

**Grand Manan Rural Plan**  
**By-law 56-22**  
**January 2023**



Village of  
**Grand Manan**  
New Brunswick, Canada.



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# PART 1: TITLE & DESIGNATION

## 1. Introduction

The Village of Grand Manan (the Village) is a New Brunswick island located in the Bay of Fundy. It has an area of 152.77 square kilometers and a population of approximately 2595 as of the 2021 Government of Canada Census. Though the island originally consisted of the Villages of North Head, Grand Harbour and Seal Cove, and the local service districts of Castalia and Woodward's Cove, they amalgamated into one village in 1995. The Village is currently represented by one mayor and nine councillors.

With the fishing industry as the Island's primary economic driver, Grand Manan is a community focused on the coast. Wharves dominate the northwestern coastline where the commercial ferry service and commercial fisheries operations are centralized. The Island's rich history attracts visitors from around the world who come to take in the scenic views, outdoor activities, and quaint shops and services. The Island offers residents a high quality of life with a growing list of amenities including active recreation, arts and culture, and programming for all ages. Grand Manan is an island with small town character and a strong sense of community that will continue to provide its residents with a safe and enjoyable place to call home for generations to come.

Grand Manan is growing. The Village population increased 10% between the 2016 and 2021 census, with an increase in population from 2360 to 2595. The population is also ageing with 22% of the population reported to be 65 years of age or older. The working age population, those between 15 and 64 years of age, make up 60% of the Island's population, leaving the remaining 18% 14 years of age or younger. This distribution suggests, on average, smaller household sizes; with the Census reporting the average household size in Grand Manan at 2.2 persons, there are 395 single person households and 440 two person households. Of the 1180 dwellings on the Island, nearly 71% have two people or less. This evolution from the large family-centre household is creating a change in demand for housing as people age out of their larger homes and seek out more manageable space in the community they love. As Grand Manan continues to see incremental growth over the next 10 years, responding to these new housing demands while retaining the working age population will be a critical priority.

The following document provides a guiding policy framework and land use regulation for the general facilitation and administration of development in the Village of Grand Manan. The policies and proposals outline Village Council's intentions with respect to the management of lands on the Island. These policies and proposals are implemented through the Zoning Standards with the intention of setting the standard for high quality, sustainable development throughout the Village of Grand Manan.

## 1.1 Title

The *Village of Grand Manan Rural Plan – By-law #56-22* may also be cited as the By-law or the Rural Plan.

## 1.2 Area of Designation

The area of land lying within the territorial limits of the Village of Grand Manan, as described in Regulation 85-6 under the *Local Governance Act* and as outlined on the attached Schedule A, entitled “Village of Grand Manan Zoning Map” is designated as the area for the adoption of this Rural Plan.

## 1.3 Repeal of Existing By-Laws

The following by-laws are hereby repealed:

- a. By-law 39-04
- b. By-law 52-19

## 1.4 Purpose

The Rural Plan sets out the Council’s long-term policies and proposals to guide future land use development. The Plan is intended for use by Council and residents to guide day-to-day decisions with respect to land use development and capital expenditures. The Rural Plan should be reviewed every five years in accordance with the provisions of the *Community Planning Act*. Periodic amendments to the Plan may be required. These should be undertaken with due process, including public consultation, as outlined in the *Community Planning Act* for rural plan amendments.

The adoption of a Rural Plan does not commit the Village or Province to undertake any proposal therein stated, as per Section 27 of the *Community Planning Act*, but shall prevent the undertaking of any development that is inconsistent or at variance with:

- a. In the case of the Village, any proposal or policy so outlined or suggested; or
- b. in the case of the Province or a person, any policy or proposal so outlined or suggested

In this Rural Plan, a Policy is a statement reflecting community objectives and outlining a means to achieve them. Policies are the foundation of the Rural Plan. All other components of the Rural Plan, including the zoning and development standards, as well as any amendments thereto, are to conform to the intent of these policies. Proposals are actions that are desirable, but not essential to meeting the objectives of the Rural Plan. While Council is not required to undertake any stated Proposal, it cannot enact measures that are contrary to a Proposal.

