

VILLAGE OF MCADAM
BY – LAW NO. 36
THE ZONING BY – LAW
VILLAGE OF MCADAM

The Council of the Village of McAdam, under authority vested in it by the Community Planning Act, R.S.N.B., 1973, c. C-12, enacts as follows:

1. By – Law No. 36, The zoning By – Law, is amended by adding thereto Section 60 – Mini – Homes, as follows:

60. Mini – Homes

- (1) A mini-home is defined as “a building that is factory built, certified and registered by a Manufactured Home Builder and designed to be used with or without a foundation as a dwelling unit for humans, that has a width of less than six (6) meters throughout its entire length exclusive of the steps and porches but including the eaves and overhang. The unit is not fitted with facilities for towing or to which towing apparatus can be attached. The unit is capable of being transported by means of a flat – bed float trailer from the site of construction without significant alterations. All outside wall construction must have an original wall thickness of 6” (150mm). NOTE: Earlier constructed mini-homes with a wall thickness of 4” (100mm) and having been certified and registered by a Manufactured Home Builder are also considered to be mini-home.”
- (2) A mini-home situate upon a lot must be placed on a concrete wall foundation with all construction to conform to the National Building Code of Canada 1995 Standards.
- (3) A mini-home situate upon a lot must conform to the set back requirements of Section 11 (1) of this By – Law.
- (4) A mini-home may be approved for location in a mobile home park. Any mini-home approved for location in a mobile home park shall conform to CSA Standard Z 240.10.1-94 “Site Preparation and Anchorage Mobile Homes” and the National Building Code of Canada 1995, with regard to blocking, skirting, access hatches, crawl space allowances, anchorage, vapour and moisture barriers.

READ FIRST TIME:	May 28, 2003
READ SECOND TIME:	May 28, 2003
READ THIRD TIME AND ENACTED:	June 25, 2003

Original Signed by: Frank M. Carroll, Mayor

Original Signed by: Ann Donahue, Clerk

BY- LAW NO. 36
ZONING BY – LAW

The Council of the village of McAdam, under authority vested in it by section 34 of the Community Planning Act, enacts as follows:

Interpretation

- (1) In this By – Law,
- (a) “Advisory committee” means the planning advisory committee established by the Council;
 - (b) “alter” means to make any change, structurally or otherwise, in a building or structure which is not for purpose of maintenance only;
 - (c) “bachelor apartment” means a dwelling unit in a multiple dwelling, consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities;
 - (d) “building” means a roofed erection with solid shelter for persons, animals or chattels;
 - (e) “building, accessory” means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure;
 - (f) “building, main” means a building in which is conducted the main or principle use of the lot on which the building is located;
 - (g) “dwelling” means a main building, or a portion thereof, containing one or more dwelling units;
 - (h) “dwelling, multiple” means a dwelling containing more than two dwelling units;
 - (i) “dwelling, single-family” means a dwelling containing only one dwelling unit;
 - (j) “dwelling, terrace” means a dwelling containing at least three and no more than six dwelling units, such units being constructed adjointly with common walls, and not one above the other, with individual entrances from the street level directly;
 - (k) “dwelling, two-family” means a dwelling containing two dwelling units;
 - (l) “dwelling unit” means a room or suite of two or more rooms designed or intended for use by an individual or family, in which culinary facilities and sanitary conveniences are provided for the exclusive use of such individual or family;
 - (m) “erect” means to construct, build, assemble or relocate a building or structure, and any physical operations preparatory thereto;
 - (n) “family” means one or more persons, not necessarily related, occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel or boarding or rooming house;
 - (o) “garage, public” means any building, space or enclosure in which motor vehicles or power boats are stored for use (as opposed to being stored for sale) or repaired, whether for the public, for business purposes or for hire;

