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PART A: Rural Plan Title and Designation

RURAL PLAN BY-LAW NO. 39-04

VILLAGE OF GRAND MANAN

UNDER SECTION 27.2 OF THE COMMUNITY PLANNING ACT, THE COUNCIL OF GRAND MANAN ADOPTS THE FOLLOWING BY-LAW:

1. THIS BY-LAW MAY BE CITED AS THE RURAL PLAN BY-LAW FOR THE MUNICIPALITY OF GRAND MANAN

2. THE AREA OF LAND SITUATED IN THE MUNICIPALITY OF GRAND MANAN AS DESCRIBED IN THE MUNICIPALITIES ACT, IN THE COUNTY OF CHARLOTTE AND DESIGNATED FOR THE PURPOSE OF THE ADOPTION OF A RURAL PLAN IS THE AREA TO WHICH THIS BY-LAW APPLIES.

3. THE RURAL PLAN FOR THE MUNICIPALITY OF GRAND MANAN IS ADOPTED FOR THE AREA DESCRIBED IN SECTION 2 OF THIS BY-LAW.

4. THE MUNICIPAL COUNCIL OF THE VILLAGE OF GRAND MANAN REPEALS THE FOLLOWING BY-LAWS AND REPLACES THEM WITH THIS RURAL PLAN:

(A) VILLAGE OF NORTH HEAD BASIC PLANNING STATEMENT BY-LAW 13 AND ZONING BY-LAW 14

(B) VILLAGE OF SEAL COVE BASIC PLANNING STATEMENT BY-LAW 20

(C) VILLAGE OF GRAND HARBOUR BASIC PLANNING STATEMENT BY-LAW 20

READ A FIRST TIME IN ITS ENTIRETY: THIS 5 DAY OF February 2004.

READ A SECOND TIME BY TITLE ONLY: THIS 5 DAY OF February 2004.

READ A THIRD TIME BY TITLE ONLY AND ENACTED: THIS 5 DAY OF April 2004.

CLERK

MAYOR

Seal

PART B: Vision Statement, Objectives, & Policies and Proposals

Purpose

The purpose of this Plan is to provide a framework for the orderly development and growth of the Planning Area, in accordance with sound land use planning policies and principles. This will help guide development in the municipality. Reviews will be conducted in accordance with the requirements of the Community Planning Act. The plan has a long-term perspective but provides mechanisms for short and intermediate term decision-making.

1. GENERAL OBJECTIVES

The following general objectives serve to balance development pressures, environmental integrity, and community identity within the Municipality of Grand Manan Planning Area. The general objectives of this plan are:

- (a) to promote orderly growth of the Planning Area in a manner most beneficial to present and future use of residents;
- (b) to minimize incompatible land uses;
- (c) to preserve and enhance the aesthetics of the rural landscape;
- (d) to protect agricultural land for the continuation and expansion of agricultural operations in suitable locations;
- (e) to discourage polluting and nuisance uses;
- (f) to protect surface water and groundwater resources;
- (g) to direct development to areas where an appropriate level of services are available, or could be made available at a reasonable cost;
- (h) to encourage existing settled areas to develop in an orderly fashion with an appropriate range of uses and facilities to serve residents;
- (i) to facilitate the development of recreational sites and facilities;
- (j) to discourage development on land with environmental constraints;
- (k) to direct development to locations that make the best use of the existing transportation network;
- (l) to preserve and enhance the traditional fisheries; and
- (m) to limit diversity of the economy to projects that are environmentally suitable for the island.

2. OBJECTIVES OF THE RURAL PLAN

Grand Manan Island is located in southwestern New Brunswick in the Bay of Fundy. It is approximately 32 kilometres (20 miles) from mainland New Brunswick and 12.5 kilometres (7.75 miles) from the southern tip of Campobello Island just east of West Quoddy Head. The island is approximately 11 kilometres (6.8 miles) wide and 24 kilometres (15 miles) long with its axis running northeast. It includes five communities amalgamated into the Municipality of Grand Manan. Since Grand Manan Island has a fragile environment, it is important to minimize the conflict of uses. The inhabitants of the areas not formerly constituted as municipalities are also concerned by the dispersed nature of development. The citizens of Grand Manan wish to regulate present and future development through a rural plan and thereby minimize the impact on the environment.

The purpose of this by-law is therefore to promote the harmonious development of the Municipality of Grand Manan Island by so managing growth and development. It is intended to protect and optimize the use and availability of the lands and aggregates, agricultural land, woodland, peat land, water, plant and animal life resources of the non-urbanized areas of the island. Policies, proposals and zoning standards find their rationalization and explanation in the Background Study for the rural plan of Grand Manan.

3. STATEMENTS OF POLICY AND PROPOSALS WITH RESPECT TO:

The policies and proposals come from recommendations taken from the Background Study and have been considered for adoption by Council.

A policy is a general statement of intent. A proposal is a statement outlining specific and tangible measures to satisfy or implement a policy. Several proposals may relate to a single policy.

4. General Development

The manner in which, and location where, development occurs influences the quality of life of residents. Managing future development is important to separate incompatible uses and provide necessary services to residents such as parkland, safe transportation routes, and public and private utilities. Growth management should also anticipate potential problems due to the cumulative impacts of development.

Policy

It is the policy of the Village Council to manage growth and development to ensure that it is orderly, efficient and sustainable.

Proposals

It is proposed by the Village Council to:

- a) Plan the configuration of proposed lots so as to prevent or limit the impacts to the natural environment and compliment adjacent development.
- b) Ensure that all future lots have sufficient area to accommodate the proposed uses and associated on-site services.
- c) Ensure that future development shall not aggravate existing, or create future, storm water management problems, in terms of surface water quality or quantity.

- d) Ensure that an integrated development zone permitting a combination of uses is subject to section 34(4)(b) of the Community Planning Act.

5. Land Use Development

A. Residential Uses

The residential activity of the Municipality of Grand Manan Island is comprised mainly of single-family dwellings and should be encouraged as such in specific areas on the main island.

Policies

It is the policy of the Village Council to:

Plan the residential development of the communities so as to maintain the existing rural character of fishing communities.

Proposals

The Village Council proposes to:

- a) Zone adequate land for residential uses to accommodate demands for future residential development;
- b) Permit special care homes in all zones that permit single detached dwellings;
- c) Discourage residential development within, or adjacent to, environmentally sensitive and/or hazardous lands, such as steep slopes, major geological faults, flood plains, and organic soils.

B. Heritage Buildings and Sites of Historical or Archeological Interest Uses

It is acknowledged that measures may be put in place in order to protect heritage buildings and sites of historical or archeological interest.

Policies

It is the policy of the Village Council to:

- a) Define the local heritage character and identify, on an ongoing basis, the places or sites of archeological or historical importance and the buildings and works of historical or architectural significance;
- b) Pass, where deemed necessary, by-laws to establish Heritage Preservation Areas as well as design and development guidelines for areas and sites of recognized historical and/or archeological significance. Heritage Review Boards may recommend to Council for consideration heritage resources including, but not limited to; buildings, lands, main streets, neighborhoods, individual sites, parks, vistas, and open spaces and trees.

Proposals

It is proposed by the Village Council to:

- a) Consider that any development close to an area recognized and designated as a historical and/or archeological significant site is subject to the provisions of the Municipal Heritage Preservation Act as described in the background study;

- b) Preserve the heritage resources in harmony with their historical character;
- c) Adopt adequate protective measures for the sites, buildings or works of acknowledged historical and archeological importance;
- d) Encourage development to preserve significant archaeological areas, cultural heritage resources, and other historic sites that possess the following characteristics as determined by the Heritage Review Board:
 - I. Architectural, cultural, social, political, and/or economic patterns of the Island’s history; and/or
 - II. Association with specific individuals, events, communities, or institutions that have shaped that history.

C. Social and Community Development Uses

As residential growth occurs, there are increased opportunities and demands for community facilities, such as places of worship, emergency service facilities, community halls, clinics and special care facilities. However, for such facilities and services it is important to recognize the demographic make-up of the population. Grand Manan’s population is aging similar to national and regional trends. The proportion of residents over sixty will increase over the life of this Plan. There are many planning implications associated with an aging population, including changing service and housing demands.

Policy

It is the policy of the Village Council to:

Recognize the importance of social and community services and facilities to the well being and quality of life of residents.

Proposals

It is proposed by the Village Council to:

- a) Allow various housing options to suit the needs of residents, including low income families and seniors;
- b) Encourage that community facilities for senior and disabled residents be located in areas with easy access to commercial uses and other community facilities; and
- c) Make available recreational opportunities for existing and future residents.

D. Institutional Uses

Institutional facilities are an essential component in community development in the rural areas. To reinforce the existing community facilities, the Municipality of Grand Manan Island intends to implement the following principles.

Policy

It is the policy of the Village Council to:

Encourage the involvement of community agencies in the maintenance and/or installation of community facilities so

as to promote the effective use thereof.

Proposal

It is proposed by the Village Council to:

Permit the establishment of community facilities so as to promote the effective use of these facilities, infrastructures and public services.

E. Commercial Uses

Commercial uses such as offices, retail establishments, and services providing local employment and reduced frequency of trips off the island are an essential component of a coherent and viable community.