## PART 2: OBJECTIVES, POLICIES, AND PROPSALS

### 2.1 Vision & Objectives of the Rural Plan

#### 2.1.1 Vision

*The Village of Grand Manan is a welcoming community full of rich culture and history. It offers residents an enhanced quality of life through unique scenic views, well-appointed facilities, and a growing list of amenities and services. As the Village of Grand Manan continues to evolve, it will balance its traditional character with sustainable economic development, making it an exceptional place to call home.*

#### 2.1.2 Objectives

- 1) To ensure land use occurs in an orderly, efficient, and equitable manner;
- 2) To separate incompatible land uses while acknowledging and meeting the existing land use needs on the Island;
- 3) To encourage housing development which reflects a range of types, sizes, and ownership statuses to meet the needs of all ages, abilities, and incomes;
- 4) To direct commercial and industrial development which support the local community and economy to appropriate locations;
- 5) To ensure that institutional services meet the needs of the population within the Village of Grand Manan;
- 6) To provide recreational facilities and outdoor spaces which serve Grand Manan residents of all ages and abilities;
- 7) To acknowledge the importance of resource industries and ensure the preservation of these uses;
- 8) To encourage sustainable development methods in order to protect and mitigate negative impacts to the natural environment.

## 2.2 Residential Uses

### 2.2.1 Residential Policies

Council Shall:

- 1) Encourage a variety of housing types that are responsive to the needs of the community including private and rental housing.
- 2) Encourage the inclusion of affordable housing.
- 3) Encourage residential development to occur where it is compatible with the surrounding land uses and the environment.
- 4) Through the subdivision process, require land for public purposes dedication or cash in lieu of land dedication.
- 5) Advocate for all residents to have equitable and safe access to housing.
- 6) Control the location of residential development through appropriate regulations and through Schedule A, the Village of Grand Manan Zoning Map.

### 2.2.2 Residential Proposals

To support the implementation of policy, the Village Council may propose:

- 1) Concentrating residential development in mixed-use areas, and away from environmentally sensitive areas and industrial land uses.
- 2) Residential development be orderly, compact, and diverse by facilitating a variety of housing typologies.
- 3) Alternative subdivision designs that follow sustainable community design principles be encouraged as a method to protect riparian areas and other sensitive resources, and to provide common amenity space for residents.

## 2.3 Commercial and Tourism Uses

### 2.3.1 Policies

Village Council Shall:

- 1) Encourage the expansion of the local employment base while protecting the viability of existing industries.
- 2) Encourage commercial development to occur in areas that are easily accessed from Highway 776, in appropriate locations compatible with the surrounding land uses and environment.
- 3) Control the type and location of commercial development through appropriate regulations and through Schedule A, the Village of Grand Manan Zoning Map.
- 4) Encourage commercial infill in areas where commercial uses already exist to make use of existing services and infrastructure.
- 5) Set standards with respect to temporary or seasonal commercial uses through appropriate regulations in Section 5 of this Rural Plan.

### 2.3.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) That commercial uses are directed to areas which are accessible, appropriate, and which reflect the transportation patterns of residents and visitors.
- 2) That buffers, such as hedge rows, are used to minimize noise pollution and the pollution of land, air, or water that may be caused by commercial land uses.
- 3) That where new commercial uses are proposed, they are developed using lighting standards so as to not negatively impact adjacent uses or impact the view of the night sky.

## 2.4 Industrial Uses

### 2.4.1 Policies

Village Council shall:

- 1) Protect the natural environment and the rural character of the community by controlling the types of industrial development that is permitted, and where such developments can go.
- 2) Control the type and location of industrial development through appropriate regulations and through Schedule A, the Village of Grand Manan Zoning Map.

- 3) Encourage appropriate industrial operations which create employment opportunities for local residents.
- 4) Ensure new industrial development occur in areas that minimize conflicts with current and existing land uses.
- 5) Minimize negative impacts to the natural environment and adjacent land uses by controlling the location, size, spacing and operation of industrial land uses.
- 6) Provide for existing fisheries and coastal uses through appropriate zone standards to ensure these uses are supported while providing parameters under which industry can expand.