- (p) “grade” means the finished level of the ground at the exterior walls of a building or structure;
- (q) “height” means, in relation to a building or structure, the vertical distance as measured from mean grade to the highest point on such building or structure;
- (r) “home occupation” means a secondary use conducted in a dwelling and described in section 54;
- (s) “house, boarding” means a dwelling or part thereof in which rooms and meals are provided to lodgers for compensation;
- (t) “house, rooming” means a dwelling or part thereof in which rooms are provided to lodgers for compensation;
- (u) “lot” means a parcel of land or two or more adjoining parcels held by the same owner and used or intended to be used as the site for a building or structure or an appurtenance thereto;
- (v) “lot, corner” means a lot having two or more adjacent sides fronting on two or more intersecting or intercepting streets, and “lot, interior” means a lot other than a corner lot;
- (w) “lot line” means a common line between a lot and an abutting lot, lane or street;
- (x) “lot line, rear” means the lot line extending along the rear of the lot;
- (y) “lot line, side” means a lot line extending from the street line to the rear of the lot;
- (z) “mobile home” means a mobile home as defined in the Municipalities Act;
- (aa) “service station” means a building or space where gasoline, oil, grease, anti-freeze, tires and accessories for motor vehicles are stored or kept for sale and where minor repairs of motor vehicles are performed;
- (ab) “sign” means any display of advertisement, placard, boarding, bill board or other form or means or device whatsoever of public notice or announcement, whether erected, pasted or painted, and any such form or means or device intended, suitable or adaptable for such purpose whether or not it is at the time used for such purpose;
- (ac) “storey” means;
 - (i) that portion of a building between the surface of any floor and surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it, or
 - (ii) a basement or cellar, if the average vertical distance from grade to the ceiling thereof is over 5 feet or such basement or cellar is used for business purposes or for dwelling purposes by other than a janitor (whether including his family or not);
- (ad) “street line” means the common line between a street and lot;
- (ae) “structure” means an erection other than a building or a power or telephone pole or lines;
- (af) “use” means the purpose for which land or a building or structure, or any combination thereof; is designated, arranged, erected, intended, occupied, or maintained;
- (ag) “use, accessory” means a use, other than human habitation, of land or a building or structure which is naturally or customarily incidental and complementary to the main use of the land, building or structure, which is located on the same lot as the main use and which is not a secondary use;
- (ah) “use, secondary” means a use, other than a main use permitted in a dwelling;

- (ai) “width: means, in relation to a lot,
 - (i) where the side lot lines are parallel, the distance measured across the lot at right angles to such lines, or
 - (ii) where the side lot lines are not parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the street line, such parallel line being drawn through the point at which the line of minimum set-back intersects a line from the mid-point of and perpendicular to the line to which it is parallel;
- (aj) “yard” means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a lot line;
- (ak) “yard, front” means, in relation to a main building, structure or use on a lot, that part of the lot between such building, structure or use and the street line at the front of the lot;
- (al) “yard, rear” means, in relation to any building, between such building, structure or use and the rear lot line; and
- (am) “yard, side” means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a side lot line.

Scope

- 2. This By – Law
 - (a) divides the municipality into zones;
 - (b) prescribes, subject to powers reserved in the Advisory Committee,
 - (i) the purposes for which land, buildings and structures in any zone may be used, and
 - (ii) standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform; and
 - (c) prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in clause (b).

PART I – ADMINISTRATION

Powers of the Council

- 3. (1) No building may be erected in the municipality in respect of which, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, streets or other services or facilities.
- (2) When, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may
 - (a) require the improvement, removal or demolition of such building or structure at the expense of the owner thereof; or
 - (b) acquire the parcel of land on which such building or structure is located.
- (3) Subject to subsection (4), within any zone mentioned herein, the Council may
 - (a) designate land to be used for the location or erection of any installation for the supply of electricity, water or sanitary or storm sewers, or for the treatment or disposal of sewerage wastes; and

- (b) use land designated under clause (a) for a purpose therein mentioned.
- (4) No land may be designated or used for the purposes of subsection (3) unless, in the opinion of the Council;
 - (a) such land is essential to the operation of the service concerned; and
 - (b) any development thereon in an R zone is adequately screened from public view.