Policies

It is the policy of the Village Council to:

- a) direct commercial development to appropriate and convenient locations to serve the public, considering transportation patterns;
- b) recognize the special location requirements of recreational commercial establishments;
- c) plan commercial development so as to promote the effective use of the lands, infrastructures and public services;
- d) plan commercial development so as to maintain the rural character of the fishing communities it serves;
- e) address the issue of liquor licensing with respect to the usage of land, buildings and structures in the Village of Grand Manan.

Proposals

It is proposed by the Village Council to:

- a) allow the installation of small commercial establishments and/or home occupations in those areas in which residential uses are predominant;
- b) ensure that commercial properties provide adequate loading and parking areas and allow for the maneuvering of vehicles on site; and ensure that the use of land, buildings and structures requiring approval under the liquor control Act shall be considered by council pursuant to Section 39 of the Community Planning Act.

F. Recreational and Tourist Uses

With its shoreline, beaches, peat bogs and salt marshes, Grand Manan Island offers a particularly picturesque and ecologically rich environment. The aesthetics and biodiversity of the coasts and wetlands are an important component in the quality of life of the island residents and offer immense recreational, tourist and environmental interpretation potential for the Municipality of Grand Manan Island. The Municipality of Grand Manan Island

therefore intends to implement the following policies in order to reinforce the availability of recreational services and encourage the development of interpretation and eco-tourism sites:

Policies

It is the policy of the Village Council to:

- a) allow the recreational and tourist development in the communities so as to maintain their rural character and their environmental sustainability;
- b) permit the development of recreational and tourist infrastructures that are environmentally sustainable while promoting the efficient use of the existing infrastructures; and
- c) allow public open space and recreation opportunities available to, and suitable for, all residents of the Village.

Proposals

It is proposed by the Village Council to:

- a) promote the diversification of recreational facilities so as to promote the efficient use of the existing facilities, infrastructures and services;
- b) consider, when resurfacing the main roads of the island, bicycle paths.

G. Industrial Uses

Confronted with the need to provide the islands' population with stable and diversified jobs, and to preserve the resources and protect the environment, the Municipality of Grand Manan Island intends to promote industrial activities that are compatible with protection of the natural environment.

Policies

It is the policy of the Village Council to:

- a) where possible, plan industrial development so as to promote the effective use of the lands, infrastructures and public services;
- b) plan industrial development so as to preserve the rural character of the fishing communities; and
- c) manage the type and location of industrial uses in order to reduce or eliminate potential conflicts between these industries and other land uses.

Proposals

It is proposed by the Village Council to:

- a) allow, in predominantly residential areas, the establishment of small industrial establishments that are compatible with the rural character of these areas, that meet the needs of the residents, and that conform to the environmental standards prescribed by the Department of Agriculture, Fisheries and Aquaculture, the Department of Environment & Local Government and/or the Department of Health & Wellness and the Department of Family & Community Services;
- b) permit, in order to reduce or prevent potential conflicts between industrial activities and the other land

uses, the establishment of heavy industry or industry that is incompatible with other land uses only in the existing commercial and industrial sites, providing that these developments shall be carried out in accordance with the environmental standards prescribed by the Department of Environment and Local Government, the Department of Health & Wellness, and the Department of Family & Community Services, and that the type and location of industrial uses be managed appropriately;

- c) establish that particular measures, such as natural vegetation buffers, be left in place or put in place to minimize the potential conflicts between industrial activities and other adjacent residential uses;
- d) allow new recycling operations as an amendment to this plan and in accordance with Section 39 of the Community Planning Act; and when a request for rezoning under Section 39 of the Community Planning Act has been received in regard to recycling operations, ensure that the Department of the Environment give terms and conditions in regard to at least the following elements:
 - 1) projected operation plan and its impact on the water table;
 - 2) protection measures in order to protect people, adjacent properties and existing private and public infrastructures;
 - 3) required inspection type and its frequency; and
 - 4) site's rehabilitation measures when the activity has stopped.

H. Natural Resources Uses

Pits, quarries, and forestry activities are important to meet the present and future construction and resource demands. Extractive industrial uses include the storage, extraction, and processing of aggregate and consolidated material. The Village has potential for extractive uses. Wise management of these resources must consider possible impacts to on-site and adjacent land uses, environmentally sensitive areas (such as fishery resources), and on the water table or the possibility of salt-water intrusion into the water table.

Policies

It is the policy of the Village Council to:

- a) promote wise management of natural resources to support both environmental quality and economic growth; and
- b) permit extractive industrial uses where there is sufficient separation from existing and zoned incompatible uses.

Proposals

It is proposed by the Village Council to:

- a) set standards for existing sites, for the separation of gravel pits and quarries from residential and other incompatible land uses;
- b) maintain buffering and separation between gravel pits or quarries and incompatible uses to reduce off-site impacts such as dust, noise and vibrations;
- c) consider future development of pits and quarries on the island only in compliance with terms and conditions under section 39 of the Community Planning Act;

- d) when a request for rezoning under Section 39 of the Community Planning Act has been received, ensure that the Planning Advisory Committee, Department of Natural Resources and Energy, and Department of Environment & Local Government give terms and conditions in regard to the following elements:
 - 1) projected extraction plan and its impact on the water table;
 - 2) protection measures in order to protect people, adjacent properties and existing private and public infrastructures;
 - 3) required inspection type and its frequency; and
 - 4) site's rehabilitation measures when the activity has stopped.
- e) establish particular measures to minimize potential conflicts between aggregate development activities, other land uses, and the protection and conservation of the environment;
- f) encourage the rehabilitation of extraction sites located near highways and areas of settlement;
- g) encourage developers of the forestry uses to limit their cutting to a manageable area to avoid future erosion and sedimentation.

6. Environment

A. Human-Made Hazards

Some land uses create dangerous or unhealthy conditions for future land uses and the natural environment. Hazardous materials may be dumped in abandoned landfill sites. These hazardous materials may be extremely dangerous or potentially dangerous depending on their concentration. The lands where the hazardous materials are dumped or stored may become potential areas of gas migration and/or soil and groundwater contamination.

Policy

It is the policy of the Village Council to:

direct residential development away from human-made hazardous materials concentration sites.

Proposals

It is proposed by the Village Council to:

- a) require proponents of developments adjacent to abandoned land fill sites and present or abandoned petroleum storage facilities to assess the level of risk to the health and well-being of existing or future residents and carry out remedial works to address identified problems;
- b) encourage rehabilitation of sites already contaminated or subject to be contaminated, such as abandoned pits and quarries.

B. Water Protection

Water plays a decisive role in our lives as a resource, and potable water is a vital necessity. Surrounded by salt water, the inhabitants of Grand Manan Island are completely dependent on underground water reserves for their potable water supply. The unregulated operation of quarries, clear cutting, the drainage of surface waters, demographic pressures and changing water consumption habits have made the refilling of the aquifers and the sustainable use of potable water increasingly problematic. The Municipality of Grand Manan Island therefore

intends to implement the following policies in order to ensure the protection, conservation and use of water resources.

Policies

It is the policy of the Village Council to:

- a) plan land use so as to minimize the negative impact that resource development and land development could have on the aquifers;
- b) participate in the development and implementation of a public information program to encourage responsible use, storage, transportation and disposal of materials which have the potential to contaminate groundwater supplies;
- c) participate in the development of policies related to the quantity of groundwater supplies through efforts to encourage conservation.

Proposals

It is proposed by the Village Council to:

- a) require proof of adequate supply of potable water from a hydrological engineer before industrial developments or residential developments of 10 lots or more are approved;
- b) discourage the practice of pumping out, draining, and/or filling with material or liquid of the fresh water and salt water marshes;
- c) through zoning measures, protect known aquifers with buffer zones of established vegetation or untreated borders, or limitation of building density based on water yields.

C. Soil Conservation

Policies

It is the policy of the Village Council to:

Protect soils from erosion or sedimentation of water bodies from poor development practices.

Proposals

It is proposed by the Village Council to:

- a) encourage removal of only those trees, shrubs and grasses, which must be moved for construction;
- b) direct development away from slopes in excess of 15%.

7. Economy

The quality of life of residents is directly tied to the strength of the local economy. A strong and sustainable economy that utilizes the human and natural resources of the community provides jobs and helps establish viable communities with amenities to be enjoyed by all residents. Similarly, the financial well being of the municipality is

important to the provision of adequate services to residents. Land use planning should serve to strengthen the economy by supporting growth and development that is efficient, environmentally sustainable, financially viable, and does not place an undue burden on private enterprises or the municipality in the provision of services.

Policies

It is the policy of the Village Council to:

- a) encourage the creation of employment opportunities and easy access to goods and services; and
- b) promote economic development activities that are environmentally sustainable and do not place an undue burden on public resources and infrastructure.

Proposals

It is proposed by the Village Council to:

- a) encourage the growth and long-term viability of existing resource sectors of the local economy, such as agriculture, forestry, mining, aquaculture and fisheries related industries, in harmony with the environmental protection of the Island;
- b) allow the establishment of cottage industries and home based businesses, including bed and breakfast establishments, provided they are compatible with residential uses; and
- c) utilize the existing physical infrastructure in the Village in an efficient manner to build a strong economy.