## 2.4.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) To consider the noise, dust, vibration, traffic, and visual impacts of industrial land uses, and to concentrate industrial land uses in areas where it is separated or sufficiently buffered from residential and commercial development, wherever possible.
- 2) Zoning provisions to facilitate a mix of industrial uses and all other land uses within the Village's working harbours.
- 3) To permit the establishment of low impact industrial land-uses in the vicinity of residential uses so long as the uses are compatible with the rural character of the area, conform to the environmental standards prescribed by the Province, and do not negatively impact adjacent land uses.
- 4) It is proposed that industrial uses requiring an amendment to the Rural Plan will be evaluated relative to:
  - i) compatibility with the adjacent land uses and other surrounding community features;
  - ii) considerations of noise, dust, vibration, traffic, and visual impacts, such as outdoor storage;
  - iii) size and type of operation;
  - iv) visual and noise buffers;
  - v) topography and soils;
  - vi) drainage;
  - vii) possible risk of pollution of air, water, and soil; and
  - viii) any other risk to residents or the environment that could occur as a result of the proposed development

## 2.5 Institutional Uses

### 2.5.1 Policies

Village Council shall:

- 1) Encourage institutional land uses which serve the cultural, social, and educational needs of the community.
- 2) Encourage the development of public facilities and services that are centrally and conveniently located to meet the needs of the residents of the Village.
- 3) Control the location of institutional uses through appropriate regulations and through Schedule A, the Village of Grand Manan Zoning Map.
- 4) Encourage institutional uses in areas which are easily accessible to all residents.
- 5) Work with the Province to continue the provisions of community services such as the Grand Manan Public Library and the Grand Manan Community School.
- 6) Work with the Province to ensure the Grand Manan Hospital continues an acceptable level of service with a facility that is in good repair and meets the community's needs.
- 7) Encourage the adaptive reuse of churches and their related buildings.

### 2.5.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) That facilities and services for seniors and for those with disabilities be encouraged.
- 2) That community facilities be encouraged to be inclusive and accessible to all residents.
- 3) Churches be adaptively reused in a way that supports the community through the provision of housing and/or services, contributes to the economic development of the Village, and is in keeping with the overall intention of the Rural Plan.

## 2.6 Recreational Facilities and Public Open Spaces

### 2.6.1 Policies

Village Council Shall:

- 1) Encourage a wide range of recreational uses which meet the needs and abilities of all residents, and which encourage social interaction, healthy lifestyles, and a sense of community identity.
- 2) Control the location of recreation facilities and recreational uses through appropriate regulations and through Schedule A, the Village of Grand Manan Zoning Map.
- 3) Preserve existing and encourage increased public access to the coastline.
- 4) Explore funding opportunities to enhance recreation offerings.
- 5) Explore funding opportunities to explore the feasibility of multi-modal and active transportation trails.
- 6) Encourage the use of Village parks for community programming and events.

### 2.6.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) That natural areas are preserved, enhanced and protected by encouraging the preservation of public open space, minimizing disturbance to the natural environment, and developing passive recreation uses such as trails.
- 2) Working with stakeholder groups such as schools, churches, volunteers, and community groups to ensure the provision of year round recreation opportunities for residents.
- 3) Parks, trail systems, and recreation spaces are adequately maintained.

## 2.7 Resource Uses

### 2.7.1 Policies

Village Council shall:

- 1) Encourage an integrated and sustainable approach to the management of natural resources and encourage the use of best management practices to minimize impacts to the natural environment.
- 2) Encourage the continued operation of rural land uses, such as fishery, agriculture, forestry, and mineral/aggregate resource extraction, while minimizing potential incompatibility with surrounding land uses.
- 3) Encourage the development of alternative and renewable energy solutions where such uses are compatible with the existing land uses and the environment.
- 4) Control the location of resources uses through appropriate regulations and through Schedule A, the Village of Grand Manan Zoning Map.

## 2.7.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) That zoning provisions be established to adequately separate rural land uses and residential uses.
- 2) That new gravel pits and quarry operations would be considered as an amendment to this By-law, and that proposals for new gravel pits and quarry operations will include, but will not be limited to
  - a. projected extraction plan and its impact on the water table;
  - b. protection measures for people, adjacent properties, and existing private and public infrastructures; and
  - c. rehabilitation.

