

**TOWN OF PORT MCNEILL
ZONING BYLAW NO. 11, 1969**

TABLE OF CONTENTS

DIVISION	DESCRIPTION	PAGE NUMBER
Part 1	Title	2
Part 2	Interpretation	2-6
Part 3	Basic Provisions	6-8
Part 4		
Part 5	General Provisions	8-12
Part 6	Rural Zone (A-1)	12-13
Part 7	Small Holding Zone (A-2)	13-14
Part 8	Residential Zone 1 (R-1)	14-16
Part 9	Residential Zone 2 (R-2)	16-18
Part 10	Residential Zone 3 (R-3)	18-20
Part 11	Residential Zone 4 (R-4)	20-22
Part 12	Residential Multiple Zone 1 (RM-1)	22-23
Part 13	Residential Mobile Home Park Zone 1 (RMH-1)	24
Part 14	Commercial Zone 1 (C-1)	24-25
Part 15	Commercial Zone 2 (C-2)	25-27
Part 16	Commercial Service Zone 1 (CS-1)	27-28
Part 17	Commercial Service Zone 2 (CS-2)	28-29
Part 18	Industrial Zone 1 (M-1)	29-30
Part 19	Industrial Zone 2 (M-2)	30
Part 20	Public Use Zone (P-1)	30-31
Part 21	Marine Heavy Industrial Zone (MHI)	31
Part 22	Marine Pleasure Commercial Zone (MPC)	31-32
Part 23	Marine Recreation Pleasure (MRP)	32
Part 24	Marine Industrial Commercial (MIC)	32
	Bylaw Readings and Signatures	33

TOWN OF PORT MCNEILL
ZONING BYLAW NO. 11, 1969

Pursuant to the Municipal Act, the Council of the Town of Port McNeill in open meeting assembled, enacts as follows:

PART 1 - TITLE

101 Title

This bylaw may be cited for all purposes as “the Town of Port McNeill Zoning Bylaw No. 11, 1969”.

PART 2 - INTERPRETATION

201 Definitions

In this bylaw, unless the context otherwise requires,

1. **AGRICULTURAL USE** means a use providing for the growing, rearing, producing, harvesting and sale of agricultural products; includes the processing on an individual farm of primary agricultural products harvested, reared or produced on that farm;
2. **AMENITY OPEN SPACE** means land free of buildings, structures, roads and parking areas and intended for the amenity or recreational use of the occupants of the buildings;
3. **BED AND BREAKFAST** means an owner-occupied single family dwelling containing rooms without cooking facilities intended primarily for the sleeping accommodation of the travelling public, with breakfast meals being prepared and served to guests by means of the common kitchen and dining facilities used by the owner-occupier.
4. **BOARDING HOUSE** means a building containing one or more sleeping units within a dwelling unit and which are used by persons other than members of the family sharing the dwelling unit;
5. **BUILDING** means a structure located on the ground, which is designed, erected or intended for the support, enclosure, or protection of persons or property;
6. **BUILDING, ACCESSORY** means an incidental or subordinate building which is:
 - a) used for the better enjoyment of the building to which it is accessory;
 - b) located upon the same lot as the one on which the principal building is located, or is being erected and, without restricting the generality of the foregoing, includes tool sheds, storage sheds, separate carports, private garages but not attached carports or garages or a building intended as a dwelling unit;
7. **CAMPGROUND** means a site operated and occupied for part of the year only as temporary accommodation for holiday makers in tourist trailers, cabins or tents, but a campground is not a mobile home park or motel or hotel;
8. **COMMUNITY SEWER SYSTEM** means a common sewer or the system of sewerage or sewage disposal within the meaning of the Health Act which is owned, operated and maintained by the Town of Port McNeill;

9. **COMMUNITY WATER SYSTEM** means a system of waterworks within the meaning of the Health Act, which is owned, operated and maintained by the Town of Port McNeill;
10. **DWELLING UNIT** means a room or rooms which form a self-contained unit for the domestic use of one or more persons living as a single household and with a private entrance which is not another dwelling unit;
11. **DWELLING, SINGLE FAMILY** means any building used for dwelling purposes and which has only one dwelling unit;
12. **DWELLING, TWO FAMILY** means any building used for dwelling purposes and which has two dwelling units;
13. **DWELLING, TOWNHOUSE OR ROW HOUSE** means a block of at least three side by side family dwelling units, where each family dwelling unit is separated from the other by a party (common) wall;
14. **DWELLING, LOW RISE APARTMENT** means any building divided into not less than three dwelling units each of which is occupied as a permanent home or residence of one family as distinct from a hotel, motel, auto court or similar transient accommodation;
15. **EXPOSING BUILDING FACE** means that part of the exterior wall of a building which faces one direction and is located between the ground level and the ceiling of its top storey.
16. **FAMILY UNIT** means a room or rooms for the temporary residential use of vacationers or as the temporary sleeping quarters for travellers and containing cooking, sleeping and other necessary facilities;
17. **FLOOR AREA** means the total area of all the floors, measured to the extreme outer limits of the buildings, but **excludes** areas intended for the maneuvering or parking of automobiles, cellars or basements not to be used for habitable purposes; and roof gardens, balconies, sun decks, porches, cantilevered canopies and patios appurtenant to the structure and not enclosed by walls;
18. **FRONTAGE** means the number of feet of a parcel of land which abuts road allowance; in the case of a corner lot, the shortest side shall be considered to be the frontage;
19. **GASOLINE SERVICE STATION** means premises primarily for the sale of gasoline, lubricating oil and motor vehicle accessories directly to the users of motor vehicles and the servicing of motor vehicles **excluding** body works, painting and major repairs;
20. **GRADE (as applying to the determination of building height)** means the lowest of the average levels of finished ground adjoining each exterior wall of a building;
21. **HEIGHT, BUILDING (in storeys)** means the number of storeys contained between the roof and the floor of the first storey;

- 22. HOME OCCUPATION** means any occupation or profession carried on for consideration which is clearly incidental to the use of the dwelling unit for residential purposes;
- 23. LOT** means any lot, block or other area in which land is held or into which land is subdivided;
- 24. MARINA** means a site including the surface of water which provides for the rental of mooring space and floats for boats, the sale, rental and repair of boats and engines; the sale, rental of marine fuel and marine supplies and fishing equipment;
- 25. MOBILE HOME** means a transportable, single or multiple-section single family dwelling conforming to the CAN/CSA Z240 MH Series at the time of manufacture. It contains a CSA mobile home label and is ready for occupancy upon completion of setup in accordance with required factory-recommended installation instructions;
- 26. MODULAR HOME** means finished section(s) of a complete dwelling built in a factory for transport to the site for installation. Finished means fully enclosed on the exterior and interior but need not include interior painting, taping, installation of cabinets, floor covering, fixtures, heating systems, and exterior finishes. Modular homes conform to the National Building Code of Canada or British Columbia Building Code where mandated, and contain a CSA Modular home label;
- 27. MOBILE HOME PARK** means any lot on which are located two or more spaces used or intended to be used to accommodate mobile homes;
- 28. MOTEL** means a building or a group of buildings providing separate sleeping or dwelling units intended to be occupied primarily by the travelling public;
- 29. NATURAL BOUNDARY** means the visible high-water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream, or other body of water, a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself;
- 30. NON-CONFORMING BUILDING OR USE** means any building or use which does not conform with all the regulations of this bylaw, or any amendments thereto;
- 31. PARCEL** means a parcel of land registered in the Land Titles Office;
- 32. PARKING AREA** means an open area of land used for the parking of vehicles of residents, clients, customers, or employees, but does not include streets or driveways;
- 33. PRINCIPAL BUILDING** means a building containing a principal use permitted in the zone in which it is located;
- 34. RETAIL CONVENIENCE STORE** means a building containing miscellaneous household and person items and groceries available for retail sale to the public, but does **not include** the sale or rental of appliances, furniture or video cassettes;

