

CORPORATION OF THE CITY OF NANAIMO, B. C.

BY-LAW NO. 534.



A BY-LAW FOR ESTABLISHING AREAS AND CLASSIFICATION FOR BUILDING RESTRICTIONS; AND TO FIX BUILDING LINES; THE AREAS OF YARDS, AND OTHER PLACES; AND FOR THESE PURPOSES TO DIVIDE THE CITY INTO DISTRICTS.

WHEREAS under the provisions of Section 9 of the "Town Planning Act" and Section 4 of the "Town Planning Act Amendment Act, 1928", it appears advisable and expedient to make regulations and divide the City into districts as hereinafter provided having regard to:-

- (a) The promotion of public health, safety, convenience and welfare;
- (b) The prevention of the overcrowding of land, and the preservation of the amenity of residential district;
- (c) The securing of adequate provision for light, air, and reasonable access;
- (d) The value of the land and the nature of its use and occupancy;
- (e) The character of each district; the character of the buildings already erected; and the peculiar suitability of the district for particular uses;
- (f) The conservation of property values, and the direction of building development.

NOW THEREFORE the Municipal Council of the Corporation of the City of Nanaimo, B. C., in open meeting assembled, enacts as follows:-

1. TITLE: This By-Law may be cited as "THE CITY OF NANAIMO ZONING BY-LAW NO. 534, 1933".

2. In this By-Law "Council" whenever used means the Municipal Council of the Corporation of the City of Nanaimo, and unless the context otherwise requires, "Building" shall not include the steps to a building.

"Corner Lot" shall mean a parcel of land at the intersection of two streets.

"Private Garage" shall mean one in which no business, service or industry, connected directly or indirectly with motor vehicles is carried on.

"Public Garage" shall mean any garage not included in the definition of "Private Garage".

"Factory" means any building wherein steam, water, electricity or other mechanical provisions to work or move any machinery for any manufacturing, finishing, or other like purposes.

3. For the purpose of this By-Law, the City of Nanaimo shall be considered to be, and is hereby divided and classified into areas as follows:

- (a) "Residential Areas" are those portions of the City not shown coloured Red or Blue on the plan attached hereto and incorporated herewith.
- (b) "Commercial Areas" are those portions of the said City coloured Red on the said plan.
- (c) "Industrial Areas" are those portions of the said City shown coloured Blue on the said plan.
- (d) The said areas are hereby declared established and defined as "Residential"; "Commercial"; and "Industrial Areas" respectively.

4. No person shall erect or maintain a building within any of the said "Residential Areas" for any purpose other than that of a dwelling-house with or without private garages, green-houses, and necessary outbuildings, with the exception that the occupant of any dwelling in the said "Residential Areas" may make provision for an office for a physician or for a surgeon; or for a lawyer; or for a dentist; or for an artist; or for a musician; or as a school, church, library, public museum, or philanthropic or charitable institution.

5. No person shall erect or maintain, or occupy a factory or warehouse, or a building partly for one purpose, or partly for the other, within any of the said "Residential Areas", nor shall a factory be erected, maintained, or occupied within the said "Residential" or "Commercial Areas".

6. No person shall erect a public garage, shop or store, or a building partly used for one and partly for the other purpose within the said "Residential Area".

7. No person shall erect any building of any description on any parcel of land within any of the said "Residential Areas" at a lesser distance from the street than twenty (20) feet from the street line save that a lesser distance may be allowed when conditions would make such lesser distance more in conformity with buildings then existing.

- (b) Any building to be erected within the "Residential Areas" shall have a side yard on each side of the building of not less than ten per cent (10%) of the width of the lot for any lot or site of a width of sixty (60) feet or less.
- (c) For a lot or site over sixty (60) feet in width the side yard shall be not less than eight (8) feet in width on each side of the building.
- (d) One building only (exclusive of accessory buildings) may be erected within the residential areas on any lot or plot of land the area whereof is six thousand (6000) square feet or less.

(e) Should the lot or plot of land contain more than six thousand (6000) square feet, one additional building may be erected for each additional six thousand (6000) square feet.

(f) Within the "Commercial Areas" one dwelling house may be erected at the rear of any lot, the front of which is occupied by a store provided that sufficient space is left for light and air.

8. In the case of corner lots within a "Residential Area" the building line defined in Sub-section (a) of Section 7, shall be adhered to on the side of the lot having the shortest frontage to the road or street in accordance with the original plan on file in the Land Registry Office, on and prior to the coming into force of this By-Law, provided that where any lot extends from one street to another it shall be deemed to front on both streets.