## 2.8 Protection of Water Supply

### 2.8.1 Policies

Village Council shall:

- 1) Protect groundwater and surface water supplies for existing and future users by discouraging development with the potential to degrade or deplete the resource.
- 2) Prohibit development that poses a significant risk to groundwater and surface water resources.

- 3) Encourage the remediation of known contaminated areas in a timely matter to reduce the spreading of pollutants to other lands, wells, and watercourses.

## 2.8.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) That Council undertake a public education program to educate residents about the continued maintenance and protection of individual wells and septic system maintenance.
- 2) That an innovative approach to servicing multiunit development such as communal services be encouraged so long as it fits within the Province of New Brunswick's guidelines.
- 3) That future resource extraction uses be evaluated for their impact on water supplies.

## 2.9 Heritage & Culture

### 2.9.1 Policies

Village Council shall:

- 1) Protect important cultural, historical, and archaeological resources from development and resource extraction uses, and to minimize negative impacts to known and unknown archeological resources.
- 2) Encourage the preservation, restoration and maintenance of historic sites, buildings, structures and monuments.
- 3) Encourage programming and events that promote the history and character of Grand Manan.

### 2.9.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) Seek partnerships with Provincial and Federal Governments as well as non-governmental organizations to implement initiatives which identify and protect historically and culturally significant lands and buildings.
- 2) Support the programming of festivals and events that promote the culture of Grand Manan.

## 2.10 Conservation of the Physical Environment

### 2.10.1 Policies

Village Council shall

- 1) It is a policy that all land uses occur in a manner which minimizes impacts to the air, land, and water resources for the benefit for present and future generations.
- 2) Direct development away from environmentally sensitive or hazardous areas and land that is otherwise unsuitable by virtue of soil or topography.
- 3) Consider and mitigate climate change impacts in all building, land-use, and development decisions.
- 4) Encourage the protection and conservation of public lands that serve as significant flora and fauna habitats, giving emphasis to preserving biodiversity and minimizing the fragmentation of habitat.
- 5) Control the types of land uses permitted in environmentally sensitive areas through appropriate regulations and through Schedule A, the Village of Grand Manan Zoning Map.

### 2.10.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) That the Village set zoning standards to preserve provincially significant and regulated wetlands.
- 2) That the Village explore planning for Climate Change Adaptation and building capacity in the community around the future impacts of Climate Change, storm surge, and flooding.
- 3) That the Village support the continued preservation of environmentally sensitive lands on the Island through such means as nature reserves and other innovative approaches to environmental protection.

## PART 3: DEFINITIONS

In this By-law:

“accessory building” means a detached subordinate building, 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 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, of land or a building or structure that is naturally or customarily incidental and complementary to the main use of the land, building or structure, which is located on the same lot as the main use and which is not a secondary use;

“Act” means the Community Planning Act, Chapter C-19, R.S.N.B.

“agricultural land” means land being used in an agricultural operation, or land that is not being used in an agricultural operation but that meets the criteria set by regulation as land suitable for use in an agricultural operation;

“agricultural use” means an agricultural operation that is carried on for gain or reward or in the hope or expectation of gain or reward, and includes:

- a) the cultivation of land,
- b) the raising of livestock, including poultry,
- c) the raising of furbearing animals,
- d) the production of agricultural field crops,
- e) the production of fruit and vegetables and other specialty horticultural crops,
- f) the production of eggs and milk,
- g) the operation of agricultural machinery and equipment, including irrigation pumps,
- h) the application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides for agricultural purposes,
- i) the operation of pick-your-own farms, roadside stands, farm produce stands and farm tourist operations as part of a farm operation,
- j) the raising of bees,
- k) the processing of a farm product for the purpose of preparing farm products for wholesale or retail consumption, and
- l) the production of cannabis where the plants are grown outdoors, the property is developed in accordance with all applicable federal legislation and licenses, and the surface area is clearly delineated;

“alter” means to make any change, structurally or otherwise, in a building or structure which is not for purposes of maintenance only;