A. Operation of Woodlots

The natural or improved forest space represents a long-term value to society that may exceed that of the real estate market. The relatively low price of woodlots exposes them to other uses, with a corresponding reduction in production capacities and the development of conflicts between woodlot owners and other users of the lands. The Municipality of Grand Manan Island therefore intends to implement the following policies to ensure a land use of natural or improved woodlots:

Policies

It is the policy of the Village Council to:

- a) plan the use of the lands so as to maximize the forest space; and
- b) allow the development of woodlots providing they can maintain the existing rural character of the communities and are environmentally sustainable.

Proposals

It is proposed by the Village Council to:

- a) ensure that woodlot operations respect the existing rural character of the communities and be adapted to the potentials and limitations of the region; and
- b) promote the sustainable development of woodlots.

PART C: Zoning Provisions

SECTION 1 - ZONING MAP AND INTERPRETATION

1.1 The Zoning Map appearing in “Schedule A” entitled “The Municipality of Grand Manan Zoning Map”, is the zoning map designated for Grand Manan.

1.2 In this Regulation

“abattoir” means a building or structure specifically designed to accommodate the penning and slaughtering of live animals and the preliminary processing of animal carcasses and may include the packing, treating, storage and sale of the product on the premises;

“accessory building” 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 or complementary to the main use of the land, building or structure;

“accessory structure” means a structure 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;

“accessory use” means a use, other than for human habitation, of land or a building or structure that is not the main building or structure of a lot, which is naturally or customarily incidental and complementary to the main use of the land, building or structure that is performed on that lot, and which is not a secondary use;

“Act” means the Community Planning Act;

“aggregates” means sand, gravel, clay, shale or limestone extracted;

“agricultural and waste composting operation” means a facility whose primary purpose is the composting of food waste and organic material;

“agricultural use” means the use of land for the purpose of producing crops and/or livestock, but excludes henneries or piggeries;

“alter” means in relation to a building or structure, to make any structural or other change that is not for purposes of maintenance only;

“animal hospital” means an institution providing medical and/or surgical treatment and nursing care for ill and injured animals;

“aquaculture operation” means land devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use;

“artisan shop” means a building or structure for the production or sale of goods produced by a skilled manual worker, craft person, or artist;

“assembly hall” means a building or structure for the gathering together of groups, especially for a deliberate purpose;

“autobody shop” means a building and premises used primarily for the commercial repair of damage to the chassis

of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing, and similar activity;

“automobile storage area” means an open space either used or required for the standing of motor vehicles held for sale or rental;

“automotive car wash” means the use of land and structures when the primary activity is for washing motor vehicles;

“automotive service station” means a building and premises where gasoline, oil, grease, batteries, tires, accessories, and automobile repairs may be supplied and dispensed at retail;

“auto scrap yard” or “salvage yard” means a building, warehouse, yard or other place or premise in or on which are stored or kept automobiles, auto parts or any other salvage object;

“bed and breakfast establishment” means an owner-occupied single-detached dwelling in which there are rooms for rent as short-term accommodation and may include the provision of breakfast to those persons residing temporarily at the establishment;

“boarding stable” means a building in which domestic animals are sheltered and fed, usually for a fee.

“buffer area” or “buffer strip” means, a landscaped or natural area to separate and partially obstruct the view of two adjacent land uses or properties from one another;

“building” means any roofed erection with solid exterior walls, which is used or intended as a shelter for persons, animals or chattels;

“building supply store” means the use of land and structures where the primary activity is the sale of building and/or construction materials;

“business or professional office” means a business where professional or personal services are provided for gain and where the sale at retail of goods, wares, merchandise, articles or things is only accessory to the provisions of such services, including but without limiting the generality of the foregoing, offices for the following: lawyers, accountants, insurance sales, travel agency, government services, and other similar services;

“camp”, “cabin”, or “lodge” means a structure used for periodic recreation uses and is designed in such a manner that the structure is not likely to be used as a full time residence;

“clinic” means a building or part thereof, used exclusively by physicians, dentists, or other health professionals, their staff, and their patients for the purpose of consultation, diagnosis and office treatment of humans, and without limiting the generality of the foregoing, a clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms;

“commercial agriculture operation” means an agricultural use that is the primary means of employment;

“commercial use” means a use as described according to subparagraphs 4(1)(a)(xvi) and 6(1)(a)(iv) of this by-law;

“community center” means a place providing social facilities for a neighbourhood;

“community services” means establishments primarily engaged in providing services for individuals, business and government establishments and other organizations, and could include hotels and other lodging places, establishments providing personal business, repair and amusement services, educational institutions, membership organizations and other miscellaneous services;

“concrete or asphalt batching plant” means an industrial facility used for the production of concrete or asphalt, or asphalt and concrete products, used in building or construction, and includes facilities for the administration of

management of the business, the stockpiling of bulk materials used in the productions process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products;

“conservation use” means the preservation, protection and/or improvement of the components of the natural environment through management and maintenance for both the individual and societies, both in the present and in the future;

“construction and demolition debris disposal site” means a disposal site meeting the requirements of the Department of Environment and Local Government “Guidelines for the Siting and Operation of a Construction and Demolition Debris Disposal Site” April 1999;

“convenience store” means a retail commercial establishment supplying groceries, sundries and other daily household necessities to the immediate surrounding area.

“cottage” means a building or structure designed and built as an independent and separate housekeeping establishment with separate culinary and sanitary facilities, provided for the exclusive use of one family for the occupancy during vacation periods and not for permanent occupancy;

“development officer” means a person appointed pursuant to the Building By-Law for the Village of Grand Manan;

“drinking establishment” means any business that relies on the sale and consumption of alcohol;

“duplex” means a building that is divided horizontally into two separate dwelling units each of which has an independent entrance either directly from outside or through a common vestibule;

“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;

“dwelling” means a main building or part thereof having one or more dwelling units, but does not include a mobile home or mini home;

“dwelling, single detached” means a single dwelling unit which is freestanding, separate and detached from other main buildings or main structures and includes a prefabricated or manufactured single dwelling unit, including a modular home **but not including a mini home or mobile home.**

“dwelling, semi-detached” means a building divided vertically into two side-by side separate dwelling units each of which has independent entrances and independent parking facilities.

“erect” means to construct, build, assemble or relocate a building or structure and encompasses the preparatory operations of the construction, building, assembling or relocation of the building or structure;

“excavation site” means the top or base of the slope of the excavation, or any building, structure or site of any intended repair or storage, used for the excavation of sand, gravel, clay, shale, limestone or other deposit for a development or for purposes of the sale or other commercial use of the material excavated;

“factory outlet” means a building or part of a building, accessory to a permitted industrial use, where the products manufactured by that industry are kept for wholesale or retail sale;

“family” means one or more persons, not necessarily related, occupying a premise and living as a single housekeeping unit, as distinguished from a group of persons occupying a hotel, or boarding or rooming house, or a group home;

“farming operation” means the use of land for purposes of producing crops or livestock and includes the production of sod, a nursery, a greenhouse, a riding school, a riding stable and a kennel for commercial purposes;

“fishing and aquaculture facilities” means land devoted to the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal use;

“fish and livestock reduction plant” means a building or part of a building where fish or livestock offal, whole or parts of fish or livestock, or any combination thereof is rendered into fish meal, fertilizer, slurry or other by-product but shall not include a fish plant;

“fishing related activities” means the use of land for purposes of storage by the owner of the land, or a person designated by him, of materials and equipment used by an individual holding one or more permits to practice commercial fishing;

“fish processing” means all methods of handling of dead fish to enhance their market value;

“forestry use” or “forest related activity” means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection and production of water supplies, and the preservation of recreational resources;

“garden suite” means a temporary building on a lot otherwise occupied by a single-detached dwelling and is intended for the sole occupation of persons related to, or dependent on, the owners of the main dwelling;

“group home” means an “approved home” as defined in Chapter M-10, Mental Health Act;

“hennery” shall be defined as 25 or more hens or other fowl;

“hobby farm” means an agricultural use which is secondary to other gainful employment of the owner or resident of the land, buildings, structures and/or uses with a maximum acreage of 10% of the total area of the lot up to a maximum of 2 hectares;

“home occupation” means any non-industrial employment, conducted for financial gain or support, as a secondary use within a dwelling unit, or an accessory building, by one or more members of a family residing in such a unit;

“household pet” means a domestic animal customarily kept within a dwelling or accessory building for the sole purpose of pleasure rather than utility and includes dogs, rabbits, small birds, and rodents, but excludes cattle, sheep, horses, pigs, poultry, foxes and birds and animals customarily kept as farm animals and exotic animals such as deer, llamas or other animals customarily kept in zoos;

“institutional use” means a use as described according to paragraph 10(1)(a) of this by-law;

“irregular lot” means a lot that is not uniform in shape and does not have an easily identifiable or measurable shape;

“kennel” means a breeding or boarding place for dogs;

“landscape, natural” means a landscape dominated by elements of nature, with little or no human influence;

“livestock” includes cattle, horses, mules, donkeys, llamas, alpacas, deer, bison, buffalo, pigs, sheep, goats, ostriches, emu, fur-bearing animals, chickens and turkeys and other fowl.