- 35. SCREENING** means a continuous fence, wall, compact evergreen hedge or combination thereof, that would effectively screen the property which it encloses, and is broken only by access driveways and walks;
- 36. SECONDARY DWELLING UNIT** means a residential unit within a single family residence containing cooking, sleeping and bathroom facilities which is occupied by a tenant or tenants, which use as a rental unit is secondary to a single family dwelling;
- 37. SETBACK OR LINE OF SETBACK** means the required minimum horizontal distance measured between a building or use and each of the respective lot lines. In the case of a building, the measurement is taken from the **exposing face of the building**;
- 38. SITE** means a tract of land occupied or to be occupied by a principal building and its accessory buildings together with such open spaces and yards as are required in this bylaw, but a site need not coincide with a parcel;
- 39. SLEEPING UNIT** means a room or rooms used as a temporary sleeping quarters for travellers;
- 40. STOREY** means that portion of any building, which is situated between the top of any floor and the top of the floor next above it; if there is no floor above it, that portion between the top of such floor and the ceiling above it;
- 41. STOREY, FIRST** means the uppermost storey having its floor not more than 1.83 m (6 feet) above grade;
- 42. STRUCTURE** means a construction of any kind whether fixed to, supported by or sunk into land, and includes, for example, stadiums, sheds, fences, platforms, display signs, tanks, poles, towers or pools;
- 43. WATERCOURSE** means any natural or man-made depression with well-defined banks and a bed .61 m (2 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of 1.61 km² (1 sq. mi.) or more as required by a designated official of the Ministry of Environment of the Province of British Columbia;
- 44. YARD, FRONT** means that portion of the lot, extending from one side lot line to the other, between the front line of the lot and a line drawn parallel thereto, the depth of such yard shall mean the perpendicular distance between the front line of the lot and the parallel line, in the case of a through lot there shall be two such front yards;

45. YARD, REAR means that portion of the lot extending from one side lot line to the other, between the rear line of the lot and a line drawn parallel thereto; the depth of such yard means the perpendicular distance between the rear line of the lot and the parallel line;

46. YARD, SIDE means the portion of the lot, extending from the front yard to the rear yard, between the side line of the lot and a line drawn parallel thereto; the width of such yard shall mean the perpendicular distance between the side line of the lot and the parallel line.

PART 3 - BASIC PROVISIONS

301 Zones

1. For the purposes of this bylaw, the area incorporated into the Town of Port McNeill shall be classified and divided into the zones, designated and described with their short form equivalents as follows:

Rural -	Rural and agricultural	(A-1)
Small Holding -	Rural, semi-rural and suburban	(A-2)
Residential 1-	Low density residential	(R-1)
Residential 2-	Compact low density permanent and mobile home residential	(R-2)
Residential 3-	Mobile home residential	(R-3)
Residential 4-	Compact low density residential	(R-4)
Residential Multiple 1-	Apartment, townhouse medium density	(RM-1)
Residential Mobile Home 1-	Mobile home park	(RMH-1)
Commercial 1-	Core commercial	(C-1)
Commercial 2 -	Service Commercial	(C-2)
Commercial Service 1-	Highway commercial	(CS-1)
Commercial Service 2-	Commercial sales area	(CS-2)
Industrial 1-	Light industrial area	(M-1)
Industrial 2-	Heavy industrial area	(M-2)
Public Use	Park and public use area	(P-1)
Marine Heavy Industrial	Marine heavy industrial	(MHI)
Marine Pleasure Commercial	Marine pleasure commercial	(MPC)
Marine Recreation Pleasure	Marine recreation pleasure	(MRP)

Marine Industrial Commercial

Marine industrial commercial

(MIC)

2. The extent of each zone is shown on a map to be known as the zoning map, designated as Schedule "A" hereto, signed and dated by the Mayor and Municipal Clerk.

3. Where a zone boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the map referred to in section 301 (2) of this bylaw.

302 Prohibition

Subject to the provisions of the Municipal Act respecting non-conforming uses, land shall not be used, buildings or structures constructed, altered, located or used, contrary to this bylaw.

303 Non-conforming uses

1. Any building or structure conforming as to use, but non-conforming as to size, shape or siting at the time of the effective date of this bylaw, may be altered, or extended provided that any structural alteration, or extension shall comply with the regulations specified for the zone in which it is located

2. The lawful use of any land, buildings or structure existing at the time of the adoption of this bylaw may be continued subject to the provisions of the Municipal Act, although such use does not conform with the provisions of this bylaw.

3. Any parcel, existing at the effective date of this bylaw, which fails to meet the minimum site area of this bylaw may be used for any permitted use of the zone in which it is located, subject to all other regulations applicable to that zone.

304 Conflicting use or siting

No parcel or area of land shall be alienated, and no use shall be initiated and no building or structure shall be sited in a manner, which thereby renders non-conforming any existing use, building or structure on that parcel.

305 Subdivision

1. No land shall be subdivided so as to render it non-conforming to the provisions of this bylaw for the zone in which it is located.

2. Buildings and structures in the case of a parcel of land, which may be further subdivided, shall be sited so as to facilitate the future subdivision of the parcel or adjacent parcels of land.

306 Administration

The Municipal Clerk or such other municipal officer as may be appointed by Council shall administer this bylaw.

307 Violation

1. It shall be unlawful for any person to cause, suffer, or permit any building or structure to be constructed, reconstructed, altered, moved, extended or used, or land to be occupied or

used, in contravention of this bylaw or otherwise to contravene or fail to comply with this bylaw except as provided for in the Municipal Act.

2. It shall be unlawful for any person to prevent or obstruct any official appointed under section 306 of this bylaw from the carrying out of his duties under this bylaw.

308 Penalty

1. Any person who violates the provisions of this bylaw is liable on summary conviction to a penalty not exceeding two hundred dollars in addition to the cost of prosecution.

2. Each day during which such violation is continued shall be deemed to be a new and separate offense.

309 Severability

If any part, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.

310 Amendment

1. Any person wishing to have this bylaw amended shall make application in writing to the Municipal Clerk. Such application shall comply with the following requirements:

- a) It shall include the legal description of the subject property, if applicable, and the reasons why the applicant feels an amendment is necessary;
- b) To allow sufficient time for advertising and processing, an application for re-zoning shall be submitted to the Municipal Clerk on or before the fifteenth day or the month preceding the respective month listed in subsection 310 (2).
- c) It shall be accompanied by the fee set out in the Fees and Charges Bylaw and any amendments thereto.
- d) That Notice of Public Hearing be provided in accordance with the Notice of Public Hearing Bylaw and any amendments thereto.

2. Public hearings pursuant to the provisions of the Municipal Act shall be held quarterly in the months of January, April, July, and October only, except where Council deems that particular circumstances merit more immediate consideration.

311 Appeal

The Board of Variance established under the Board of Variance Bylaw and any amendments thereto shall hear and determine any appeal in accordance with the provisions of the Municipal Act.

PART 5 - GENERAL PROVISIONS

501 Public Utilities

Unattended utility structures including electrical transformer stations, substations, telephone exchanges, water pumping stations, sewage lift pumps, reservoirs, and any other public utility structures, may be located in any zone provided that:

- a) the structure or use is necessary for the safe and efficient operations of the utility;
- b) the utility which the structure serves is available to or for service to the public;
- c) height and yard restrictions are in accordance with those provided for the zone in which the use is to be located;
- d) notwithstanding subsection (c), a 7.6 m (25 ft.) wide buffer area shall be provided on all sides of the parcel as prescribed in section 504 of this bylaw;

- e) the outdoor storage of materials shall be screened by a landscape screen, solid fence or opaque wall, any of which shall be at least equal in height to the material stored;
- f) all driveways and temporary parking areas shall be treated with a dust-free surface;
- g) the parking of motor vehicles other than to temporarily service or maintain the utility structure shall be prohibited;
- h) where there may be a danger to any member of the public, fencing at least 1.83 m (6 ft.) in height shall be erected.

502 Home Occupations

1. A home occupation may be carried on in any zone subject to the following provisions:
 - a) it shall be carried on only by a person or persons resident on the parcel, and no more than one person not resident thereon shall be employed in it;
 - b) it shall be carried on wholly within a building;
 - c) it shall produce no public offence or nuisance whether by noise, vibration, smoke, odour, dust, heat, glare, electrical disturbance, or by any other means;
 - d) the total display area of outdoor advertising media shall not exceed .186 m² (2 sq. ft.), otherwise there shall be no external indication of the existence of the occupation whether by displays, floodlighting, or any other means;
 - e) no material or objects produced, repaired, treated, sold or used in the occupation shall be kept or stored out of doors.

2. Bed & Breakfast operations may be carried out in R-1, R-2, R-3 and R-4 Zones provided that:
 - a) the provisions of Home Occupations Section 502 (1) are adhered to;
 - b) the dwelling shall not lodge more than 10 people including the normal residents of the dwelling;
 - c) the requirements for off-street parking Section 503 4 (g) are adhered to;
 - d) the British Columbia Building Code, Fire Code and any other requirements of the Statutes of British Columbia are adhered to.