“animal unit” means the number of livestock or poultry that produce one animal unit as follows:

- (a) one horse, cow, steer, bull, pig, or mule, including offspring until weaning,
- (b) two llama, alpacas, or donkeys, including offspring until weaning,
- (c) five sheep, goats, or emu, including offspring until weaning,
- (d) eight turkeys or geese,
- (e) twenty-five chickens, ducks, or furbearing animals, excluding fox or mink;

“arterial highway” means a highway so classified under the Highway Act;

“aquaculture use” means any land devoted to the hatching, raising and breeding of live fish or other aquatic plants or live aquatic species for sale or personal use but does not include warehousing or processing;

“automobile repair” means the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers including collision services, body repair and frame straightening, painting and upholstering, vehicle steam cleaning and undercoating;

“bare-land condominium” means a residential condominium property, as defined under the Condominium Property Act, that contains multiple units that consist of land on which buildings may be located or constructed after purchase and is developed as an alternative to a platted subdivision, but it shall not be considered the equivalent of a platted subdivision for the purpose of this regulation in regards to the dimensional standards or population density;

“buffer” means a landscaped or fenced area intended to visibly separate one use from another or to shield or block noise, lights or other nuisances;

“building” means any structure used or intended for supporting or sheltering any use or occupancy;

“cabin” means a structure intended for periodic recreational use and not designed in such a manner as to be used on a year-round basis;

“camp” means a lot, parcel, or piece of land intended for periodic recreational use and occupied on a temporary basis by trailers, campers, truck campers, tents or similar transportable accommodation;

“cannabis” means cannabis as defined by the Government of Canada, pursuant to the Cannabis Act;

“cannabis production facility” means an indoor or year-round facility and premises authorized by a license issued by the Government of Canada, pursuant to the Cannabis Act for growing,

producing, testing, destroying, storing, or distribution of cannabis but does not include the retail sale of cannabis or cannabis related products.

“cannabis retail sales” means the sale of cannabis or cannabis related products to the general public.

“cemetery” means land that is set apart or used for the interment of the dead;

“commercial use” means the use of land, building or structure for the purpose of buying and selling merchandise, serving food or liquor, and supplying of services as distinguished from such uses as the manufacturing or assembling of goods, warehousing, transportation terminals, aquaculture uses, cannabis production facilities, contractor’s yards, salvage yards, or excavation of minerals and quarriable substances;

“Commission” means the Southwest New Brunswick Service Commission which is the regional service having jurisdiction and as established under the Regional Service Delivery Act;

“compatible” means a building, structure, activity or use that blends with, conforms to, or is harmonious with the surrounding ecological, physical, visual or cultural environment;

“conservation use” means a wildlife refuge, natural buffer, management area or other such use that serves to protect or maintain the habitat, flora and/or fauna, and biodiversity of the area in a relatively natural state and may include passive recreation uses;

“contractor’s yard” means a yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work;

“depth” means, in relation to a lot, where the front and rear lot lines are parallel, the horizontal distance between the front and rear lot lines at right angles to such lines, or where these lines are not parallel, it shall be the length of a line joining the midpoints of the front and rear lot lines;

“Director” means the Provincial Planning Director appointed under section 9 of the Community Planning Act;

“dwelling” means a main building, or a portion thereof, containing one or more dwelling units;

“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;

“easement” means a right to use land owned by another for a specific purpose;

“erect” means to construct, build, assemble or relocate a building or structure, including any physical operations preparatory to the construction, building, assembly or relocation of the building or structure;

“extractive industrial use” means the use of land, including accessory buildings and structures, for the refinement and/or processing of sand, gravel, stone or other aggregate resources and includes an asphalt plant, a concrete plant;

“fishery, industrial” means land, buildings or structures used for the purposes of, but not limited to, the storing, repairing or creating fishing equipment for commercial use, or where fish, aquatic plants or animals are processed, warehoused, packaged, or distributed. This use may occur on scale exceeding 200 square meters of total floor area. This use may include aquaculture operations in addition to any of the aforementioned uses;