9. The sanitary arrangements of any building erected within the City of Nanaimo shall be in accordance with the "Sewer Connection and Rental By-Law 1914" No. 238 of the City of Nanaimo.

10. No person shall, within the City of Nanaimo, carry on any dangerous, noxious, or offensive manufacture or calling.

11. Where any building other than a dwelling-house has been heretofore erected or which may hereafter be erected in contravention of the provisions of this By-Law hereof, within a residential district, the presence of such building or structure shall not alter the classification of such district.

12. No existing building of any kind, type or use, not permitted to be erected by this By-Law, in the area in which same is located, shall be re-constructed or structurally altered unless under permit as defined in Section 2 and Section 29 of the "Building By-Law No. 287, 1916", and all buildings to be erected within the existing Fire Limits and included partly in the Commercial Area and partly in the Industrial Area shall conform in every respect to the conditions of the said "Building By-Law No. 287, 1916". If at any time any buildings now erected and not conforming to the requirements of this By-Law as to the area in which it is located, shall be damaged by fire, explosion, act of God, or otherwise to the extent of seventy-five (75%) per cent of its insurable value, such building shall not be repaired or rebuilt save only to be used for a purpose permitted by this By-Law in said area.

13. No person shall erect a closed fence or other obstruction

which would obstruct the view having a greater height than five (5) feet above the ground or adjoining sidewalk or street level.

14. The City Council may at any time by a majority vote of the whole Council waive compliance with any of the provisions of this By-Law on receipt of a petition signed within the space of thirty (30) days by at least three-fifths ($3/5$ ths) of the registered property owners whose property lies within a radius of one-eighth of a mile from the place for which the waiver is desired.

15. The City Council shall have power by a two-third's vote of the whole Council to determine any dispute arising out of the provisions of this By-Law.

16. Any Justice of the Peace, Police Magistrate or other Court, before whom a prosecution is held for an offence against this By-Law, may convict the offender and shall impose on the offender a penalty of an amount not exceeding One Hundred (\$100.00) Dollars exclusive of the cost of the prosecution, and shall by his conviction after adjudging payment of such penalty and costs, order and adjudge that in default of such payment forthwith, the same be levied by distress and sale of the goods and chattels of the offender, and if sufficient distress cannot be found, that the offender be imprisoned in the common gaol for any period not exceeding three (3) months, and with or without hard labour, unless such penalty and costs, and also the costs of the committal and conveyance to gaol of such offender are sooner paid.

17. If the owner shall fail to pull down and remove any building which shall have been constructed subsequent to the passing of this By-Law, or placed in contravention of any of the provisions of this By-Law after having been given five (5) days written notice thereto by the City Engineer or the Building Inspector, as the case may be, the said City Engineer or Building Inspector is hereby authorized to pull down and remove the said building at the expense of the owner of the real property upon which the same is situated, and all charges for such work shall in default of such payment, form a lien and charge upon the said real property, having preference over any claim, lien, privilege, or encumbrance of any party except the Crown, and shall be collectible with interest at the rate of eight (8%) per cent per annum in the same manner and with like remedies as ordinary taxes on real property are collectible under the "Municipal Act".

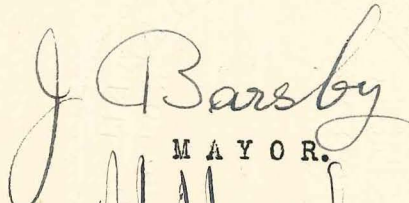
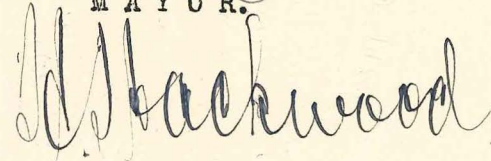
This remedy shall be independent of and in addition to the remedy or prosecution as above provided.

18. The City Engineer or the Building Inspector, their assistants and workmen, so instructed by him or them are hereby authorized to enter at all reasonable hours upon any property which is subject to the restrictions and regulations contained in this By-Law, for the purpose of ascertaining whether said restrictions and regulations have been or are being kept and obeyed and of carrying the same into effect, and also for the purpose of carrying out the work authorized in the next preceding section.

19. The provisions of this By-Law shall not apply to any building lawfully under construction at the time of the coming into force of this By-Law which said building shall be deemed to be a building existing at that time.

PASSED by the Municipal Council on the Twenty-third day of October, 1933.

RECONSIDERED AND FINALLY ADOPTED on the Sixth day of November, 1933.


MAYOR.

CITY CLERK.