503 Off-Street Parking and Loading

1. An off-street parking area shall have the following dimensions:

Angle of Parking	Parking Stall Width	Parking Stall Depth	Aisle Width	
			One way	Two way
Parallel	2.44 m (8 ft.)	6.71 m (22 ft.)	3.66 m (12 ft.)	5.49 m (18 ft.)
30°	3.05 m (10 ft.)	6.1 m (20 ft.)	3.66 m (12 ft.)	4.57 m (15 ft.)
45°	3.05 m (10 ft.)	6.1 m (20 ft.)	4.57 m (15 ft.)	5.49 m (18 ft.)
60°	3.05 m (10 ft.)	6.1 m (20 ft.)	5.49 m (18 ft.)	6.40 m (21 ft.)
90°	3.05 m (10 ft.)	6.1 m (20 ft.)	6.71 m (22 ft.)	7.32 m (24 ft.)

2. Where more than two parking spaces are required on a parcel, except for townhouses having an integral parking area for each dwelling unit, any
 - (i) parking area
 - (ii) manoeuvring aisle
 shall be separated from any building containing a dwelling unit by a buffer area not less than 7.6 m (25 ft.) wide. Such a buffer area is not required where an opaque wall or fence not less than 1.83 m (6 ft.) high above the vehicle surface surrounds the parking area, except for

necessary exits and access roads, or where the parking area abuts a wall that does not contain a window over .554 m² (6 sq. ft.) in area leading to a habitable room.

3. An off-street parking area shall have each parking space and all internal access and egress driveways surfaced with a dust-free material.

4. **Off-street parking spaces** for each building shall be provided in accordance with the following table:

Use	Parking Requirement
a) single family house or duplex	2 spaces per dwelling unit
b) single family house containing a secondary dwelling unit	3 parking spaces
c) duplex (each unit containing a secondary dwelling unit)	6 parking spaces
d) dwelling unit above commercial facilities	1 space per dwelling unit
e) townhouse or rowhouse	1.75 spaces per dwelling unit
f) apartment dwelling	1.5 spaces per dwelling unit
g) boarding house and/or bed & breakfast	1 space per bedroom after the third
h) motel and hotel	1 space per family unit and 1 space per two sleeping units and 1 space per two employees
i) store, office and restaurant	1 space per 45.45 m ² (500 sq. ft.) of gross floor area or fraction thereof and 1 space per employee
j) medical clinic and dental office	1 space per 21.87 m ² (300 sq. ft.) of gross floor area or fraction thereof
k) industrial	1 space per employee
l) school	1 space per teaching area and 1 space per non-teaching employee and, in the case of a senior secondary school 1 space per 8 students
m) church	1 space per 10 seats
n) theatre	1 space per 4 seats and 1 space per employee
o) assembly hall, auditorium, fraternal building, lodge, community hall, dance hall, public library and funeral parlour	1 space per 10 seats or 1 space per 9.290 m ² (100 sq. ft.) of floor area used for assembly or dancing, whichever is greater
p) hospital, nursing home, rest home	2 spaces per 3 patient beds
q) taxi office	1 space per vehicle customarily operating from the office.
r) retail convenience store	when combined with another separate and different business, an additional 1 parking space per 46.45 m ² (500 sq. ft.) of Convenience Store area.

5. Off-Street loading spaces shall:

- a) be no smaller in area than 18.58 m² (200 sq. ft.);
- b) have convenient vehicular access to a public thoroughfare.

6. One off-street loading space shall be provided for:

- a) every 1858 m² (20,000 sq. ft.) of floor space, or fraction thereof, for structures involved in the receipt or delivery of goods or materials by vehicles;
- b) every 1858 m² (20,000 sq. ft.), or fraction thereof, of yard involved

in the receipt or delivery of goods or materials by vehicles.

7. Off-street parking areas shall not be considered as off-street loading space.
8. Driveways shall:
 - a) be graded and drained so as to dispose of all surface water on site. Drainage across the surface of sidewalks, adjacent properties and abutting roads or lanes is not permitted;
 - b) be surfaced with asphalt, concrete or equivalent material;
 - c) not cross the surface of sidewalks, curbs or gutters;
 - d) shall be designed and constructed in accordance with requirements set out in the Subdivision Bylaw and the Building Bylaw of the Town of Port McNeill and any amendments thereto.
9. Parking lots in commercial or industrial zones shall:
 - a) be graded and drained so as to dispose of all surface water on site. Drainage across the surface of sidewalks, adjacent properties and abutting roads or lanes is not permitted;
 - b) be surfaced with asphalt, concrete or equivalent material;
 - c) be designed and constructed in accordance with requirements set out in the Subdivision Bylaw and the Building Bylaw of the Town of Port McNeill and any amendments thereto;
 - d) be finished so that the individual spaces, manoeuvring aisles, entrances and exits are clearly marked by curbs, fences, painted lines and/or signs. Such markings shall be maintained in a legible manner;
 - e) be adequately lit and so arranged that all direct rays of light are reflected upon the parking area and not on any adjoining properties.

504 Buffer Areas

Within any required buffer area:

- a) no building or structure may be erected or placed;
- b) no garbage disposal area and no part of any private sewage disposal system shall be located;
- c) no vehicle parking area shall be located;
- d) no storage shall be permitted;
- e) the only roads permitted are those which cross it as close to right angles as practicable and connect directly with the road system;
- f) the area shall be cleared and grubbed and suitable vegetation shall be established. Approval of such landscaping before commencement and acceptance of the complete project must be obtained from the Council of the Town of Port McNeill.

505 Vision Clearance

At any road junction, no person shall place or permit to be placed or grow any tree, shrub, plant, fence or other structure with horizontal dimension exceeding .61 m (2 feet) within the triangular area formed by two intersecting lot lines and the line joining the points on such lot lines 2.4 meters (8 feet) from the point of intersection, between an elevation such that an eye 1 to 2.4 m (3.28 to 8 feet) above the surface elevation of one road, cannot see an object 1 to 2.4 meters (3.28 ft.-8 ft.) above the surface of the other road.

506 Flood Control

Notwithstanding any other provisions of this bylaw, no building or part thereof shall be constructed, moved or extended, nor shall any mobile home unit or modular home or any other structure be located:

- a) with the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwater, or in the case of a mobile home or unit the ground level on which it is located, lower than 1.52 m (5 ft.) above the natural boundary of any nearby watercourse;
- b) within 15.24 m (50 ft.) of the natural boundary of any nearby watercourse. If landfill is used to achieve the required elevation, no portion of the landfill slope shall be closer than the above distance from the natural boundary, and the face of the landfill slope must be adequately protected against erosion from floodwaters.

Provided that, with the approval of the Ministry of Environment, these requirements may be reduced.

PART 6 - RURAL ZONE (A-1)

601 Application

Rural Zone (A-1) designates land that because of relative distance to community facilities and services is best suited for non-urban types of land use.

602 Lot Size

The minimum parcel area required in an A-1 zone shall be 2.43 ha (6 acres).

603 Permitted Uses

Land, buildings and structures shall be used for the following purposes only:

- a) agriculture, horticulture and accessory uses, but **excluding** fur farming;
- b) residential uses, including mobile homes, but not mobile home parks;
- c) parks, playgrounds, schools, churches, public community halls and cemeteries;
- d) museums, fairgrounds and outdoor recreation facilities;
- e) the extraction of raw materials from the land, provided that no further processing is permitted on the site;
- f) campgrounds, subject to the requirements of the Statutes of British Columbia;
- g) buildings and structures ancillary to the principal use.

604 Conditions of Use

1. On parcels not served by a community water system and on parcels adjacent to parcels not served by a community water system, the keeping and raising of animals is permitted provided that:

- a) no drinking or feeding trough, manure pile or enclosure or structure for housing animals, or for the storage of feed, bedding or similar materials shall be less than 22.86 m (75 ft.) from any property line or dwelling;
- b) the Medical Health Officer is satisfied that no well would suffer contamination from either
 - i) the keeping and raising of animals in such locations;
 - ii) the disposal of sewage and the operation of septic tanks.

2. Only one dwelling unit or one mobile home shall be permitted per parcel, and shall meet the requirements of section 904 (2) (3) (4) and (6) of this bylaw.

3. The maximum height of buildings shall be no more than one storey above the first storey.

605 Siting

The minimum depth of yard for buildings shall be as follows:

- a) front yard - 7.6 m (25 ft.)
- b) rear yard - 7.6 m (25 ft.)
- c) side yard - 3.05 m (10 ft.)