“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;

“main building” means a building in which is conducted the main or principal use of the lot on which the building is located;

“manufacturing and/or processing plant” means the use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substances, article, thing or service;

“mini home” will be considered the same as “mobile home” as defined under Section 188 of the Municipalities Act;

“mobile home” means a mobile home as defined under Section 188 of the Municipalities Act;

“mobile home park” means a mobile home park as defined under Section 188 of the Municipalities Act;

“motor hotel” means a tourist establishment that:

- (a) consists of one or more than one building containing four or more attached accommodation units grouped under one roof and accessible from the interior or partially from the exterior;
- (b) may or may not have facilities for serving meals and;
- (c) is designed to accommodate the traveling public for whom the automobile is the principal means of transportation.

“multiple family dwelling” means a dwelling containing more than one dwelling unit but not more than four dwelling units, such units being constructed adjoining with common walls on the same level or split by the floor on separated levels with individual entrances directly from street level;

“multiple-purpose path” means a pedestrian path, an environmental interpretation trail, a riding trail, a bicycle path, a cross-country ski trail, a snowmobile trail, or a combination of any or all of these;

“natural area” means areas of land or water representing distinctive elements of an area’s geological, ecological, or species diversity and including natural landscapes or features of value for heritage protection;

“neighborhood or convenience store” means any use of land, buildings or structures for the purposes of buying or selling of commodities or supplying of services for the purposes of buying or selling of commodities or supplying of services to the general public, including a retail store or service shop;

“nursing home” means an establishment as defined in Chapter N-11, Nursing Homes Act

“open space use” means the use of land for the purpose of forest lands, body of water for water storage and supply, or areas to be left in maximum natural state for scenic, geological and ecological values, for the preservation of vegetation and animal life in the natural state, or areas available to the public but maintained in as natural state as possible, such as national or provincial parks, or natural environmental areas with limited or non-man-made facilities;

“park” means an area consisting largely of open space, which may include a recreational area, play ground, playfield, a campground or trailer park or similar use but **shall not include** a mobile home park;

“passive recreation” means a recreational use not requiring buildings and not altering the soil or topography;

“piggery” shall be defined as three pigs or more;

“place of worship” means a building dedicated to religious workshop and includes a church, synagogue, temple or assembly hall and may include such accessory uses as a nursery school, a school of religious education, convent, monastery or parish hall;

“Planning Advisory Committee” means the Planning Advisory committee as created by the Planning Advisory Committee By-Law for the Village of Grand Manan;

“public garage” means a building, other than a private garage, which is used for the servicing and minor repairing or equipping essential to the actual operation of motor vehicles or where such vehicles are parked or stored for remuneration, hire or sale of vehicles;

“public use” means the use of land, buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities,

community centers, public hospitals and government buildings;

“quarry” means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine;

“redemption waste disposal site” means a collection facility and distribution point for bottles, cans and other refundable containers to be reused or recycled, but does not include processing except assembly or packaging for shipping;

“restricted buffer area” means an area indicated as a strip of land that is adjacent to a closed solid waste disposal site and in which the drilling of domestic water wells is prohibited;

“Retail Store” means a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, including storage of limited quantities of goods, wares, merchandise, substances, articles or things, sufficient only to service such store;

“sawmill” means a building, structure or area where timber is cut or milled and temporarily stored, either to finish lumber or as an intermediary step;

“secondary use” means a use other than a main use or accessory use;

“septage waste disposal facility” means a premises or the portion thereof used or intended to be used for the reduction and/or disposal of septage and/or sewage waste.

“service shop, personal” means a building or part thereof in which services are provided and administered to the individual and personal needs of persons, and without limiting the generality of the foregoing, includes among others barber shops, hairdressing establishments, workrooms for shoe repair and shoe shining shops, bakery shops and photographic studios.

“service station” means a premises or the portion thereof used or intended to be used for the servicing and repairing of motor vehicles, which includes the sale of fuel, oils and accessories for the motor vehicles and including the minor repair of motor vehicle bodies;

“sign” means an object, device, installation or structure situated outside and used to announce, identify or display an object, person, institution, organization, activity, product, service, event or place or to direct or attract attention to them through such means as words, letters, figures, drawings, symbols, layout, colors, lighting or projections of images;

“single-family dwelling” means a dwelling containing one dwelling unit;

“space” for a mobile home park, means a space as defined under Section 188 of the Municipalities Act;

“special events liquor license” means a special events license as per the Liquor Control Act Section 102;

“solid waste transfer station” means a facility where waste materials are collected for shipment and may be sorted and/or prepared for transportation;

“stable” means a building or enclosure within which are kept animals other than pets for a utilitarian purpose;

“swimming pool” means an artificial body of water, the container of which is constructed of cement, plastic, fiberglass or similar material, having a depth greater than 0.5 metres and intended primarily for bathing, swimming and diving, but shall not include a natural, dug or dammed pond primarily intended for aesthetic or agricultural purposes;

“technical public service or utility” means an agency, which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas heat, steam, communication, rail

transportation, water, sewage collection or other similar service, or a closely regulated private enterprise with an exclusive franchise for providing a public service;

“two family dwelling” means a dwelling containing two dwelling units;

“use” means the purpose for which land, a building or a structure or any combination thereof is designed, arranged, erected, intended, occupied or maintained;

“warehouse” means, any use concerned with storage, distribution or transportation of goods and services or related activities including a warehouse or wholesaling establishment which is operated within an enclosed building or structure;

“waste disposal site” means any land, building, structure or other site on which waste is deposited or processed for incineration, ultimate disposal or decomposition and includes a dump. (Regulation 88-200 – Health Act, 1988)

“wayside quarry” means a temporary quarry opened and used by public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way;

“wetlands” means lands on which the ground water table is close to or above the surface or which are saturated with water for a sufficient length of time to favor the wetlands or aquatic processes: hydric soils, hydrophilic vegetation and various forms of biological activities adapted to this environment, and where DNR Wetland Definition (1994) will apply to emergent wetland, aquatic bed, bog, fen, shrub wetland and forested wetland;

“width” means, in relation to a lot,

- (a) where the side lot lines are parallel, the distance measured across the lot at right angles to such lines, or
- (b) 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 limits of the abutting street, such parallel line being drawn through the point at which the line of minimum setback intersects a line from the midpoint of and perpendicular to the line to which it is parallel.

“wind farm” means the use of lands, structures and/or buildings placed for the commercial generation of electrical power by means of wind energy.

SECTION 2 - PURPOSE, ADMINISTRATION, CLASSIFICATION AND CONFORMITY

Purpose

2.1 The purpose of Part C is:

- (a) to divide the area of land referred to in number 2 of Part A into zones;
- (b) to prescribe, subject to powers reserved to the Planning Advisory Committee,
 - (i) the purposes to which the lands, buildings and structures in any zone may be assigned, and
 - (ii) the standards to which land use and the establishment, erection, alteration and use of buildings and structures must conform; and
- (c) to prohibit
 - (i) unacceptable land development, and
 - (ii) the use, establishment, erection or alteration of buildings or structures that do not conform to the purposes and standards referred to in paragraph (b).

General

2.1(1) Council may, by by-law, amend this rural plan under section 74(1) of the Community Planning Act, or rezone a lot, subject to terms and conditions, in accordance with section 39 of the said Act.

2.1(2) “Planning Advisory Committee” herein applies to the term “Advisory Committee” as used within the Community Planning Act.

2.1(3) The powers of the Council, Planning Advisory Committee, Development Officer and Building Inspector are contained within the Community Planning Act, the Municipalities Act and other Village by-laws and are not restricted, in any way, to those of this by-law.

Powers of the Planning Advisory Committee

2.2 (1) No building or structure may be erected on any site where it would otherwise be permitted under this By-Law if, in the opinion of the Planning Advisory Committee under subsection 34(3)(g) of the Community Planning

Act, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable for a proposed purpose by virtue of its soil or topography.

2.2 (2) The Planning 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 paragraph (a) at the end of the authorized period.

2.2 (3) In all zones created by this By-Law, the use of land for the purposes of the supply of

- (a) electric power;
- (b) water supply and storage;
- (c) sanitary sewage disposal and treatment;
- (d) drainage, including storm sewers;
- (e) streets; or
- (f) all public services;

including the location or erection of any structure or facility for the supply of any of the above-mentioned services, shall be land for a particular purpose in respect of which the Planning Advisory Committee may, subject to subsection 34 (5) of the Community Planning Act, impose terms and conditions, or council may prohibit, according to section 34 (3) (d) of the Community Planning Act, the erection of any building in respect of which compliance with the terms and conditions imposed cannot reasonably be expected.

Powers of Council

2.3 (1) A person who seeks to have this By-Law amended shall,

- (a) address a written and signed application to the Council;
- (b) where the application includes a rezoning, append to it a declaration concerning the ownership of the land that is to be altered, and the intention to request an amendment or to let his/her agent to request such amendment; and
- (c) pay a fee of \$1,000 payable to the Village of Grand Manan.

2.3 (2) The Council of the Village of Grand Manan may, if it so decides, return to the applicant all or any part of the fee referred to in subsection 2.3 (1)(c).

2.3 (3) An application shall include such information as may be required by the Council or the Planning Advisory Committee, and that the cost of providing the information will be incurred by the amendment requestor.

2.3(4) The following items, with respect to Council, are covered by the appropriate sections of the Community Planning Act:

- (a) methods for handling the application;
- (b) involvement of the Planning Advisory Committee; and
- (c) involvement of the public;
- (d) The provisions of section 34(3)(d) and 34(3)(e) of the Community Planning Act herein apply to the powers of Council.