Special Powers of the Advisory Committee

- 4. (1) No building or structure may be erected on any site where it would otherwise be permitted under this By – Law when, in the opinion of the Advisory Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- (2) The Advisory Committee may, subject to such terms and conditions as it considers fit,
 - (a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this By – Law; and
 - (b) require the termination or removal of a development authorized under clause (a) at the end of the authorized period.
- 5. (1) a person who seeks to have this By – Law amended shall
 - (a) address a written and signed application in duplicate therefore to the Council or the Advisory Committee; and
 - (b) pay a fee of \$50, payable to the Council.
- (2) The Council may, if it deems fit, return all or any part of the fee mentioned in subsection (1).
- (3) An application under this section shall include such information as may be required by the Council or Advisory Committee for the purpose of adequately assessing the desirability of the proposal.
- (4) The Council may refuse to consider an application under this section if such application
 - (a) seeks to re-zone an area of land from one type of zoning to another; and
 - (b) has not been signed by one or more owners of each property in the area mentioned in clause (a).
- (5) Before giving its views to the Council with respect to an application under this section, the Advisory Committee may carry out such investigation as it deems necessary.
- (6) Unless, upon the advice of the Advisory Committee, the Council is of the opinion there is valid new evidence or change in conditions, were an application under this section has been refused by the Council, no further application may be considered by the Council for one year if such application
 - (a) in the case of re-zoning, is in respect of the same area of land with which the original application was concerned; or
 - (b) not being in relation to re-zoning, is similar to the original application.

PART II – ZONES

Classification

6. (1) For the purposes of this By – Law, the municipality is divided into zones delineated on the plan attached as Schedule “A”, entitled “Village of McAdam zoning Map” and dated May, 1976.
- (2) The zones mentioned in subsection (1) are classified and referred to as follows:
- | | | | |
|-----|-------------------------------------|------|--------|
| (a) | single and two – family residential | RI | zones; |
| (b) | rural or green belt | G | zones; |
| (c) | multiple residential | R3 | zones; |
| (d) | commercial | C | zones; |
| (e) | industrial | I | zones; |
| (f) | institutional | Inst | zones; |
| (g) | railway | Rly | zones; |
| (h) | park or open space | P | zones; |
| (l) | warehousing | W | zones; |
| (k) | integrated development | ID | zones; |
- (3) Collectively
- (a) R1, and R3 zones are referred to as R zones
7. In any zone, all land shall be used, and all buildings or structures, or parts thereof, shall be place, erected, altered or used, only in conformity with the requirements of, except as otherwise provided, the part of this By – Law pertaining to such zone.

PART III – R1 ZONES

SINGLE AND TWO – FAMILY DWELLINGS

Permitted Uses

8. (1) Any land, building or structure may be used for the purpose of, and for no other purpose,
- (a) one of the following main uses
- (i) a single – family dwelling
 - (ii) a two family dwelling
 - (iii) a day nursery,
 - (iv) subject to subsection (2), a mobile home park,
 - (v) a park or playground,
 - (vi) a school, or
 - (vii) a small corner store, provided it is situated one half mile from any other store, and the floor area does not exceed 1000 square feet, and
- (b) one or more of the following secondary uses:
- (i) a boarding or rooming house or tourist home, or
 - (ii) subject to section 54, a home occupation; and
- (c) any accessory building, structure or use incidental to the main or secondary use of the land, building of structure if such main or secondary use is permitted by this section.

- (2) A mobile home park is subject to the provisions of any By – Law enacted pursuant to section 188 of the Municipalities Act.