PART 7 - SMALL HOLDING ZONE (A-2)

701 Application

Small Holding Zone (A-2) designates land that because of proximity to urban areas in the community, prevailing development, and small holding needs, is best suited for suburban types of land use. Land designated A-2 will, in the ordinary course of events, be the residential expansion areas of the community.

702 Lot Size

The minimum parcel area required in an A-2 zone shall be .20 ha. (.5 acre).

703 Permitted Uses

Land, buildings and structures shall be used for the following purposes only;

- a) agriculture, horticulture and accessory uses, but excluding fur farming;
- b) transient trailer parks;
- c) residential uses, including mobile homes, but not mobile home parks;
- d) parks, playgrounds, schools, churches and public community halls;
- e) campgrounds, subject to the requirements of the Statutes of British Columbia;
- f) buildings and structures ancillary to the principal use.

704 Conditions of Use

1. On parcels not served by a community water system and on parcels adjacent to parcels not served by a community water system, the keeping and raising of animals is permitted, provided that:

- a) no drinking or feeding trough, manure pile or enclosure or structure for housing animals, or for the storage of feed, bedding or similar materials shall be less than 22.86 m (75 ft.) from any property line or dwelling;
- b) the Medical Health Officer is satisfied that no well would suffer contamination from:
 - i) the keeping and raising of animals in such locations;
 - ii) the disposal of sewage and the operation of septic tanks.

2. Only one residential unit or one mobile home shall be permitted per parcel.

3. Dwelling units shall conform to the requirements of section 904 (2) (3) (4) and (6) of this bylaw.

4. Every trailer park shall meet the requirements of Town of Port McNeill Mobile Home Park Bylaw No. 158, 1978 and any amendments thereto.

5. The maximum height of buildings shall be no more than one storey above the first storey.

705 Siting

The minimum depth of yard for buildings shall be as follows:

- a) front yard - 7.6 m (25 ft.)
- b) rear yard - 7.6 m (25 ft.)
- c) side yard - 3.05 m (10 ft.)

PART 8 - RESIDENTIAL ZONE 1 (R-1)

801 Application

Residential Zone 1 (R-1) designates land that, because of location, existing small lot development, and existing or impending community water and sanitary sewer systems, is best suited to one and two family, low density residential development

802 Lot Size

1. The minimum site area **per dwelling unit** shall be as follows:

- Single family dwelling - 659,3 m² (7000 sq. ft.)
- Two family dwelling - 464.5 m² (5000 sq. ft.)

2. The minimum frontage per lot shall be 18.29 m (60 ft.), except on curves or cul-de-sacs in which case the minimum average width shall be 18.29 m (60 ft.).

803 Permitted Uses

Land, buildings and structures shall be used for the following purposes only:

- a) single family and two family dwelling units, inclusive of modular and prefabricated homes that meet the requirements of section 804, subsections (2) and (3) but **exclusive** of mobile homes;
- b) parks, playgrounds, schools and churches;
- c) hospitals;
- d) buildings and structures ancillary to the principal use.
- e) secondary dwelling units within existing homes;
- f) bed and breakfast operations (see 502 (2); 503 (4) g).

804 Conditions of Use

1. Buildings and structures shall not cover more than 35% of the site area.

2. Buildings for residential use shall have a minimum floor area of 92.90 m² (1000 sq. ft.) above the basement, if any.

3. All buildings and structures shall be erected on permanent foundations and shall conform to the British Columbia Building Code.

4. The maximum permitted height of any dwelling unit shall be no more than one storey above the first storey.

5. Secondary Dwelling Unit Regulations:

- a) The secondary dwelling unit must be part of (included within) the principal building;
- b) The building height restriction 804 (4) shall apply;
- c) Only one secondary dwelling unit shall be permitted on each single family lot;
- d) A secondary dwelling unit shall not occupy more than 40% of the habitable floor area of the building in which it is located;
- e) No more than 2 persons shall occupy a secondary dwelling unit;

- f) A building in which a secondary dwelling unit is located shall be connected to municipal water and sewer systems and shall be subject to utility billings as if it were two dwelling units;
- g) Owners of property containing secondary dwelling units shall comply with parking requirement Section 503 (4).

805 Siting, Eaves and Porches

1. Siting - The minimum depth of yard for buildings shall be as follows:

- | | | |
|-----------------------------|---|-----------------|
| a) front yard | - | 7.6 m (25 ft.) |
| b) rear yard | - | 7.6 m (25 ft.) |
| c) side yard | - | 1.52 m (5 ft.) |
| d) side yard on corner site | - | 3.05 m (10 ft.) |

2. Eaves - shall not overhang the main sidewalls of the building in excess of 75 cm (30 inches) unless the minimum side yard applicable is increased in width by the amount that the overhang exceeds 75 cm (30 inches).

3. Porches - Entrance porches and steps may project from the **exposing building face** into the front or rear setback area for a maximum distance of 1.6 m (5 feet) from the principal building **provided that the extension does not add usable floor space**.

806 Accessory Building

1. Accessory Buildings shall satisfy all the following provisions and:

- a) shall not be closer to the front property line than the **exposing building face** of the principal building.
- b) shall not be closer than 3 m (10 feet) to the side property line on a corner lot.
- c) shall not be constructed upon statutory rights-of-way or easements
- d) shall not be closer than:
 - i. 3 m (10 feet) from the principal building except carports sharing a common wall with the principal building;
 - ii. 1.5 m (5 feet) from any rear lot line which abuts a lane in the event that the accessory building is to be constructed exiting directly onto this lane;
 - iii. 1 m (3.28 feet) from any other rear lot line;
 - iv. 1 m (3.28 feet) from any side lot line.
- e) shall not exceed 4 m (13.12 feet) in height.
- f) shall not exceed in floor area eight percent (8%) of the area of the lot to a maximum of 55 m² (592 sq. ft.).
- g) Notwithstanding subsection (d) accessory buildings which meet all of the following requirements shall be permitted in side and rear yards (but not side yards on a corner lot) with no setback required from property line and:
 - i. shall not exceed 13 m² (140 sq. ft.) in floor area
 - ii. shall not exceed 3 m (9.8 feet) in height
 - iii. shall not be closer than 1.5 m (5 feet) to a principal dwelling or an accessory building.

2. Adjacent property owners wishing to construct combined carports or garages in a rear yard may be granted relief by the Building Inspector from the requirements of subsection 1. (d), iv above so that the accessory building can be erected across the lot line, provided however that the occupancies must be separated by a non-combustible fire wall constructed straddling the lot line, to create a complete fire separation between the properties.

3. Where accessory buildings are attached to the principal building, they shall be considered to be part of the principal building and shall conform to the required yard setbacks of this zone.

PART 9 - RESIDENTIAL ZONE 2 (R-2)

901 Application

Residential Zone 2 (R-2) designates land that, because of location, existing small lot development, and existing or impending community water and sanitary sewer systems, is best suited to compact low density residential development, including mobile homes.

902 Lot Size

1. The minimum site area **per dwelling unit** shall be as follows:

Single family dwelling	-	464.5 m ² (5000 sq. ft.)
Two family dwelling	-	348.4 m ² (3750 sq. ft.)

2. The minimum frontage per lot shall be 15.24 m (50 ft.), except on curves or cul-de-sacs in which case the minimum average width shall be 15.24 m (50 ft.)

903 Permitted Uses

Land, buildings and structures shall be used for the following purposes only:

- a) single family and two family dwelling units, inclusive of modular and prefabricated homes that meet the requirements of section 904, (2) and (3) and mobile homes;
- b) parks, playgrounds, schools and churches;
- c) hospitals;
- d) buildings and structures ancillary to the principal use;
- e) secondary dwelling units within existing homes, **excluding** mobile homes
- f) bed and breakfast operations (see 502 (2); 503 (4) g.

904 Conditions of Use

1. Buildings and structures shall not cover more than 35% of the site area.

2. Buildings for residential use shall have a minimum main floor area of 55.74 m² (600 sq. ft.) per dwelling unit.

3. All conventional, modular and prefabricated homes shall be erected on permanent foundations conforming to the British Columbia Building Code.

4. All mobile homes shall be placed on and secured to a foundation that shall be constructed of monolithic concrete, unit masonry, or other approved material as provided for in the Town of Port McNeill Building Bylaw No. 397, 1992 and any amendments thereto.

5. The maximum permitted height of any dwelling unit shall be no more than one storey above the first storey.

6. Only those mobile home that are certified as meeting the Canadian Standards Association specification CAN/CSA Z240 MH shall be permitted.