Classification

2.4 (1) For the purposes of this By-Law, the area is divided into zones as delineated on the plan attached as Schedule "A", entitled "The Municipality of Grand Manan Zoning Map" and dated August 2003.

2.4 (2) The zones referred to in subsection (1) are classified and referred to as follows:

- (a) Rural Zones - RR Zones;
- (b) Residential Settlement Zones - RS1 Zones;
- (c) Residential Settlement Mixed Zones - RSM Zones;
- (d) Industrial Zones - I Zones;
- (e) Institutional Zones - INS Zones;
- (f) Airport Zone - A Zone;
- (g) Geological Fault Zone – F Zone

Conforming and Non-conforming Uses

2.5 In any zone, all land shall be used and all buildings and structures, or parts of the buildings or structures, shall be placed, 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.

2.6 A non-conforming use is as addressed according to sections 40 and 41 of the Community Planning Act.

Unauthorized Development

2.7 Nothing contained within this by-law shall be deemed to sanction any development not having obtained the appropriate permits prior to its date of enactment, whereby any such development becomes subject to the applicable provisions contained herein.

SECTION 3 - GENERAL PROVISIONS

Slope

3.1 (1) The developer of a lot must provide, for the building permit application, the slope of the general lot within 30 metres of the perimeter of the proposed construction.

3.1 (2) The Development Officer shall require from a developer who is considering a development located on slopes of more than 15% to provide the following information:

- a) an average percentage of slope for the lot;
- b) the extent of vegetation coverage for the lot;
- c) the area to be developed;
- d) possible area of erosion;
- e) the areas and direction of water drainage; and
- f) any other information pertaining to its development that the development officer would require for the protection against erosion.

3.1 (3) The development officer may require adjustments to the proposed project in order to conform to this by-law and the building by-law after receiving the information as described in this section.

Water and Sewer

3.2 (1) The provisions of the Watercourse and Wetland Alteration Regulation - Clean Water Act (N.B. Regulation 90-80) and other related Acts shall apply to the Village of Grand Manan Planning Area.

3.2 (2) The provisions of the Health Act and its regulations thereunder shall apply to the Village of Grand Manan Planning Area.

Lot Sizes

3.3 (1) No building or structure may be built, located or relocated, altered or replaced on a lot unless the lot meets the requirements of this section.

3.3 (2) Notwithstanding subsection (1), any building or structure in existence at the time of this By-law coming into effect may be relocated, altered or replaced under the terms and conditions of the Planning Advisory Committee, subject to section 35 of the Community Planning Act.

3.3 (3) Where a lot is serviced by both a water system for public use and a sewer system for public use, the lot shall have and contain:

(a) for a one family dwelling or a building or structure not used for residential purposes;

- (i) a width of at least 18 metres,
- (ii) a depth of at least 30 metres, and
- (iii) an area of at least 545 square metres;

(b) for a two family dwelling;

- (i) a width of at least 23 metres,
- (ii) a depth of at least 30 metres, and

(iii) an area of at least 818 square metres.

(c) for a three family dwelling;

(i) a width of at least 27 metres,

(ii) a depth of at least 30 metres, and

(iii) an area of at least 1,090 square metres;

(d) for a multiple family dwelling;

(i) a width of at least 36 metres, plus 1.5 metres for each dwelling unit in excess of six,

(ii) a depth of at least 30 metres, and

(iii) an area of at least 1,272 square metres, plus 68 square metres for each dwelling unit in excess of four.

3.3 (4) Where a lot is serviced by a sewer system for public use, and not by a water system for public use, the lot shall have and contain

(a) for a one family dwelling or a building or structure not used for residential purposes;

(i) a width of at least 23 metres,

(ii) a depth of at least 30 metres, and

(iii) an area of at least 672 square metres;

(b) for a two family dwelling;

(i) a width of at least 27 metres,

(ii) a depth of at least 30 metres, and

(iii) an area of at least 1,022 square metres;

(c) for a three family dwelling;

(i) a width of at least 32 metres,

(ii) a depth of at least 30 metres, and

(iii) an area of at least 1,363 square metres;

(d) for a multiple family dwelling;

(i) a width of at least 36 metres, plus 1.5 metres for each dwelling unit in excess of four,

(ii) a depth of at least 30 metres, and

(iii) an area of at least 1,545 square metres, plus 102 square metres for each dwelling unit in excess of four;

3.3 (5) Where a lot is not serviced by a sewer system for public use, the lot

- (a) shall have and contain;
 - (i) a width of at least 54 metres,
 - (ii) a depth of at least 38 metres, and
 - (iii) an area of at least 4,000 square metres;
- (b) shall not be used as the location for more than a one family dwelling; and
- (c) may be used for a one family dwelling or a building or structure not used for residential purposes.

3.3 (6) Notwithstanding subsection (5), any lot that is serviced by an on-site sewage disposal system that has been certified by the regional medical health officer may be used as the location for;

- (a) a two family dwelling, if it has;
 - (i) a width of at least 59 metres abutting a public street, and
 - (ii) an area of at least 5,350 square metres;
- (b) a three family dwelling, if it has;
 - (i) a width of at least 63 metres abutting a public street, and
 - (ii) an area of at least 6,700 square metres;
- (c) a four-family dwelling, if it has;
 - (i) a width of at least 68 metres abutting a public street, and
 - (ii) an area of at least 8,050 square metres; or
- (d) a senior citizens home, if it abuts a public street.

Location of Buildings and Structures on a Lot

3.4 (1) No main building or structure may be placed, erected or altered so that any part of it

- (a) is less than 7.5 metres from the boundary of a street, private access, lane, right-of-way or highway other than an arterial or collector highway;
- (b) is less than 3 metres with respect to side lot lines and rear lot lines.

3.4 (2) Without being closer than 4.5 metres from the boundary line of a highway, private access, lane, street or right-of-way, a building or structure may be placed, erected or altered so that it is as near a boundary of a highway, private access, lane, street or right-of-way used as an access for vehicles as existing buildings or structures provided that;

- (a) the existing buildings or structures are on each side of and immediately adjacent to such building or structure; and
- (b) the nearest side of each existing building or structure immediately adjacent thereto will be within 30 metres of the nearest side of the building or structure to be placed, erected or altered.

3.4 (3) No accessory building or structure may be placed, erected or altered so that it is within 3 metres of a side or

rear lot line.

Minimum Lot Area and Yard Depth

3.5 (1) The minimum lot area is 2 hectares for buildings or structures of an agricultural use, a boarding stable, a forestry use, or a kennel.

3.5(2) The minimum front yard depth and exterior side yard width of a lot for building or structure of

- (a) an agricultural use, a forestry use, a boarding stable, or a kennel is 15 metres; and
- (b) 7.5 metres for another permitted uses.

3.5(3) The minimum interior side yard width of a lot for the following use, building or structure is for

- (a) an agricultural building and structures, a forestry use, a boarding stable, or a kennel, 10 metres; and
- (b) 3 metres, for another permitted uses.

3.5(4) The minimum rear yard depth of a lot for the following use, building or structure is for

- (a) an agricultural building and structures, a forestry use, a boarding stable, or a kennel 10 metres; and
- (b) 3 metres, for another permitted uses.

Height of Main Building or Structure

3.6 (1) Subject to the provisions of subsection (3), no main building or structure may exceed 9 metres in height.

3.6 (2) In the case of a mini or mobile home, no main building or structure may exceed 5 metres in height.

3.6 (3) A religious institution building shall not exceed in height:

- (a) for the main portion, 15 metres; and
- (b) for spires, belfries or other subsidiary features, a height equal to twice the height of the main building or structure.

Sewage Disposal

3.7 Sewage shall be discharged into a sewer system for public use approved by the Department of Environment & Local Government and the Department of Health & Wellness or a private system approved by the Department of Health & Wellness.

Parking Standards

3.8 (1) Off-street vehicular parking spaces, not less than 18 square metres in area and with adequate access, shall be provided as follows:

- (a) for a business or professional office, medical or dental clinic, one space for every 36 square metres of gross floor area;
- (b) for a church, club, lodge or place of public assembly, one space for every four seating spaces;
- (c) for a dwelling, one space for each dwelling unit, plus one additional space for every four dwelling units;
- (d) for a factory, one space for every 36 square metres of floor space used for industry, except storage;
- (e) for a hotel, one space for every two bedrooms;
- (f) for a motel, one space for every habitable unit;
- (g) for a public or private school, one space for every classroom;
- (h) for a residential building, other than a hotel, motel or apartment building, one space for every habitable unit;
- (i) for a restaurant, one space for every 18 square metres of public floor area;
- (j) for a retail store, one space for every 18 square metres of floor area used for selling;
- (k) for a service or repair shop, one space for every 27 square metres of floor area used for providing services;
- (l) for a shopping centre, three times the ground floor of the building;
- (m) for a theatre, billiard or pool room, dance hall or bowling alley, licenced liquor establishment, one space for every four persons seating spaces;
- (n) for an undertaking establishment, one space for every four seats with a minimum of four spaces; and
- (o) for a warehouse, storage yard or transportation yard, one space for every 36 square metres of storage space.

3.8 (2) Except for parking spaces for motel patrons, no parking space is permitted nearer than two metres from a wall containing windows to habitable rooms.