Lot Sizes

9. (1) No building or structure may be placed, erected or altered on a lot unless the lot has and contains
- (a) for single – family dwelling served with municipal water and sewer,
 - (i) a width of at least 60 feet,
 - (ii) a depth of at least 100 feet, and
 - (iii) an area of at least 6,000 square feet.
 - (b) for single – family dwelling served with municipal sewer only,
 - (i) a width of at least 75 feet,
 - (ii) a depth of at least 100 feet, and
 - (iii) an area of at least 7,500 square feet.
 - (c) for two family dwellings,
 - (i) a width of at least 90 feet,
 - (ii) a depth of at least 100 feet, and
 - (iii) an area of at least 9,000 square feet.

Size of Dwellings

10. (1) No single – family dwelling may be placed, erected or altered so that it has a ground floor area less than
- (a) 800 square feet, in the case of a one – storey dwelling;
 - (b) 700 square feet, in the case of a one and one – half storey dwelling;
- or
- (c) 600 square feet, in the case of a two – storey dwelling.
- (2) No single – family dwelling may be placed or erected or altered to become a two – family dwelling has a ground floor area of not less than,
- (a) 700 square feet, in the case of a one – storey dwelling
 - (b) 600 square feet, in the case of a one and one – half storey or two – story unit.
- (3) For the purposes of this section, ground floor area does not include garages, carports, porches, verandas, breezeways, approach halls or, except for those completely contained in a dwelling unit, stairways.

Yards for a Main Building or Structure

11. (1) Subject to section 52, no main building, structure or mobile home may be placed, erected or altered so that it is
- (a) within 25 feet of a street line;
 - (b) within 6 feet of a side lot line; or
 - (c) within 25 feet of a rear lot line.
- (2) A public utility shall not be located so that any part of it is closer to the street line than the building line of neighbouring houses, plus 25 feet.

Height of a Main Building or Structure

12. No main building or structure may exceed 28 feet in height.

Accessory Buildings and Structures

13. No accessory building or structure may
- (a) exceed one storey or 14 feet in height; or
 - (b) be placed, erected or altered so that it is within
 - (i) the front yard of the main building or structure, or
 - (ii) 5 feet of a side lot or rear lot line.

Lot Occupancy

14. Buildings and structures on a lot shall not occupy more than 30 per cent of the area of the lot.

Landscaping

15. (1) Subject to this section, the owner of a lot developed for residential purposes shall landscape
- (a) the front yard of the main building; and
 - (b) that part of the lot within 5 feet of any building thereon.
- (2) The content of landscaping required under subsection (1)
- (a) is a minimum of lawn and ornamental shrubs; and
 - (b) may include paths, patios, walkways and trees.
- (3) Notwithstanding subsection (1), the front yard mentioned therein may be used to a reasonable degree for the purpose of walks and driveways for access to the main building or other use on the lot.

PART IV – G ZONES **RURAL OR GREEN BELT** **Permitted Uses**

16. (1) Any land, building or structure may be used for the purposes of, and for no other purpose,
- (a) one of the following main uses
 - (i) a single-family dwelling,
 - (ii) a summer cottage,
 - (iii) a woodlot,
 - (iv) a farm, including the raising of livestock and the growth of farm and forest produce,
 - (v) a municipal installation or use, or
 - (vi) a community institution or recreational club; and
 - (b) any accessory building, structure or use incidental to the main or secondary use of the land, building or structure if such main or secondary use is permitted by this section.

Lot Sizes

17. (1) No single or two – family dwelling may be placed, erected or altered on a lot unless the lot has and contains
- (a) a width of at least 180 feet;
 - (b) a depth of at least 150 feet;
 - (c) an area of at least 43,560 feet.

Size of Dwellings and Dwelling Units

18. (1) The provisions of section 10 with respect to size of dwellings apply.
(2) No summer cottage may be placed, erected or altered so that it has a ground floor area of less than 480 square feet.