7. Secondary Dwelling Unit Regulations:

- a) The secondary dwelling unit must be part of (included within) the principal building;
- b) The building height restriction 804 (4) shall apply;
- c) Only one secondary dwelling unit shall be permitted on each single family lot;
- d) A secondary dwelling unit shall not occupy more than 40% of the habitable floor area of the building in which it is located;
- e) No more than 2 persons shall occupy a secondary dwelling unit;
- f) A building in which a secondary dwelling unit is located shall be connected to municipal water and sewer systems and shall be subject to utility billings as if it were two dwelling units;
- g) Owners of property containing secondary dwelling units shall comply with parking requirement Section 503 (4).

905 Siting, Eaves and Porches

1. Siting - The minimum depth of yard for buildings shall be as follows:

- | | | |
|-----------------------------|---|-----------------|
| a) front Yard | - | 6.1 m (20 ft.) |
| b) rear yard | - | 3.05 m (10 ft.) |
| c) side yard | - | 1.52 m (5 ft.) |
| d) side yard on corner site | - | 3.05 m (10 ft.) |

2. Eaves - shall not overhang the main sidewalls of the building in excess of 75 cm (30 inches) unless the minimum side yard applicable is increased in width by the amount that the overhang exceeds 75 cm (30 inches).

3. Porches - Entrance porches and steps may project from the **exposing building face** into the front or rear setback area for a maximum distance of 1.6 m (5 feet) from the principal building **provided that the extension does not add usable floor space**.

906 Accessory Building

1. Accessory Buildings shall satisfy all the following provisions and:

- a) shall not be closer to the front property line than the **exposing building face** of the principal building.
- b) shall not be closer than 3 m (10 feet) to the side property line on a corner lot.
- c) shall not be constructed upon statutory rights-of-way or easements
- d) shall not be closer than:
 - i. 3 m (10 feet) from the principal building except carports or garages sharing a common wall with the principal building;
 - ii. 1.5 m (5 feet) from any rear lot line which abuts a lane in the event that the accessory building is to be constructed exiting directly onto this lane;
 - iii. 1 m (3.28 feet) from any other rear lot line;
 - iv 1 m (3.28 feet) from any side lot line.
- e) shall not exceed 4 m (13.12 feet) in height.
- f) shall not exceed in floor area eight percent (8%) of the area of the lot to a maximum of 55 m² (592 sq. ft.).
- g) Notwithstanding subsection (d), accessory buildings which meet all of the following requirements shall be permitted in side and rear yards (but not side yards on a corner lot) with no setback required from property line and:
 - i. shall not exceed 13 m² (140 sq. ft.) in floor area
 - ii. shall not exceed 3 m (9.8 feet) in height

- iii. shall not be closer than 1.5 m (5 feet) to a principal dwelling or an accessory building.
2. Adjacent property owners wishing to construct combined carports or garages in a rear yard may be granted relief by the Building Inspector from the requirements of subsection 1. (d) iv above so that the accessory building can be erected across the lot line, provided however that the occupancies must be separated by a non-combustible fire wall constructed straddling the lot line, to create a complete fire separation between the properties.
3. Where accessory buildings are attached to the principal building, they shall be considered to be part of the principal building and shall conform to the required yard setbacks of this zone.

PART 10 - RESIDENTIAL ZONE 3 (R-3)

1001 Application

Residential Zone 3 (R-3) designates land that because of location, existing small lot development, and existing or impending community water and sanitary sewer systems, is best suited to compact residential mobile and single family dwelling development.

1002 Lot Size

1. The minimum site area shall be as follows:

Single family dwelling	-	371.6 m ² (4000 sq. ft.)
Two family dwelling	-	not permitted

2. The minimum frontage per lot shall be 12.19 m (40 ft.); except on curves or cul-de-sacs in which case the minimum average width shall be 12.19 m (40 ft.)

1003 Permitted Uses

Land, buildings and structures shall be used for the following purposes only:

- a) single family mobile homes
- b) single family dwellings
- c) buildings and structures ancillary to the principal use.
- d) bed and breakfast operations (see 502 (2); 503 (4) g.

1004 Conditions of Use

1. Buildings and structures shall not cover more than 35% of the site area.

2. Only those mobile homes conforming to the CAN/CSA Z240 MH Series shall be permitted. Mobile homes not having the certification label shall be considered not to be certified.

3. Mobile homes shall be placed on and secured to a foundation that shall be constructed of monolithic concrete, unit masonry, or other approved material, as provided for in the Town of Port McNeill Building Bylaw and any amendments thereto.

- a) single family dwellings shall be constructed in accordance with the British Columbia Building Code Regulations and Building Bylaw of the Town and any amendments thereto.

4. Structures that are closer than 1.22 m (4 ft.) to the principal building shall be considered to be part of the principal building and shall be required to be placed on foundations conforming with the Town of Port McNeill Building Bylaw and any amendments thereto.

5. The aggregate width of the principal buildings shall not exceed 9.14 m (30 ft.) feet when a single wide mobile home is situated on the lot.

a) Constructed homes - Single family dwellings shall comply with all siting requirements set out in section 1005 of this Part.

6. Principal buildings shall not exceed 5.18 m (17 ft.) nor one storey in height above grade.

a) The height of the single family dwelling or principal building shall not exceed 5.18 m (17 ft.) nor one storey in height above the highest natural ground level of the foundation.

1005 Siting, Eaves and Porches

1. Siting - The minimum depth of yard for residential buildings shall be as follows:

a) front yard	-	4.57 m (15 feet)
b) rear yard	-	1.52 m (5 feet)
c) side yard	-	1.52 m (5 feet)
d) side yard on corner site	-	4.57 m (15 feet)

2. Eaves - shall not overhang the **exposing building face** of the building in excess of 75 cm (30 inches) unless the minimum side yard applicable is increased in width by the amount that the overhang exceeds 75 cm (30 inches).

3. Porches - Entrance porches and steps may project from the **exposing building face** into the front setback area for a maximum distance of 1.6 m (5 feet) from the principal building **provided that the extension does not add usable floor space.**

1006 Accessory Building

1. Accessory Buildings shall satisfy all the following provisions and:

a) shall not be closer to the front property line than the **exposing building face** of the principal building.

b) shall not be closer than 3 m (10 feet) to the side property line on a corner lot.

c) shall not be constructed upon statutory rights-of-way or easements

d) shall not be closer than:

i. 3 m (10 feet) from the principal building except carports garages sharing a common wall with the principal building;

ii. 1.5 m (5 feet) from any rear lot line which abuts a lane in the event that the accessory building is to be constructed exiting directly onto this lane;

iii. 1 m (3.28 feet) from any other rear lot line;

iv. 1 m (3.28 feet) from any side lot line.

e) shall not exceed 4 m (13.12 feet) in height.

f) shall not exceed in floor area eight percent (8%) of the area of the lot to a maximum of 55 m² (592 sq. ft.).

g) Notwithstanding subsection 1. (d), accessory buildings which meet all of the following requirements shall be permitted in side and rear yards (but not side yards on a corner lot) with no setback required from property line and:

i. shall not exceed 13 m² (140 sq. ft.) in floor area

ii. shall not exceed 3 m (9.8 feet) in height

h) shall not be closer than 1.5 m (5 feet) to a principal dwelling or an accessory building.

2. Adjacent property owners wishing to construct combined carports or garages in a rear yard may be granted relief by the Building Inspector from the requirements of subsection 1.(d) iv. above so that the accessory building can be erected across the lot line, provided however that the occupancies must be separated by a non-combustible fire wall constructed straddling the lot line, to create a complete fire separation between the properties.

3. Where accessory buildings are attached to the principal building, they shall be considered to be part of the principal building and shall conform to the required yard setbacks of this zone.

PART 11 - RESIDENTIAL ZONE 4 (R-4)

1101 Application

Residential Zone 4 (R-4) designates land that because of location, existing small lot development, and existing or impending community water and sanitary sewer systems, is best suited for compact one and two family low density residential development.

1102 Lot Size

1. The minimum site area **per dwelling unit** shall be as follows:

Single family dwelling	-	464.5 m ² (5000 sq. ft.)
Two family dwelling	-	348.4 m ² (3750 sq. ft.)

2. The minimum frontage per lot shall be 15.24 m (50 ft.), except on curves or cul-de-sacs in which case the minimum average width shall be 15.24 m (50 ft.)

1103 Permitted Uses

Land, buildings and structures, shall be used for the following purposes only:

- a) single and two family dwelling units, exclusive of mobile homes;
- b) parks and playgrounds;
- c) buildings and structures ancillary to the principal use.
- d) secondary dwelling units within existing homes;
- e) bed and breakfast operations (see 502 (2); 503 (4) g.