3.8 (3) The off-street vehicular parking for a commercial, institutional or industrial use may be located on the side of the main building it will serve only in compliance with terms and conditions that the Planning Advisory Committee may impose pursuant to section 34(4)(c) and section 34(5) of the Community Planning Act.

3.8 (4) Where provisions for off-street parking are made for a commercial, institutional or industrial use, parking shall comply with the following standards according to subsection 34 (3)(e.1) of the Community Planning Act.

- (a) be screened from public view, if practical, or if not practical be subject to terms and conditions deemed necessary by the Planning Advisory Committee according to sub-section 34(5) of the Community Planning Act;
- (b) be surfaced with a durable and dustproof material;
- (c) have points of ingress and egress that consider the topography and general traffic conditions; and
- (d) not to be used for automotive repair work or servicing except in the case of an emergency.

Loading Standards

3.9 Off-street spaces not less than 9 metres long and 3.5 metres wide, with access thereto, shall be provided for loading for every building or structure used for any purpose involving the use of vehicles for the receipt or distribution of materials, in the following numbers:

- (a) for a total floor area up to and including 1,727 square metres, one space;
- (b) for a total floor area over 1,727 square metres and up to and including 4,545 square metres, two spaces; and
- (c) for each additional 4,545 square metres or major portion thereof of total floor are, one space.

Enclosures for Swimming Pools

3.10 (1) No land shall be used for purposes of a swimming pool unless the pool is enclosed by a fence or by a wall of a building or structure, or by a combination of walls and fences, at least 1.60 metres in height and meeting or exceeding, except as expressly stated, the requirements of this section.

3.10 (2) Where a portion of a wall of a building forms part of an enclosure mentioned in subsection (1),

- (a) no main or service entrance to the building shall be located therein; and
- (b) any door therein, other than a door to a dwelling or dwelling unit, shall be self-closing and equipped with a self-latching device at least 1.60 metres above the bottom of the door.

3.10 (3) An enclosure mentioned in subsection (1) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.

3.10 (4) A fence mentioned in subsection (1)

- (a) shall be made of chain link construction, with galvanized, vinyl or other CSA-approved coating, or of wood or of other materials, in the manner prescribed by subsection (3);
- (b) shall not be electrified or incorporate barbed wire or other dangerous material; and
- (c) shall be located at least
 - (i) 1.25 metres from the edge of the swimming pool, and
 - (ii) 1.25 metres from any condition that would facilitate its being climbed from the outside.

3.10 (5) The design and construction of a fence under this section shall

- (a) in the case of a fence made of chain links be designed and constructed with
 - (i) no greater than 4 centimeter diamond mesh,
 - (ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge CSA-approved coating forming a total thickness equivalent to No. 12 gauge wire, and
 - (iii) at least 4 centimetres diameter steel posts, set below frost in an envelope of cement and spaced not more than three metres apart, with a top horizontal rail of at least 4 centimetres diameter steel;
- (b) in the case of a fence made of wood be designed and constructed with

(i) vertical boarding, no less than 2.5 centimetres by 10 centimetres nominal dimensions spaced not more than 4 centimetres apart, attached to supporting members and arranged in such manner as not to facilitate climbing on the outside, and

(ii) supporting cedar posts at least 20 centimetres, square or round, with 10 centimetres diametres, set below frost and spaced not more than 2.5 metres apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail with dimensions of at least a width of 5 centimetres and a height of 15 centimetres; and

(c) in the case of a fence constructed with materials and in a manner other than described in this subsection be designed and constructed in a manner which will ensure rigidity equal to the design and construction prescribed by this subsection.

3.10 (6) Gates forming part of an enclosure mentioned in subsection (1) shall be

(a) equivalent to the fence in content, manner of construction and height;

(b) supported on substantial hinges; and

(c) self-closing and equipped with a self-latching device at least 1.60 metres above the bottom of the gate.

Home Occupation

3.11 (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, insurance salesman, lawyer or professional engineer, or any office used in conjunction with a use under subsection 3.12(1), or other similar profession as may be approved by the Planning Advisory Committee;

(b) the teaching of music or dancing, a television repair service, a small appliance repair service, or the operation of a beauty shop or barber shop or other similar professions as may be approved by the Planning Advisory Committee.

3.11 (2) A home occupation in the main dwelling is subject to the requirements that:

(a) the floor area of the dwelling unit which is devoted to it does not exceed the lesser of:

(i) 35 per cent of the floor area of the dwelling unit, or

(ii) 72 square metres;

(b) no change that will modify the residential characteristics of the dwelling unit, except for a sign permitted under section 3.18, is to be made;

(c) no goods or services other than those directly pertaining to the home occupation are supplied or sold in or from the dwelling unit;

(d) no equipment or material used in the home occupation is stored in any place other than in the dwelling unit referred to in paragraph (a);

(e) no sound, noise, glare, vibration, smoke, odors, or heat produced as a result of the home occupation exceeds that normally produced by a single residence at the limit of the property line;

(f) at least two additional parking spaces are required on the premises, other than those under section 3.8 of this By-Law; and

(g) adequate maneuvering room shall be provided on-site to allow vehicles to leave the property front end first.

Home Occupation in an Accessory Building

3.12 (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 an accessory building;

- (a) the teaching of music or dancing;
- (b) a television repair service;
- (c) an appliance repair service;
- (d) the following home industry uses:
 - (i) a carpentry workshop,
 - (ii) a cabinet-making workshop,
 - (iii) a craft workshop,
 - (iv) a pottery workshop,
 - (v) a painting workshop, and
 - (vi) a re-upholstering workshop;
- (e) the operation of a beauty shop or barber shop;
- (f) similar profession as may be approved by the Planning Advisory Committee.

3.12 (2) A home occupation in an accessory building, other than the primary residential building on the property, is subject to the requirements that

- (a) the height, location on a lot, floor area and other standards are subject to the standards described under sections 3.4, 3.5 and 3.15 of this By-Law;
- (b) no change that will modify the residential characteristics of the property, except for a sign permitted under section 3.18, is to be made;
- (c) no sound, noise, glare, vibration, smoke, odors, heat produced as a result of the home occupation which would exceed that normally produced by a single residence is allowed;
- (d) at least two additional parking spaces are required on the premises, other than those under section 3.8 of this By-Law; and
- (e) adequate maneuvering room shall be provided on-site to allow vehicles to leave the property front end first.

Nursery or Kindergarten

3.13 Where a nursery or kindergarten is permitted under this plan, the use must comply with the provisions of any Acts

and/or Regulations as administered by the Department of Family and Community Services.

Retail Sales in a Dwelling

3.14 (1) Subject to subsection (2), a single-family dwelling in an RS1 and RSM zone may be used for the purposes of a retail sales outlet.

3.14 (2) A retail sales outlet in a single-family dwelling shall be confined to the main building and the area which is devoted to retail sales, shall not exceed the lesser of;

- (a) 35 per cent of the floor area of the main building; or
- (b) 72 square metres.

3.14 (3) No change is to be made to the single-family dwelling that will modify the residential characteristics of the dwelling unit except for a sign permitted under section 3.18.

Accessory Buildings and Accessory Structures

3.15 No accessory building or accessory structure shall

- (a) exceed 9 metres in height;
- (b) be placed, erected or altered so that it is closer than 3 metres to a lot line;
- (c) except for agricultural purposes or hobby farms permitted under this regulation, be used for agricultural purposes or for the keeping of animals other than household pets; or
- (d) occupy more than ten per cent of the area of a lot.

Standards for Nonconforming Uses for Excavation Sites

3.16 (1) All excavation must be performed to standards set by the Departments of Natural Resources and Energy, the Department of Environment & Local Government, and any other applicable government department.

3.16 (2) All new excavation sites or pits started after the coming into force of this Rural Plan and larger than 0.8 hectares are subject to rezoning.

3.16 (3) Safety Standards: Access to all pits and quarries shall be controlled and the following shall apply to all pit and quarry operations to secure the safety of the public:

- (a) All pit and quarry operations shall have adequate signage posted around the perimeter and visible from any access, warning people of any dangerous situations associated with the operation. These would include but not be limited to such activities as blasting, heavy equipment operation, open holes, moving vehicles, etc.
- (b) A barricade, such as a fence or berm, shall be put in place around any pit or quarry that has:

- (i) a vertical face slope steeper than 60 degrees from horizontal and in excess of 3 m in height.
- (ii) more than 60 cm of standing water.

3.16 (4) Dust Emission Standards:

Dust control measures must be implemented that satisfy the adjacent landowners and/or occupiers within 250 m.

Excavation and Stripping of Materials

3.17 (1) The excavation of sand, gravel, clay, shale, limestone or other deposits for the purposes of sale or other commercial use of the material excavated is prohibited, unless the provisions of section 3.16 have been complied with.

3.17 (2) The provisions of subsection (1) do not apply if the material is surplus to the requirements of an approved development.

Signs

3.18 (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 in the store and purposes of public advertisement in the form of a sign is permitted upon compliance with the requirements of this section.

3.18 (2) No sign may

- a) be an imitation of a traffic control device or contain words arranged in such a manner as to be construed as a traffic control device; and
- b) have a size, location, content, coloring or manner of illumination, which may be confused with, construed as, or tend to hide from view any traffic control device.
- c) have a size, location, content, coloring or manner of illumination, which does or may obstruct the view of traffic entering or exiting any property or business.