Yards for a Main Building or Structure

19. The provisions of section 11 with respect to yards for a main building or structure apply.

Height of a Main Building or Structure

20. The provisions of section 12 with respect to height for a main building or structure apply.

Accessory Buildings and Structures

21. No accessory building or structure may exceed 50 feet in height.

Lot Occupancy

22. Buildings and structures on a lot shall not occupy more than 25 per cent of the area of the lot.

Landscaping

23. The provisions of section 15 with respect to landscaping apply.

PART V – R3 ZONES **MULTIPLE RESIDENTIAL** **Permitted Uses**

24. (1) Any land, building or structure may be used for the purpose of, and for no other purpose,
- (a) a multiple dwelling, as a main use, and a building, structure or use incidental and accessory thereto.

Lot Sizes for a Multiple Dwelling

25. (1) No multiple dwelling may be placed, erected or altered on a lot unless the lot is serviced by municipal sewer system and has and contains
- (a) a width of at least 100 feet, plus 10 feet for each dwelling unit therein in excess of two;
 - (b) a depth of at least 100 feet; and
 - (c) an area of at least 10,000 square feet plus 1,250 square feet for each dwelling unit therein in excess of two.
- (2) Where a lot mentioned in subsection (1) contains a terrace dwelling, or is intended for such purpose, it may be subdivided under the subdivision By – Law if each lot created thereby has and contains, provided the outside lots also incorporate the required side yards,
- (a) a width of at least 20 feet,
 - (b) a depth of at least 100 feet; and
 - (c) an area of at least 2,000 square feet.

Size of Dwelling Units in a Multiple Dwelling

26. (1) Subject to subsection (2), no multiple dwelling may be placed, erected or altered so that it contains a dwelling unit with a floor area less than 700 square feet.
- (2) a multiple dwelling may contain one dwelling unit with a floor area less than mentioned in subsection (1), if such unit contains at least
- (a) 350 square feet, in the case of a bachelor apartment;
 - (b) 450 square feet, in the case of a one – bedroom dwelling unit; or
 - (c) 625 square feet, in the case of a two – bedroom dwelling unit.
- (3) For the purposes of this section, floor area does not include garages, carports, porches, verandas, breezeways, approach halls or, except for those completely contained in a dwelling unit, stairways.
- (4) A dwelling unit in a terrace dwelling shall not be less than 20 feet in width.

Yards for a Multiple Dwelling

27. The provisions of section 11 with respect to yards for a main building or structure apply mutatis mutandis to a multiple dwelling under this Part.

Height of a Multiple Dwelling

28. A multiple dwelling shall not exceed 40 feet in height.

Buildings and Structures Accessory to a Multiple Dwelling

29. The provisions of section 13 with respect to accessory buildings and structures apply.

Lot Occupancy

30. Where a multiple dwelling is the main use of a lot, buildings and structures thereon shall not occupy more than 50 per cent of the area thereof.

Landscaping

31. The provisions of section 15 with respect to landscaping apply.

PART VI – C ZONES

32. (1) Any land, building or structure may be used for the purposes of, and for no other purpose,
- (a) one or more of the following main uses:
 - (i) an automobile salesroom or sales lot,
 - (ii) a bank or other financial institution,
 - (iii) a hotel or motel,
 - (iv) a municipal or government building,
 - (v) a museum or library,
 - (vi) an office or office building,
 - (vii) a retail store or service shop, or
 - (viii) a service station or public garage; and
 - (b) one or more of the following secondary uses:
 - (i) a dwelling, or
 - (ii) a rooming or boarding house; and
 - (c) any accessory building, structure or use incidental to the main or secondary use of the land, building or structure if such main or secondary use is permitted by this subsection.
- (2) The following main or secondary uses of land or buildings are permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by such committee:
- (a) a bus or other public transportation terminal;
 - (b) a laundry, bakery, dairy, printing establishment or a cleaning or dyeing establishment;
 - (c) a place of amusement or entertainment; or
 - (d) a building, structure or use customarily incidental and accessory to a use mentioned in this subsection.
- (3) Except for gasoline pumps at a service station or public garage, or for a parking lot or automobile sales lot, no use permitted under this section may be established or conducted other than in a completely enclosed building.
- (4) A secondary use mentioned in sub-clause (i) of clause (b) of subsection (1) shall not be located below the second storey of a building.