1104 Conditions of Use

1. Buildings and structures shall not cover more than 35% of the site area.

2. Buildings for residential use shall have a minimum main floor interior area of 65.03 m² (700 sq ft.)

3. All buildings and structures shall be erected on permanent foundations and shall conform to the Town of Port McNeill Building Bylaw and any amendments thereto.

4. The maximum permitted height for residential buildings shall be as follows:
a) no building shall be more than one storey above the first storey;
b) the maximum height above average natural ground level shall be 8.23 m (27 ft.)

5. Secondary Dwelling Unit Regulations:

- a) The secondary dwelling unit must be part of (included within) the principal building;
- b) The building height restriction 804 (4) shall apply;
- c) Only one secondary dwelling unit shall be permitted on each single family lot;
- d) A secondary dwelling unit shall not occupy more than 40% of the habitable floor area of the building in which it is located;
- e) No more than 2 persons shall occupy a secondary dwelling unit;
- f) A building in which a secondary dwelling unit is located shall be connected to municipal water and sewer systems and shall be subject to utility billings as if it were two dwelling units;
- g) Owners of property containing secondary dwelling units shall comply with parking requirement Section 503 (4).

1105 Siting, Eaves and Porches

1. Siting - Minimum depth of yard for buildings shall be as follows:

- a) front yard - 4.57 m (15 feet)
- b) rear yard - 1.52 m (5 feet)
- c) side yard - 1.52 m (5 feet)
- d) side yard on corner site - 4.57 m (15 feet)

2. Eaves - shall not overhang the **exposing building face** of the building in excess of 75 cm (30 inches) unless the minimum side yard applicable is increased in width by the amount that the overhang exceeds 75 cm (30 inches).

3. Porches - Entrance porches and steps may project from the **exposing building face** into the front setback area for a maximum distance of 1.6 m (5 feet) from the principal building **provided that the extension does not add usable floor space**.

1106 Accessory Building

1. Accessory Buildings shall satisfy all the following provisions and:

- a) shall not be closer to the front property line than the **exposing building face** of the principal building.
- b) shall not be closer than 3 m (10 feet) to the side property line on a corner lot.
- c) shall not be constructed upon statutory rights-of-way or easements
- d) shall not be closer than:
 - i. 3 m (10 feet) from the principal building except carports sharing a common wall with the principal building;
 - ii. 1.5 m (5 feet) from any rear lot line which abuts a lane in the event that the accessory building is to be constructed exiting directly onto this lane;
 - iii. 1 m (3.28 feet) from any other rear lot line;
 - iv. 1 m (3.28 feet) from any side lot line.
- e) shall not exceed 4 m (13.12 feet) in height
- f) shall not exceed in floor area eight percent (8%) of the area of the lot to a maximum of 55 m² (592 sq. ft.).
- g) Notwithstanding subsection 1. (d), accessory buildings which meet all of the following requirements shall be permitted in side and rear yards (but not side yards on a corner lot) with no setback required from property line and:
 - i. shall not exceed 13 m² (140 sq. ft.) in floor area
 - ii. shall not exceed 3 m (9.8 feet) in height

iii. shall not be closer than 1.5 m (5 feet) to a principal dwelling or an accessory building.

2. Adjacent property owners wishing to construct combined carports or garages in a rear yard may be granted relief by the Building Inspector from the requirements of subsection 1. (d) iv. above so that the accessory building can be erected across the lot line, provided however that the occupancies must be separated by a non-combustible fire wall constructed straddling the lot line, to create a complete fire separation between the properties.

3. Where accessory buildings are attached to the principal building, they shall be considered to be part of the principal building and shall conform to the required yard setbacks of this zone.

PART 12 - RESIDENTIAL ZONE 1 (RM-1)

1201 Application

Residential Multiple Zone (RM-1) designates land that because of location near the town centre, established residential development, parks, schools, views, major or collector roads, and existing community water and sewer facilities, is best suited for medium density multiple residential developments.

1202 Permitted Uses

Land, buildings and structures shall be used for the following purposes only:

- a) low-rise apartments;
- b) townhouses or rowhouses;
- c) single family and two family dwelling units;
- d) boarding houses;
- e) buildings and structures ancillary to the principal uses.

1203 Conditions of Use

1. The total aggregate floor area of a building or buildings on a parcel when divided by the area of such parcel shall not exceed 0.90.

2. The distance from a habitable room to any facing wall in any building also containing dwelling units and on the same parcel shall not be less than 15.24 m (50 ft.), except when both buildings have only one storey, in which case such distance may be reduced to 9.14 m (30 ft.).

3. The distance from any wall with windows from habitable rooms located in the basement, first or second storey to a facing wall of a parking structure, garage or carport shall not be less than 7.6 m (25 ft.).

4. The maximum permitted height of buildings for apartment use shall be as follows:

- | | | |
|------------------------|---|-------------------------------|
| a) townhouses | - | 2 storeys or 9.14 m (30 ft.) |
| b) low rise apartments | - | 3 storeys or 12.19 m (40 ft.) |

5. Parcels shall have a least 37.16 m² (400 sq. ft.) of amenity open space for each dwelling unit.

6. Single family and two family dwelling units shall meet the requirements of section 802, 804, 805 and 806 of this bylaw.

1204 Siting

1. Except as provided for single family and two family dwellings in section 1203 hereto, the minimum depth of yard shall be as follows:

- a) front yard - 7.6 m. (25 ft.)
- b) rear yard - 10.67 m. (35 ft.)
- c) side yard
 - i. where the sidewall of a building does not contain a window over .554 m² (6 sq. ft.) in area leading to a habitable room
- 3.05 m (10 ft.)
 - ii. where the sidewall of a building contains a window over .554 m² (6 sq. ft.) in area leading to a habitable room
- 7.6 m (25 ft.)
 - iii. where the sidewall of a one storey building contains a window over .554 m² (6 sq. ft.) in area leading to a habitable room and where the sidewall faces the sidewall of another building which is not more than one storey
4.57 m (15 ft.)
 - iv. where two or more buildings are situated on the same lot, the minimum allowable distance between two facing walls shall be the sum of the two side yards established under section 1204 (c) (i) (ii) (iii).

PART 13 - RESIDENTIAL MOBILE HOME PARK ZONE 1 (RMH-1)

1301 Application

Residential Mobile Home Park Zone 1 (RMH-1) designates land that because of its meeting the same requirements as low density multiple residential, is best suited for permanent residential mobile home park development provided that adjacent uses are not adversely affected in a physical sense.

1302 Permitted Uses

Land, buildings and structures shall be used for the following purposes only:

- a) permanent mobile home parks;
- b) single family dwelling units;
- c) buildings and structures ancillary to the principal use.

1303 Conditions of Use

1. Every permanent mobile home park shall meet the requirements of the Town of Port McNeill Mobile Home Park Bylaw and any amendments thereto.

2. Single family dwelling units shall meet the requirements of sections 902, 904, 905 and 906 of this bylaw.

PART 14 - COMMERCIAL ZONE 1 (C-1)

1401 Application

Commercial Zone 1 (C-1) designates land that because of its location in the center of the community, or immediate proximity to major roads, is best suited for pedestrian oriented retail shopping facilities and personal service commercial facilities centered on a shopping centre.

1402 Permitted Uses

Land, buildings and structures shall be used for the following purposes only:

- a) the retail sales of goods and services, and the servicing thereof, **excluding**

- i. lumber yards, nurseries, and greenhouses
- ii. motor vehicles, and the rental thereof, and motor vehicle products, such as gasoline, motor vehicle parts, accessories and trailers
- iii. boats, and the rental thereof, marine services and ship chandlers
- b) offices, including business outlets, banks, insurance offices, and professional offices
- c) services to persons and households including barbering, hairdressing, tailoring, shoemaking, dry cleaning, and laundromats
- d) indoor recreation facilities including theaters, bowling alleys, billiard halls, dance halls, and other commercial, health, entertainment and recreational facilities, private clubs, lodges and fraternal organizations
- e) community facilities including churches, church halls, community centers, libraries, clinics (health unit), and educational facilities including colleges, trade and business schools, dance and music studios
- f) cafes and restaurants; but **exclusive** of drive-in restaurants
- g) hotels and motels and related uses
- h) taxi offices and bus terminals
- i) dwelling units limited exclusively to storeys above the first storey of a building
- j) buildings and structures ancillary to the principal use.