Liquor Licenses for Special Events

3.19 A Special Events Liquor License may be permitted for a temporary period as defined under Section 102 of Chapter L-10, The Liquor Control Act, and subject to such conditions as may be deemed appropriate by the Planning Advisory Committee pursuant to section 34(3)(h) of the Community Planning Act.

Landfill

3.20 (1) No person shall use any of the following materials as landfill:

- a) toxic or radioactive materials;
- b) industrial or domestic waste;
- c) scrap iron;
- d) construction leavings except in abandoned excavation sites, subject to approval from the Municipality and the Department of Environment & Local Government relevant to all applicable regulations; and
- e) material likely to harm a watercourse.

3.20 (2) No landfill shall be placed within 30 metres of any watercourse, marsh, lake, or a high water mark, without proper provincial approvals.

3.20 (3) A landfill will have a 500 meter restricted buffer area on the down grade side and a 200 meter restricted buffer area on level or upper side.

Oil and Gasoline Reservoir Sites

3.21 An above-ground oil or gasoline reservoir used by a service station or otherwise shall be located

- (a) in the side or back yard of the lot; and
- (b) at a distance of at least 3 m from the side or rear boundaries of the lot.

Outside Storage

3.22 (1) With the exception of outside storage on land zoned for industrial use or a use related to fishing, no equipment, vehicle, miscellaneous part, container, and in no case aggregate or scrap of any kind may be stored outside buildings or structures, unless

- (a) it is not visible from the street;
- (b) it is located in the back or side yards of the main building or, where there is no main building, at least 30 m from the right-of-way.

3.22 (2) Notwithstanding subsection (1), a fishing boat or fishing equipment may be stored on a lot if there is no practical way of conforming with subsection (1), but is subject to terms and conditions as the Planning Advisory Committee deems necessary according to paragraph 34(4)(c) and subject to 34(5) of the Community Planning Act.

Recycling Business

3.23 (1) No one may operate, erect, locate, relocate, alter or replace a recycling business except in conformity with New Brunswick Regulation 99-66 under the Beverage Containers Act, Chapter B-2.2.

3.23 (2) A recycling business operation is subject to terms and conditions the Planning Advisory Committee deems necessary under paragraph 34(4)(c) and subject to subsection 34(5) of the Community Planning Act.

Commercial Agricultural Operation

3.24 Notwithstanding any terms and conditions that might be imposed by the Department of Agriculture, Fisheries and Aquaculture, the Department of Environment & Local Government and the Department of Health & Wellness, commercial agriculture operations are subject to the following conditions:

- (a) farm buildings shall be located at least 90 m from a dwelling, other than that (those) of the owner, with the exception of a piggery or a hennery, which shall not be less than 1,500 m from a residential settlement of more than 2 dwelling units;
- (b) no spreading or spraying of solid or liquid manure, herbicides or pesticides shall be conducted within 30 m of dwellings or of a quarry where the downward slope of the soil toward the quarry is greater than 5 percent, otherwise, such activity is permitted to the boundary of the property.

Traditional Fisheries and Aquaculture Operations

3.25 Fishing related activities, excluding processing, are allowed in all zones where a residential use is permitted and subject to terms and conditions as deemed necessary by the Planning Advisory Committee under paragraph

34(4)(c) of the Community Planning Act for a lot of less than 0.4 hectares.

Set-backs

3.26 (1) Unless otherwise provided in this By-Law, no main building or main structure used for residential purposes may be so installed or erected such that any part is less than:

(a) 30 metres from the limits of land being used for commercial agriculture;

(b) 30 metres from the limits of land being used for a seafood products processing business;

3.26 (2) Notwithstanding the setbacks under subsection (1), it is permitted to build, place, erect or alter a dwelling as a main building or a main structure, when an approval has been obtained in conformity with Section 34(4)(c) of the Community Planning Act.

3.26 (3) When an excavation site is permitted under this by-law, it shall have a buffer zone of at least 50 metres of natural vegetation from a residential main use unless approval for a lesser distance is obtained in writing from the owners and/or occupiers of those residence(s).

3.26 (4) No dwelling, other than a permitted accessory building in the same zone shall be erected within 50 metres of any Industrial Zone.

3.26 (5) No dwelling shall be erected within 10 metres of any commercial building, structure or use unless the building, structure or use is a permitted accessory building, permitted accessory structure or permitted accessory use in the same zone.

Fish Market

3.27 Fish markets are subject to any terms and conditions that may be imposed by the Department of Agriculture, Fisheries and Aquaculture, the Department of Environment & Local Government and/or the Department of Health & Wellness, and any other applicable government department.

Building By-Law

3.28 (1) All developments are subject to the Building By-Law for the Village of Grand Manan.

3.28 (2) A person shall not undertake or continue the building, locating or relocating, demolishing, altering or replacing of a building or structure unless a building permit therefore has been issued pursuant to the Building By-Law for the Village of Grand Manan.

Commercial Production of Compost

3.29 Notwithstanding any terms and conditions that may be imposed by the Department of Agriculture, Fisheries and Aquaculture, the Department of Environment & Local Government and/or the Department of Health & Wellness, commercial compost production sites or agricultural composting operation shall be at least 450 m from a dwelling, other than those belonging to the owner of the undertaking.

Protection of Potable Water

3.30 The servicing of a lot through the installation of a private or public potable water well shall be done in accordance with New Brunswick Regulation 90-79 under the Clean Water Act, and other relevant Acts and Regulations.

Water Wells

3.31 All water wells must be installed in compliance with Regulation 90-79 Water Well Regulation – Clean Water Act.

Seafood Products Processing

3.32 Notwithstanding any terms and conditions that may be imposed by the Department of Agriculture, Fisheries and Aquaculture, the Department of Environment & Local Government and/or the Department of Health & Wellness, no part of a seafood products processing plant shall be less than 30 m from any dwelling.

Group Homes

3.33 Where permitted, a group home shall be licensed or approved under Chapter M-10, Mental Health Act and be located in a single detached dwelling.

Bed and Breakfast

3.34 A Bed and Breakfast may be conducted in a single detached dwelling, subject to the requirements that

- a) not more than ten rooms are available to rent to overnight guests;
- b) it is not conducted in a dwelling unit that also includes a group home or special care home; and
- c) meals for commercial gain are only to be served to an overnight guest.

Uses related to Automotive Establishment

3.35 Where service stations, fuel bars, and commercial garages are permitted, the following provisions shall apply in addition to zone provisions:

- a) no portion of any pump island shall be any closer than 6 metres from the street line of any public road or street;
- b) the minimum distance from the intersection of two street lines or from straight-line projections of such, to the nearest entrance or exit ramp shall not be less than 10 metres;
- c) the maximum width of a ramp at the street line shall not be more than 10 metres and the minimum distance between ramps shall not be less than 9 metres;
- d) the minimum interior angle of a ramp to a street line shall be 45 degrees and the maximum interior angle of a ramp to the street shall be 90 degrees; and
- e) the minimum distance between any side lot line of the property at the street line and the nearest ramp shall be 3 metres.

SECTION 4 – ZONES

RURAL

RR Zones - Rural Zones

Permitted Uses

4(1) In a Rural Zone, 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 providing that the lot size is at least 0.4 hectare;

(ii) a multiple family dwelling, providing that the lot size is at least 0.8 hectare, and subject to Section 34(4)(c) of the Community Planning Act;

(iii) duplex dwelling;

(iv) single detached dwelling;

(v) semi-detached dwelling;

(vi) group home, in accordance with section 3.33;

(vii) nursing home, as defined in Chapter N-11, Nursing Homes Act;

(viii) a mini home or mobile home;

(vix) an agricultural use;

(x) a park or playground;

(xi) a compost production use, subject to the Clean Water Act, Health Act and any Provincial Composting Regulations and other relevant Acts;

(xii) forestry or related activity, subject to Clean Water Act and the Forestry Act and other relevant Acts;

(xiii) mining operation, subject to the Clean Water Act and the Mining Act and other relevant Acts;

(xiv) a technical public service or utility;

(xv) one of the following uses:

(1) conservation use;

(2) forestry use, subject to provincial regulations;

(3) landscaped, natural;

(4) multiple-purpose path;

- (5) natural area;
 - (6) passive recreation;
 - (7) picnic shelter; and
 - (8) park;
- (xvi) a commercial use:
- (1) animal hospital;
 - (2) artisan shop;
 - (3) assembly hall;
 - (4) automobile storage area;
 - (5) automotive car wash;
 - (6) automotive service station;
 - (7) a bed and breakfast or other establishment for the purpose of accommodating guests in accordance with section 3.34;
 - (8) boarding stable;
 - (9) building supply store;
 - (10) business or professional office;
 - (11) clinic;
 - (12) convenience store;
 - (13) cottages up to six detached self-contained units or six self-contained row units, subject to Section 34(4)(c) of the Community Planning Act and any other relevant Provincial Act or Regulations;
 - (14) farm produce sales outlet;
 - (15) funeral home;
 - (16) furniture showroom and workshop;
 - (17) garage;
 - (18) garden center;
 - (19) general service shop;
 - (20) hennery, subject to Section 3.24 of this by-law;
 - (21) home display and sales outlet;
 - (22) hotel;

- (23) kennel;
- (24) mini-storage operation;
- (25) motel;
- (26) motor hotel;
- (27) museum;
- (28) park;
- (29) piggery, subject to Section 3.24 of this by-law;
- (30) public building and structures;
- (31) public garage;
- (32) restaurant, takeout or other food service establishment;
- (33) retail store, including one in which the products are manufactured on the premises, provided the space devoted to such manufacturing does not exceed 50% of the gross floor area;
- (34) a seasonal tourism use such as a craft shop, a neighborhood or convenience store, and service establishments;
- (35) service shop, personal;
- (36) a service station;
- (37) veterinary clinic; and
- (38) a warehouse; including a bait shed or fisheries storage facility, subject to Section 34(4)(c) of the Community Planning Act;
- (39) a wind farm.