Lot Sizes

33. The provisions of section 9 with respect to lot sizes for single – family dwellings apply to lot sizes for commercial uses under this part.

Size of a Main Building

34. No main building may be placed, erected or altered so that it has a ground floor area less than 600 square feet.

Size of Dwelling units

35. The provisions of subsections (1), (2), and (3) of section 26 with respect to size of dwelling units apply.

Yards for a Main Building or Structure

36. The provisions of section 11 with respect to yards for a main building or structure apply to free standing buildings.

Buildings may be joined with a common or party wall and side yards therefore are not required provided that the party wall is constructed as a fore wall.

Height of a Main Building or Structure

37. No main building or structure may exceed 40 feet in height.

Accessory Buildings and Structures

38. The provisions of section 13 with respect to accessory buildings and structures apply.

PART VII – I ZONES

INDUSTRIAL

Permitted Uses

39. (1) Any land, building or structure may be used for the purposes of, and for no other purpose,
- (a) one or more of the following main uses:
 - (i) a manufacturing industry
 - (ii) a service industry,
 - (iii) a storage plant, including plant for bulk oil storage,
 - (iv) a warehouse, and
 - (v) an accessory building, structure or use incidental to the use of the main building.

Yards for a Main Building or Structure

40. The provisions of section 11 with respect to yards for a main building or structure apply.

Height of Main Building or Structure

41. No main building or structure may exceed 60 feet in height unless approval has been obtained from Council.

Accessory Building and Structures

42. No accessory building or structure may exceed 40 feet in height unless approval has been obtained from Council. Height of buildings, in section 41, 42 and 50, which have been approved by Council, such height, shall not be exceeded unless the extra height has additional Council approval.

PART VIII – INST. ZONES

INSTITUTIONAL

Permitted Uses

43. (1) Any land, building or structure may be used for the purposes of, and for no other purpose,
- (a) one or more of the following main uses:
- (i) a school,
 - (ii) a church, church hall or church building,
 - (iii) a hospital or health building, or
 - (iv) a municipal or governmental building; and
- (b) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section.

Height of Buildings

44. (1) Subject to subsection (2), no building may exceed 50 feet in height.
- (2) a religious institution building may not exceed in height
- (a) for the main portion, 60 feet; and
 - (b) for spires, belfries, or other subsiding features, a distance equal to twice the height of the main portion of the building.

Set – Back

45. No building or structure may be placed, erected or altered so that such building or structure is closer to a street line than 30 feet.
46. No building or structure may be placed, erected or altered so that such building or structure is closer to a side lot line than 20 feet, or a rear lot line than 30 feet.

PART IX – RLY ZONES

RAILWAY ZONE

Permitted Uses

47. No land, building or structure, or any part thereof, may be used for purposes other than railway and accessory uses.

PART X – P ZONES
PARK OR OPEN SPACE
Permitted Uses

48. (1) Any land, building or structure may be used for the purposes of, and for no other purpose,
- (a) one or more of the following main uses:
 - (i) public open space for the aesthetic or other use of the general public, or
 - (ii) a park or playground; and
 - (b) subject to subsection (2), any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section.
- (2) A use permitted under clause (b) of sub-section (1) is permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by such committee.

PART XI – W ZONES
WAREHOUSING
Permitted Uses

49. (1) Any land, building or structure may be used for the purposes of and for no other purpose,
- (a) one of the following main uses:
 - (i) storage in connection with a transport industry;
 - (ii) a storage plant, not including plant for bulk petroleum storage;
 - (iii) a trailer or truck depot; or
 - (iv) a warehouse

Standards

50. (1) No building or structure may
- (a) be placed, erected or altered so that such building or structure is closer
 - (i) to a street line than 30 feet,
 - (ii) to a side lot line than 15 feet,
 - (iii) to a rear lot line than 20 feet, or
 - (iv) be over 40 feet in height

PART XII – ID ZONES
INTEGRATED DEVELOPMENT

50.1 An integrated development shall be carried out, subject to such terms and conditions which comply with section 39 of the Community Planning Act.