1403 Conditions of Use - All Permitted Uses

1. There shall be no minimum required site size except in the case of a site not served by a community sewer system, the Medical Health Officer may require a minimum size to provide sufficient area to dispose of wastes generated on the parcel.
2. No front, rear or side yards shall be required **except** when any parcel zoned C-1 abuts either an A-2, R-1, R-2, R-3, R-4 or RM-1 Zone, and then there shall be a buffer area a minimum of 3.05 m (10 ft.) in depth. Such a buffer area shall conform to the requirements of section 504 of this bylaw.
3. No building shall be more than three storeys or 12.19 m (40 ft.) in height except on parcels that abut tidal waters when the building shall not be more than one storey or 5.18 m (17 ft.) in height.

1404 Conditions of Use - Hotels & Motels

1. A parcel for motel or hotel use
 - a) shall contain a minimum of 92.90 m² (1000 sq. ft.) of site area per sleeping unit;
 - b) shall contain a minimum of 185.80 m² (2000 sq. ft.) of site area per family unit;
 - c) shall provide a minimum of 9.290 m² (100 sq. ft.) of amenity open space for each family unit.
2. If in any habitable room or a building for motel or hotel use, the window area in a wall is .372 m² (4 sq. ft.) or more, the minimum distance measured at right angles from any part of the window surface to either a parcel boundary or another building on the same parcel shall not be less than 7.6 m (25 ft.)

1405 Conditions of Use - Dwelling Units

1. Dwelling units shall
 - a) have a private exterior entrance separate from any commercial facilities;

- b) have a distance of not less than 7.6 m (25 ft.), measured at right angles, between any window in the wall of a habitable room and a parcel boundary, except when the building has only one storey when the distance may be reduced to 4.57 m. (15 ft.);
- c) meet the requirements of section 1203 (2) and (3) of this bylaw;
- d) contain a minimum of 18.58 m² (200 sq. ft.) of amenity open space per dwelling unit, but this amenity open space need not be located on the ground.

PART 15 - COMMERCIAL ZONE 2 (C-2)

1501 Application

Commercial 2 (C-2) designates land that because of its location near the center of the community or immediate proximity to major roads, is best suited to retail shopping facilities and personal service commercial facilities.

1502 Permitted Uses

Land, buildings and structures shall be used for the following purposes only:

- a) the retail sales of goods and services, and the servicing thereof, **excluding gasoline stations;**
- b) the retail sale of automobile products, auto parts and accessories, motor vehicles and recreational vehicles;
- c) retail building materials, garden shops;
- d) the sale, rental, storage, servicing and repairing of household items;
- e) offices, including business outlets, banks, insurance offices, and professional offices;
- f) services to persons and households including barbering, hairdressing, tailoring, shoemaking, dry cleaning, and laundromats;
- g) heating, plumbing and electrical shops;
- h) indoor recreation facilities, including theaters, bowling alleys, billiard halls, dance halls, and other commercial, health, entertainment and recreational facilities, private clubs, lodges, and fraternal organizations;
- i) cafes, restaurants and drive-in restaurants;
- j) marinas, boat sales and rentals, marine services, and ship chandlers;
- k) clinics (health unit), trade and business schools, dance and music studios;
- l) taxi offices and bus terminals;
- m) dwelling units limited exclusively to storeys above the first storey of a building;
- n) buildings and structures ancillary to the principal use.

1503 Conditions of Use

1. There shall be no minimum parcel size except where in the case of a parcel not serviced by a community sewer system, the Medical Health Officer may require a minimum size to provide sufficient area to dispose of wastes generated on the parcel of property.
2. Where the boundary of any parcel zoned C-2 abuts either an A-2, R-1, R-2, R-3, R-4 or RM-1 zone, then there shall be a buffer area a minimum of 3.05 m (10 ft.) in depth. Such a buffer area shall conform to the requirements of section 504 of this bylaw.
3. Every business or undertaking shall be conducted within a completely enclosed building or structure except for outdoor display, rental, sales, storage, parking and loading facilities.
4. Storage not contained within a building shall be enclosed by screening, such screening to consist of a solid 2.44 m (8 ft.) high fence or opaque wall, or an evergreen hedge not less than 1.83 m (6 ft.) in height. Storage shall not be piled higher than the screening.

5. A fence or wall shall
 - a) be uniformly painted and well maintained;
 - b) not be used for advertising or display purposes, or for the posting of notices.
6. An evergreen hedge shall be maintained in good condition at all times.
7. Any building closer than 3.05 m (10 ft.) to a side or rear boundary shall have an approved firewall.
8. No building shall be more than three storeys or 12.19 m (40 ft.) in height except on parcels that abut tidal water when the building shall not be more than one storey or 5.18 m (17 ft.) in height.
9. Dwelling units shall conform to the requirements of section 1405 of this bylaw.

1504 Siting

The minimum depth of yard for buildings shall be as follows:

- | | | |
|-----------------------------|---|----------------|
| a) front yard | - | 7.6 m (25 ft.) |
| b) side yard on corner site | - | 7.6 m (25 ft.) |

PART 16 - COMMERCIAL SERVICE ZONE 1 (CS-1)

1601 Application

Commercial Service Zone 1 (CS-1) designates land that because of location on a major road, is best suited for tourist facilities, gasoline service stations, and restaurants; all of which are primarily drive-in facilities.

1602 Permitted Uses

Land, buildings and structures shall be used for the following purposes only;

- a) motels and hotels;
- b) restaurants, including drive-in restaurants;
- c) gasoline service stations;
- d) retail convenience stores;
- e) one dwelling unit for the residential accommodation of the owner or manager of a permitted use;
- f) buildings and structures ancillary to the principal use.

1603 Conditions of Use

1. There shall be no minimum parcel size except where in the case of a parcel not serviced by a community sewer system, the Medical Health Officer may require a minimum size to provide sufficient area to dispose of wastes generated on the parcel of property.
2. Buildings and structures shall not cover more than 35% of the site area
3. Where the boundary of any parcel zoned CS-1 abuts either an A-2, R-1, R-2, R-3, R-4 or RM-1 zone, then there shall be a buffer area a minimum of 3.05 m (10 ft.) in depth. Such a buffer area shall conform to the requirements of section 504 of this bylaw.

4. Land, buildings and structures for motel and hotel use, shall meet the requirements of section 1404 of this bylaw.
5. Retail Convenience Stores established under the regulations set out in this bylaw on property used for a gasoline service station must be included within and be a part of the principal building (service station building).
6. Dwelling units shall conform to the requirements of section 904, (2), (3) (4) and (6) of this bylaw.
7. The maximum height of buildings shall be no more than one storey above the first storey.

1604 Siting

The minimum depth of yard for buildings and storage areas in CS-1 shall be as follows:

- a) front yard (properties located on Campbell Way-Arterial Highway) - 15.24 m (50 ft.)
- front yard (all other CS-1 areas of the Town) - 7.6m (25 ft.)
- b) rear yard - 7.6 m (25 ft.)
- c) side yard - 3.05 m (10 ft.)

PART 17 - COMMERCIAL SERVICE ZONE 2 (CS-2)

1701 Application

Commercial Service 2 (CS-2) designates land that because of location on a major road is best suited for commercial sales that are primarily drive-in facilities.

1702 Permitted Uses

Land, buildings and structures shall be used for the following purposes only:

- a) mobile home sales;
- b) new and used motor vehicle sales;
- c) recreational vehicle sales;
- d) boat sales;
- e) restaurants and cafes, including drive-ins;
- f) motels;
- g) garden sales;
- h) rental of U-drive cars,
- i) radio and television broadcasting stations;
- j) retail sales of parts and accessories for above categories;
- k) one dwelling unit for the residential accommodation of the owner or manager of a permitted use;
- l) buildings and structures ancillary to the principal use.

1703 Conditions of Use

1. Buildings and structures other than motels shall not cover more than 35% of the site area.
2. Where the boundary of any parcel zoned CS-2 abuts either an A-2, R-1, R-2, R-3, R-4, RM-1 or P-1 zone, then there shall be a buffer area a minimum of 3.05 m (10 ft.) in depth. Such a buffer area shall conform to the requirements of section 504 of this bylaw.
3. Every business or undertaking shall be conducted within a completely enclosed building or structure except for outdoor display, rental, sales, storage, parking and loading facilities.

4. A parcel for motel use shall meet the requirements of section 1404 of this bylaw.
5. Dwelling units shall conform to the requirements of section 904 (2) (3) (4) and (6) of this bylaw.
6. The maximum height of buildings shall be no more than one storey above the first storey.

