon hearing counsel for the applicant and for various owners of neighbouring lands and decision having been reserved to permit the Council to reconsider the by-law in regard to a certain objection presented and amending by-law No.1459 having been filed accordingly,

THE BOARD ORDERS, under and in pursuance of the provisions of section 406 of "The Municipal Act" (R.S.O.1937, Chapter 266), as re-enacted by section 13 of "The Municipal Amendment Act, 1941" that the said by-law No.1446 as amended by by-laws 1456 and 1459 of the Corporation of the City of North Bay as passed on the 31st day of October, 1945, as amended by said by-law 1456 passed on the first day of February, 1946, as amended by by-law 1459 passed on the 6th day of May, 1946, be and the same are hereby approved without further notice or hearing.

R. S. Colter
 CHAIRMAN.