“fishery, small-scale” means land, buildings or structures used for the purposes of, but not limited to, the storing, repairing or making fishing equipment for personal business use, or where a private catch or bait may be temporarily stored as of a direct result of this use. This use does not exceed 200 square meters of total floor area and does not include aquaculture, warehousing or distribution of fish, aquatic plants or animals;

“floor area” means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits, vertical service spaces, and their enclosing assemblies;

“forestry use” means the general growing and harvesting of trees and, without limiting the generality of the foregoing, may include: the raising and cutting of wood, the portable milling and sawing of wood; and the production of Christmas trees and specialty forest products such as: wreaths and bark mulch;

“garden suite” means a detached secondary dwelling unit on the same lot as a main building, located in the side or rear yard and not in front of the building line;

“greenhouse” means a primary or accessory building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

“ground water” means any flowing or standing water below the surface of the earth;

“hobby farm” means a small-scale agricultural use containing no more than 5 livestock, other than poultry, and no more than 50 poultry, that is conducted for pleasure or as a secondary source of income on the same lot as a dwelling;

**“home-based business”** means a secondary use conducted within a dwelling unit or an accessory building or structure on the same lot, for gain or support, and is compatible with a domestic household, and includes a small-scale fishery use;

**“industrial use, heavy”** means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing process using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or offensive conditions or cannabis production facilities – noticeable amounts of noise, dust, odor, smoke, glare or vibration outside the building in which the activity takes place, including significant amounts of truck traffic;

**“industrial use, light”** means any operation which assembles, improves, treats, compounds, packages, or stress goods or materials in a manner which does not create a noticeable amount of noise, dust, odor, smoke, glare or vibration outside of the building in which the activity takes place, where outside storage of goods or materials is properly screened from view, and which does not generate significant amounts of truck traffic;

**“institutional use”** means the use of land, buildings or structures for a public or nonprofit purpose such as a community center, cemetery, school, or place of worship;

**“intensive livestock operation”** means a livestock facility or operation including 20 or more livestock, other than poultry, or 200 or more poultry, pursuant to the Livestock Operations Act;

**“kennel”** means building or structure used for the enclosure of animals kept for a commercial purpose, and may include premises used for the breeding, raising, training, sheltering, or boarding, or the overnight accommodation of dogs, cats, or other household pets, including a “doggie daycare” but shall not include a veterinary clinic.

**“livestock”** includes, but is not limited to, adult cattle, horses, mules, donkeys, pigs, sheep, goats, ostriches, emu, foxes, mink, or poultry;

**“livestock facility”** means a building used or intended to be used to confine or house livestock or a confined livestock area, and includes any structure or area used or intended to be used to store manure;

**“loading space”** means a temporary parking space logically and conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used;

**“lot”** means a piece of land or two or more adjoining pieces of land, including those lying opposite to each other or on either side of a road, street or highway, held by the same owner, and used or intended to be used as the site for a building or structure or an addition to the building or structure;

"lot coverage" means that percentage of the lot area that is permitted to be covered by all buildings and structures, other than swimming pools, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone;

"lot line" means a common line between a lot and an abutting lot, access, or street;

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

"main use" means the primary purpose for which a building, other structure or lot is designed, arranged, or intended, or for which it may be used, occupied or maintained under this Regulation;

"microbrewery" means an establishment that manufactures beer, wine, or spirits, or a combination thereof, in the following quantities per calendar year: (a) No more than 500,000 litres of beer; (b) No more than 100,000 litres of wine; and (c) No more than 75,000 litres of spirits. This use may include incidental retail sales including a licensed tasting room. This definition is also used for Distillery.

"mobile or mini-home" means a building unit that is designed to be used with or without a permanent foundation as a dwelling, that has a width of less than 6 meters throughout its entire length, exclusive of steps or porches, that is not fitted with facilities for towing or to which towing apparatus can be attached, and that is capable of being transported by means of a flatbed float trailer from the site of its construction without significant alteration;

"mobile or mini-home park" means a parcel of land, not in a Provincial Park, intended as the location, for residential purposes, of five or more mini-homes subject to the water and wastewater services being approved by the appropriate Provincial agencies;

"mobile vendor" means an establishment or business that offer goods and services in a mobile vehicle, such as a trailer, van, or truck (e.g. food truck), and may include a farmers stand.