1704 Siting

The minimum depth of yard for buildings and storage areas in CS-2 shall be as follows:

- a) front yard (properties zoned CS-2 located on Campbell Way-Arterial Highway) - 15.24 m (50 ft.)
- front yard (all other CS-2 areas of Town) - 7.6m (25 ft.)
- b) rear yard - 6.1 m (20 ft.)
- c) side yard - 3.05 m (10 ft.)

PART 18 - INDUSTRIAL ZONE 1 (M-1)

1801 Application

Industrial Zone 1 (M-1) designates land that because of location on a major road adjacent to the town centre and because of location in relation to other commercial development, is best suited for attractive and landscaped warehousing, wholesaling, and light industrial operations, or for operations designed for or dependent upon direct automobile access.

1802 Permitted Uses

Land, buildings and structures shall be used for the following purposes only:

- a) lumber yards, nurseries and greenhouses;
- b) the retail sale of automobiles and automobile products, such as gasoline, automobile parts and accessories, motor vehicles and trailers;
- c) the rental, storage, servicing and repair of all motor vehicles;
- d) cafes and restaurants;
- e) light industrial functions, including light manufacturing, processing and assembling, warehousing, wholesaling and storage;
- f) assembly plants not involving forging, casting, punch presses or drop forges;
- g) plumbing, sheet metal workshops and machine shops;
- h) marinas, boat sales and rentals, marine services and ships chandlers;
- i) municipal works yards;
- j) contractors' works yards;
- k) one dwelling unit which is part of a permitted building or structure for the accommodation of the owner, operator or an employee;
- l) uses ancillary to the principal use.

1803 Conditions of Use

1. There shall be no minimum parcel size except where in the case of a parcel not serviced by a community sewer system, the Medical Health Officer may require a minimum size to provide sufficient area to dispose of wastes generated on the parcel.

2. Where the boundary of any parcel abuts either an A-2, R-1, R-2, R-3, R-4, RM-1, RMH-1, C-1 or P-1 zone, then there shall be a buffer area a minimum of 15.24 m (50 ft.) in depth. Such a buffer area shall conform to the requirements of section 504 of this bylaw.

3. Every business or undertaking shall be conducted within a completely enclosed building or structure, except for outdoor display, rental, sales, servicing or storage yards, parking and loading facilities.
4. All industrial activity and storage not contained within a building shall be enclosed by screening and such activity and storage shall not be piled higher than the screening. Where screening is required, it shall consist either of a solid 2.44 m (8 ft.) high fence or opaque wall or of an evergreen hedge not less than 1.83 m (6 ft.) in height.
5. A fence or wall shall
 - a) be uniformly painted and well maintained;
 - b) not be used for advertising or display purposes or for the posting of notices.
6. An evergreen fence shall be maintained in good condition at all times.
7. Dwelling units shall conform to the requirements of section 904 (2) (3) (4) and (6) of this bylaw.
8. The maximum height of buildings shall be no more than one storey above the first storey.

1804 Siting

The minimum depth of yard for buildings and storage areas shall be as follows:

- a) front yard (properties zoned M-1 located on Campbell Way-Arterial Highway) - 15.24 m (50 ft.)
-front yard (all other M-1 areas of the Town) - 7.6m (25 ft.)
- b) rear yard - 3.05 m (10 ft.)
- c) side yard - 3.05 m (10 ft.)

PART 19 - INDUSTRIAL ZONE 2 (M-2)

1901 Application

The Industrial Zone 2 (M-2) designates land that because of actual or potential large site sizes and location in relation to the waterfront or transportation routes, is best suited for general industrial development.

1902 Permitted Uses

Land, buildings and structures shall be used for the following purposes only:

- a) industries which are not offensive within the meaning of the Health Act;
- b) uses permitted in the M-1 zone.

1903 Conditions of Use

Every use of land and every building or structure permitted in the M-2 zone shall conform to the conditions of use provided for the M-1 zone in section 1803 of this bylaw.

1904 Siting

The minimum yard requirements for buildings and structures shall be as provided for in the M-1 Zone in section 1804 of this bylaw.

PART 20 - PUBLIC USE ZONE (P-1)

2001 Application

Public Use Zone (P-1) designates land that is best suited to public uses such as civic, educational, religious, hospitals, parks, cultural and recreational facilities.

2002 Permitted Uses

Land, buildings and structures shall be used for the following purposes only;

- a) assembly, cultural and recreational facilities including arenas, auditoriums, swimming pools, tennis courts, community halls and similar publicly operated facilities;
- b) fire halls;
- c) police stations;
- d) public hospitals;
- e) municipal halls;
- f) libraries;
- g) marinas, yacht clubs and the sale of fuel for pleasure craft;
- h) parks, playgrounds and playfields;
- i) schools;
- j) a dwelling unit for a caretaker, watchman or other persons considered essential to the operation of the facility;
- k) parking;
- l) buildings and structures ancillary to the principal use.

2003 Siting

The minimum depth of yard for buildings shall be as follows:

- a) front yard - 7.6 m (25 ft.)
- b) rear yard - 9.14 m (30 ft.)
- c) side yards - 3.05 m (10 ft.)

PART 21 - MARINE HEAVY INDUSTRIAL ZONE (MHI)

2101 Application

Marine Heavy Industrial Zone (MHI) applies to the area of water covered by Water Lots L1645, L1711 and L2082 together with all foreshore land abutting or adjoining such Water Lots to a point 15.24 m (50 ft.) from the high water mark.

2102 Permitted Uses

- a) log dumping
- b) log sorting
- c) log storage
- d) barge operation and unloading
- c) storage of fuel oil and/or gasoline

PART 22 - MARINE PLEASURE COMMERCIAL ZONE (MPC)

2201 Application

Marine Pleasure Commercial Zone (MPC) applies to the area of water covered by Water Lot L1646 together with all foreshore land abutting or adjoining such Water Lot to a point 15.24 m (50 ft.) from the high water mark.

2202 Permitted Uses

- a) restaurants, night clubs and cabarets
- b) docks, wharves and floats for the use of water taxis, ferries, float planes and amphibious vessels and necessary refueling.
- c) docks, wharves and floats for the use of commercial mooring facilities, marinas and boat rentals
- d) government wharves and docks and associated traffic

- e) retail sales of live or fresh fish or shellfish
- f) retail sales of fishing supplies, marine equipment, live and fresh bait
- g) permanent residence on a boat or vessel by one member for the purpose of security for fire protection or by a duly appointed Municipal Wharfinger and immediate family
- h) temporary or seasonal residence on a boat or vessel
- i) marine oriented clubs
- j) public washrooms
- k) office accommodation
- l) all uses under Marine Recreation Pleasure Zone, section 2402.

PART 23 - MARINE RECREATION PLEASURE ZONE (MRP)

2301 Application

This zoning covers the area of water covered by Hoy Bay within the Town Boundary outside of Water Lots L1645, L1646 and L2099, together with all foreshore land abutting or adjoining Hoy Bay outside of the Water Lots designated herein to a point 12.24 m (50 ft.) from the high water mark.

2301 Permitted Uses

All recreational boating pursuits.

PART 24 - MARINE INDUSTRIAL COMMERCIAL ZONE (MIC)

2401 Application

This zone covers the area of water covered by Water Lot Numbered L2099 together with all foreshore land abutting or adjoining such Water Lot to a point 12.24 m (50 ft.) from the high water mark. This zoning provides for the accommodation of industries that are associated with the fishing industry, marine transportation, ship building and maintenance.

2402 Permitted Uses

- a) marine and aircraft fueling operations and bulk storage;
- b) mooring of commercial vessels;
- c) repair and maintenance shops oriented to marine use and water traffic;
- d) ship building, boat building and repair
- e) warehouses, works yards, storage and loading facilities oriented to marine use and water traffic;
- f) fish and seafood buying, selling and packing;
- g) water taxis, ferries, boat rental, aircraft and amphibious vessels;
- h) sales of supplies and fishing equipment
- i) all uses under Marine Recreation Pleasure (Part 23).

Read a first time the 8th day of September, 1969

Read a second time the 8th day of September, 1969

Read a third time the 8th day of September, 1969

Reconsidered, finally passed and adopted the 27th day of October, 1969.

Original signed by "S.C. ROBINSON"
Mayor

Original signed by "J. H. Thompson"
Municipal Clerk

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 11 of the Village of Port McNeill cited as the Village of Port McNeill Zoning Bylaw No. 11, 1969. Dated at Port McNeill in the Province of British Columbia the 13th day of November, 1969.

Original signed by "J.H. Thompson"
Municipal Clerk

Note: All subsequent Bylaw No. 11 zoning amendments have been incorporated into this bylaw and if applicable, the zoning map has been amended.