PART XIII
GENERAL PROVISIONS
Number of Main Buildings or Structures on a Lot

51. Except as herein provided, no more than one main building or structure may be placed or erected, and no building or structure may be placed or erected, and no building or structure may be altered to become a second main building or structure, on a lot.

Building and Structure Projections

52. (1) The requirements of this by – Law with respect to placing, erecting or altering a building or structure in relation to a lot line or street line apply to all parts of the building or structure except for projections which do not protrude into required yards in excess of
- (a) 6 inches, for sills, leaders, belt courses or similar ornamental features;
 - (b) 18 inches, for chimneys, smoke stacks or flues;
 - (c) 24 inches, for cornices or eaves;
 - (d) 40 inches, for window or door awnings, or open or lattice – enclosed fore balconies or fire escapes; or
 - (e) subject to subsection (2),
 - (i) 4 feet, for steps or unenclosed porches, or
 - (ii) 6 feet, for balconies of upper storeys of multiple dwellings which are not enclosed above a normal height.
- (2) Projections mentioned in clause (e) of subsection (1) may not extend into a required side yard to a greater extent than one-half the required width of the yard.
53. (1) Subject to this section, no building or structure may be placed, erected, altered or used unless vehicular off-street parking spaces are provided in accordance with the requirement of this section.
- (2) Off-street vehicular parking spaces mentioned in subsection (1) shall be provided on the following basis:
- (a) for dwelling units, not less than one space for each dwelling unit;
 - (b) for a church or church hall, not less than one space for every 10 fixed seats, or not less than one space for each 100 square feet of gross floor area, whichever is the greater;
 - (c) for retail stores and service shops, not less than one space for every 150 square feet of retail sales floor space; or
 - (d) for schools, not less than one space for every classroom and, where an auditorium or place of assemble is included therein, an additional space for every 100 square feet of auditorium or assembly area.

- (3) A parking space shall be
 - (a) an area of not less than 20 feet in length and not less than 10 feet in width;
 - (b) readily accessible from the nearest street; and
 - (c) not more than 500 feet from the building which it serves.

- 54. (1) Subject to subsection (2), where a home occupation is permitted under this By – Law, one of the following occupations may be conducted as a home occupation in the main dwelling:
 - (a) an occupation as a doctor, dentist, architect, artist, designer, accountant, lawyer or professional engineer in an office or studio therein;
 - (b) an insurance salesman;
 - (c) dressmaking;
 - (d) a day nursery or kindergarten;
 - (e) the teaching of dancing or music to not more than 4 students at a time; or
 - (f) a barber shop or beauty parlour.
- (2) A home occupation is subject to the requirements that
 - (a) not more than one person is engaged therein in addition to members of the family resident in the dwelling unit in which it is located;
 - (b) it is confined to the dwelling unit mentioned in clause (a), and no part of it is located in an accessory building or structure;
 - (c) the floor area of the dwelling unit which is devoted to it does not exceed the greater of
 - (i) 20 percent of the floor area of the dwelling unit, or
 - (ii) 300 square feet;
 - (d) no change, except for a sign permitted under subsection (2) of section 56, is made in the outside appearance of the building which would indicate that a home occupation is being conducted therein;
 - (e) no goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
 - (f) no equipment or material used therein is stored other than in dwelling unit mentioned in clause (a);
 - (g) two off-street parking spaces are provided in excess of those required under section 53.

Stripping of Top Soil

- 55. (1) Subject to this section, no person may strip, excavate or otherwise remove top soil for sale or for use from a lot or other parcel of land.
- (2) Where, in connection with the construction of a building or structure, there is an excess of top soil other than that required for grading and landscaping on the lot, such excess may be removed for sale or for use.
- (3) Notwithstanding subsection (1), the farming of sod may be carried on where the owner of the land has entered into an agreement with the council making arrangements satisfactory to the Council for the rehabilitation of the land.