"mining" means searching for or obtaining a mineral or mineral-bearing substance by disturbing, removing, crushing, washing, sifting, concentrating, roasting, dissolving, leaching, smelting, refining, reducing or otherwise treating or dealing with soil, earth, rock, stone or other material whether or not the soil, earth, rock, stone or other material has been previously disturbed, removed, crushed, washed, sifted, concentrated, roasted, dissolved, leached, smelted, refined, reduced or otherwise treated or dealt with, but does not include any subsurface mining as defined in the Mining Act or Petroleum Act;

"Minister" means the Minister responsible for the Community Planning Act;

“mobile home” means a factory built, detached structural unit designed to be and capable of being transported after fabrication on its own chassis and wheel system to a lot and which is suitable for year-round occupancy in similar fashion as a dwelling unit, except for minor and incidental unpacking and assembly operations, and placement on defined supporting structures;

“multiple dwelling” means a dwelling containing three or more dwelling units;

“occupancy” means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;

“open space” means space that is open to the sky and suitable for active or passive recreation and does not contain permanent buildings or structures;

“outdoor recreational use” means a recreational use conducted outdoors and, without limiting the generality of the foregoing, may include areas used for hiking, snowmobiling, all-terrain vehicles, cross-country skiing, bicycling, horseback riding, non-motorized racetracks, sleigh rides, nature interpretation activities, canoeing, hunting and fishing, in accordance with applicable regulations;

“park” means an area of land set aside for recreational purposes and, without limiting the generality of the foregoing, may include: playgrounds, baseball fields, tennis courts, soccer and other athletic fields, outdoor rinks, swimming pools, areas designed for passive enjoyment and similar uses and includes the buildings and structures in connection therewith;

“recreation, village owned” is an establishment, facility, or space that provides for the operation of sports, active amusement, or recreation services for use by the general public on a fee or non-fee basis.

“registry office” means the registry office established under the Registry Act for the county in which any land affected is situated;

“resource excavation development” means any excavation of sand, gravel, clay, shale, limestone or other deposit for a development or for purposes for the sale or other commercial use of the material excavated, but does not include mining, processing, or refinement of materials;

“residential cluster development” means a development where the size of the developed area is concentrated in order to permanently preserve at least half (50%) or more of the total original parcel as commonly-owned open space, natural conservation area, and/or as registered agricultural land, not including common areas for parking;

“sea-level” means that geodetic elevation as defined by Canadian Geodetic Vertical Datum of 2013;

“salvage yard” means any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited three or more unregistered motor vehicles that are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded, or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles. Such uses shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn materials that are parts of a motor vehicle or cut up the parts thereof;

“secondary use” means a use other than a main or accessory use, occupying less interior floor area, or occupying less exterior surface area on a lot, than the main use;

“service station” means a commercial operation where gasoline, diesel, oil, grease, antifreeze, accessories or tires, or a combination thereof are stored or kept for retail sale for motor vehicles, and includes an automobile repair use but does include a salvage yard;

“sign” means a name, identification, or description device, display, or illustration which is affixed to or represented directly or indirectly upon a building, structure, or lot, that directs attention to an object, product, place, activity, person, institute, organization or business;

“single-unit dwelling” means a dwelling containing only one dwelling unit, but is distinguished from a mini-home or mobile home;

“street line” means the common line between a street and a lot;

“structure” means anything erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground, and shall include buildings, walls or any sign, but does not include fences that do not exceed two meters in height;

“tiny home” means a dwelling that is 58.06 square metres or less and meets the exemption criteria described by the Building Code Administration Act.

“tourism use” means the use of land, building or structures for the purposes of leisure, recreation or hospitality services for and accommodation of the travelling public;

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

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

"veterinary clinic" means an establishment used by veterinarians, or practitioners in related specialties, for the purpose of practicing veterinary medicine, where animals are admitted for examination or treatment, where less than 20 animals are lodged or kept overnight, and where limited laboratory and other diagnostic services may be offered on an outpatient basis;

"watercourse" means a waterbody recognized under the Clean Water Act;

"wetland" means any land that is defined as a wetland in accordance with the Clean Water Act;

"width" means where the side lot lines are parallel, the distance measured at right angles from such lot lines across each lot and where such lot lines are not parallel, the distance between them at the required front yard depth.