(xvii) an institutional use:

- (1) cemetery;
- (2) place of worship;
- (3) community center;
- (4) educational use;
- (5) funeral home;
- (6) hospital;
- (7) library;
- (8) municipal garage;

- (9) museum;
- (10) nursing home; and
- (11) senior citizen home;

(xviii) technical public service or utility;

(b) one of the following secondary uses:

- (i) a single family dwelling as a secondary use for a commercial use or institutional use subject to section 34(4)(c) of the Community Planning Act;
- (ii) in the case of a dwelling, mobile home or mini home; a home occupation, subject to Section 3.11;
- (iii) in the case of a dwelling, mobile home or mini home; a hobby farm;
- (iv) in the case of a forestry or forest related activity or an excavation site; a temporary building or structure for the purpose of meals, lodging or scale house; or
- (v) in the case of an agricultural use; a single family dwelling;
- (vi) home occupation, in accordance with section 3.11;

(c) an accessory building or structure or use incidental to the main use of the land, building or structure, if such main use is permitted by this section.

4(2) Notwithstanding other provisions of the By-law, the minimum interior side yard width of a lot in a Rural Zone is 3 metres.

4(3) Notwithstanding other provisions of this By-law, the minimum rear yard depth of a lot in a Rural Zone is 3 metres.

RESIDENTIAL SETTLEMENT

RS1 Zones - Residential Settlement

Permitted Uses

5(1) In a RS1 zone, any land, building, or structure may be used for the purposes of, and for no other purposes than:

(a) one of the following residential uses as a main use:

- (i) a single family dwelling;
- (ii) single detached dwelling;
- (iii) group home, in accordance with section 3.33; or
- (iv) nursing home, as defined in Chapter N-11, Nursing Homes Act; or

(b) one of the following non-residential uses as a main use:

(i) neighborhood store or convenience store;

(ii) cottages up to six detached self-contained units or six self-contained row units, subject to Section 34(4)(c) of the Community Planning Act and any other relevant Provincial Acts or Regulations;

(iv) a building or structure for religious or charitable activity, subject to Section 34(4)(c) of the Community Planning Act;

(v) a building or structure for educational health or welfare purposes subject to Section 34(4)(c) of the Community Planning Act; or

(vi) a public or private school, subject to Section 34(4)(c) of the Community Planning Act.

(vii) a park or playground;

(c) a secondary use:

(i) a garden suite; subject to Section 34(4)(c) of the Community Planning Act.

(d) an 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.

RESIDENTIAL SETTLEMENT MIXED

RSM Zones - Residential Settlement Mixed

Permitted Uses

6(1) In an RSM Zone, any land, building or structure may be used for the purposes of, and for no other purpose than:

(a) one of the following main uses:

(i) a single-family dwelling;

(ii) a multiple-family dwelling;

(iii) group home, in accordance with section 3.33; or

(iv) a commercial use:

(1) a restaurant, takeout or other food service establishment;

(2) a bed and breakfast or other establishment for the purpose of accommodating guests;

(3) cottages up to six detached self-contained units per acre or six self-contained row units per acre, subject to Section 34(4)(c) of the Community Planning Act;

(4) a seasonal tourism use such as a craft shop, a neighborhood or convenience store, and service establishments;

- (5) a public garage;
- (6) a warehouse, including a bait shed or fisheries storage facility, subject to Section 34(4)(c) of the Community Planning Act ;
- (7) a service station;
- (8) animal hospital;
- (9) artisan shop;
- (10) assembly hall;
- (11) automotive car wash;
- (12) automotive gasoline bar;
- (13) automotive service station;
- (14) automotive store;
- (15) automotive vehicle sales or rental establishment;
- (16) building supply store;
- (17) business or professional office;
- (18) clinic;
- (19) convenience store;
- (20) funeral home;
- (21) furniture showroom and workshop;
- (22) garage;
- (23) garden center;
- (24) general service shop;
- (25) hobby farm;
- (26) hotel;
- (27) kennel;
- (28) mini-storage operation;
- (29) motel;
- (30) motor hotel;
- (31) museum;
- (32) park;

(33) public building;

(34) retail store, including one in which the products are manufactured on the premises, provided the space devoted to such manufacturing does not exceed 50% of the gross floor area;

(35) service shop, personal; and

(36) veterinary clinic.

(v) an institutional use:

(1) cemetery;

(2) place of worship;

(3) community center;

(4) educational use;

(5) funeral home;

(6) hospital;

(7) library;

(8) municipal garage;

(9) museum;

(10) nursing home; and

(11) senior citizen home.

(vi) an other use:

(1) conservation use;

(2) landscaped open space;

(3) natural area;

(4) multiple-purpose path;

(5) passive recreation;

(6) picnic shelter;

(7) private park; and

(8) public park;

(b) a secondary use of a single family dwelling in support of a commercial use or institutional use and subject to subsection 34(4)(c) of the Community Planning Act;

(c) a secondary use of a garden suite;

(d) an 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.

6(2) Notwithstanding other provisions of the By-law, the minimum interior side yard width of a lot in a RSM zone is 3 metres.

6(3) Notwithstanding other provisions of this By-law, the minimum rear yard depth of a lot in a RSM Zone is 3 metres.

INDUSTRIAL

I Zones - Industrial

Permitted Uses

9(1) In an I Zone, any land, buildings or structures may be used for the purposes, and for no other purpose than:

(a) one of the following uses as a main use:

(i) a technical public service or utility building or installation subject to Section 34(4)(c) of the Community Planning Act; or

(ii) a commercial agriculture operation;

(iii) an industrial use:

(1) abattoir;

(2) agricultural and waste composting operation;

(3) aquaculture operation;

(4) autobody shop;

(5) auto scrap yard or salvage yard;

(6) concrete and asphalt batching plant;

(7) Construction and Demolition Debris Disposal site;

(8) excavation site or quarry greater than 0.8 hectares;

(9) factory outlet;

(10) fish and livestock reduction plant;

(11) forest use or forest related activity, subject to the Clean Water Act, Crown Land and

Forest Act and the Health Act;

(12) manufacturing and/or processing plant;

(13) mining operation, subject to the Clean Water Act, Mining Act and the Health Act;

(14) a waste disposal site or septage waste disposal site, subject to the Clean Water Act, Crown Lands and Forest Act and the Health Act;

(15) redemption waste disposal site;

(16) sawmill;

(17) Solid Waste Transfer Station;

(18) warehouse, including a bait shed or fisheries storage facility, subject to Section 34(4)(c) of the Community Planning Act;

(b) as a secondary use providing for a temporary building for the purpose of meals, lodging or a scale house, in support of a main use of forestry or forestry related activities, an excavation site or mining operation; and

(c) an 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.

INSTITUTIONAL

INS Zones - Institutional

Permitted Uses

10(1) In an INS Zone, any land, building or structure may be used for the purposes of, and for no other purpose than:

(a) one of the following institutional uses as a main use:

(i) cemetery, subject to Section 34(4)(c) of the Community Planning Act;

(ii) place of worship;

(iii) community center;

(iv) educational use;

(v) funeral home;

(vi) hospital;

(vii) library;

(viii) lighthouses;

(ix) municipal garage;

(x) museum;

(xi) nursing home; or

(xii) senior citizen home.

(b) one of the following secondary uses:

(i) campground;

(ii) conservation use;

(iii) multiple-purpose path

(iv) natural area;

(v) open space use or landscape, natural;

(vi) passive recreation;

(vii) picnic shelter;

(viii) private park; and

(ix) public park;

(c) an 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.

AIRPORT

A ZONES - Airport Zones

Permitted Uses

11(1) In an A Zone, 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) as a main use, facilitating the landing, storage and handling of aircraft and their passengers and freight and without limiting the generality of the foregoing;

(ii) an accessory building, structure or use incidental to the main use of the land, building or structure, such as, but not limited to, ticket offices, restaurants, confections, luggage checking facilities, and parcel shipping facilities.

11(2) The airport and the surrounding of the airport is subject to the zoning regulation Grand Manan Airport Zoning Regulations (A-2 – SOR/93-387).

11(3) The height of buildings and structures on lands adjacent to the airport must be conformed to National setback standards set by Transport Canada for airports and related facilities.

GEOLOGICAL FAULT

F ZONES - Fault Zones

Permitted Uses

7(1) In an F Zone, any land, building or structure may be used for the purpose of, and for no other purpose:

- a) A use allowed in any other zone except Airport and subject to subsection 34(4)(c) of the Community Planning Act.