Signs

56. (1) Other than a traffic control device as defined by the Motor Vehicle Act, a legal notice or a store window sign advertising goods for sale therein, the placing, erecting or displaying of a sign not expressly permitted by this section is permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by such committee.
- (2) Subject to subsection (3), in any zone, a non-illuminated sign may be placed, erected or displayed on any land, building or structure if such sign
- (a) advertises the sale, rental or lease of such land, building or structure;
 - (b) identifies by name the property or the residents thereof;
 - (c) indicates a home occupation permitted hereunder; or
 - (d) warns against trespass.
- (3) Unless otherwise provided by this section, a sign mentioned in subsection (2) shall not exceed
- (a) in number, one for each purpose mentioned therein; or
 - (b) in size,
 - (i) 6 square feet, for a sign mentioned in clause (a) thereof, or
 - (ii) two square feet, for a sign mentioned in clause (b), (c) or (d) thereof.
- (4) In a C or I zone, the following signs may be placed, erected or displayed:
- (a) a sign placed flat against the front of a building indicating the ownership or nature of the business carried on therein, provided the gross surface area of such sign does not exceed
 - (i) 60 square feet, in the case of a non-illuminated sign, or
 - (ii) 30 square feet, in the case of an illuminated sign; or
 - (b) a free-standing sign not exceeding 40 square feet in gross surface area, in the case of a service station.
- (5) In a G zone the following signs may be placed, erected or displayed:
- (a) one sign not exceed 40 square feet in gross surface area indicating the name of a farm; and
 - (b) one sign not exceeding 18 square feet in gross surface area indicating the sale or rental of the property on which it is placed.
- (6) No sign may
- (a) be an imitation of a traffic control device or contain the words “stop”, “go”, “go slow”, “caution”, “danger”, “warning” or similar words;
 - (b) have a size, location, movement, content colouring or manner of illumination which may be confused with, construed as, or tend to hide from view any traffic control device; or
 - (c) advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.

Fences

57. (1) Notwithstanding any other provision of this By – Law, subject to this section, of fence may be placed or located in a yard.
- (2) No fence in a required front yard may exceed 2 ½ feet in height.

- (3) Subject to subsection (2), no fence may exceed a height of
 - (a) 4 feet, in a R zone; or
 - (b) 6 feet, in a zone other than an R zone.

Line of Vision at an Intersection

58. No building, structure, fence, shrub or tree foliage may obstruct the line of vision at a street intersection between the heights of 3 and 10 feet above the grade of the streets within an area bounded by the center lines thereof and a line joining a point on each center line 80 feet from their intersection.

Lighting Facilities and Illuminating Devices

59. No lighting facilities or illuminating device for any purpose may be arranged in such manner as to cause a nuisance.

READ FIRST TIME: October 25, 1976

READ SECOND TIME: October 25, 1976

READ THIRD TIME
AND ENACTED: December 9, 1976

Original signed by : Marjorie O'Keefe
Clerk

Original signed by : Frank M. Carroll
Mayor

BY – LAW NO.
AMENDMENT TO BY – LAW NO. 36
THE ZONING BY – LAW

The Council of the village of McAdam, under authority vested in it by the Community Planning Act, enacts as follows:

(1) By – Law No. 36, the Zoning By – Law, is amended by striking out paragraph (1) of section 6 on page 9 of the Zoning By – Law, and substituting therefore as follows:

For the purposes of this By- Law, the municipality is divide into zones delineated on the plan attached as Schedule “A”, entitled “Village of McAdam Zoning Map” and dated June, 1977.

READ FIRST TIME: August 10, 1077

READ SECOND TIME: August 10, 1977

READ THIRD TIME
AND ENACTED: September 13, 1977

Original signed by: Marjorie O’Keefe
Clerk

Original signed by: Frank M. Carroll
Mayor