## PART 4: PURPOSE, ADMINISTRATION, CLASSIFICATION, & CONFORMITY

### 4.1 Purpose

- 1) The purpose of Part 4 to 6:
  - a) to divide the Village into Zones which are represented in Schedule A: The Village of Grand Manan Zoning Map;
  - b) to prescribe:
    - i) the purpose for which land, buildings, and structures in any Zone may be used; and
    - ii) standards to which land use and the placement, erection, alteration and use of buildings and structures must conform; and
  - c) to prohibit the use, placement, erection, or alteration of buildings or structures other than in conformity with the purposes and standards mentioned in paragraph (b).

### 4.2 Powers of Council

- 1) No building may be erected in the Village in respect of which, in the opinion of Village Council, satisfactory arrangements have not been made for the supply of electric power, water, sewage, streets or other services or facilities.
- 2) Where, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Village Council may in accordance with section 53(2)(e) of the Act:
  - a) require the improvement, removal or demolition of such building or structure at the expense of the owner; or
  - b) acquire the parcel of land on which such building or structure is located.
- 3) Notwithstanding any other provision of this Rural Plan, the Village Council may allow a developer of a building or structure to pay the Village the sum of \$500.00 per parking space in lieu of proving off street parking required hereunder.

### 4.3 Powers of the Planning Advisory Committee

The Planning Advisory Committee is an appointed body under Sections 3 to 8 of the *Community Planning Act*. The Planning Advisory Committee's role is to advise and make recommendations

to Council on matters relating to community planning; to give its views on any by-law proposed to be made under the *Community Planning Act*; and, to exercise the powers and perform the duties given to it by the *Community Planning Act* or Council.

#### 4.3.1 Conditional Uses

- a) Conditional uses are approved subject to terms and conditions imposed by the Planning Advisory Committee.
- b) Conditional uses may be prohibited by the Planning Advisory Committee where compliance with terms and conditions imposed under clause (a) cannot be reasonably expected.
- c) Conditional uses are listed under each zone as "Conditional Uses".
- d) Council may enter into an agreement to assure the performance of the terms and conditions set out in subsection 4.3.1(a).

#### 4.3.2 Non-Conforming Use

Pursuant to Section 60 of the *Community Planning Act*, the Planning Advisory Committee may authorize:

- a) The recommencement of a non-conforming use that has been discontinued for a period of ten consecutive months;
- b) The repair, restoration or use of a building or structure containing a non-conforming use which, in the opinion of the Planning Advisory Committee, has been damaged to the extent of at least half of the whole building or structure, exclusive of the foundation;
- c) The extension of a non-conforming use into a part of a building that was constructed subsequent to the date the use become non-conforming; or
- d) The change of a non-conforming use to a similar non-conforming use.

#### 4.3.3 Similar or Compatible Uses

Pursuant to Section 55(1) of the *Community Planning Act*, the Planning Advisory Committee may permit, subject to the terms and conditions it considers fit, a proposed use of land or a building that is otherwise not permitted under the Rural Plan if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the Rural Plan for the zone in which the land or building is situated.

#### 4.3.4 Temporary Approvals

Pursuant to Section 53(2) of the *Community Planning Act*, the Planning Advisory Committee may, subject to the terms and conditions it considers fit:

- a) Authorize for a temporary period not exceeding one year a development otherwise prohibited by this Rural Plan;

- b) Authorize, for an additional temporary period not exceeding one year, a development otherwise prohibited by this by-law if:
  - i. The applicant holds an authorization under subparagraph (a) that is to expire or has expired,
  - ii. An application with respect to the land has been made to amend this Rural Plan, and
  - iii. The Planning Advisory Committee has received a resolution from Council confirming that Council will consider the application referred to in (ii)
- c) Require the termination or removal of a development authorized under subparagraph (a) or (b) at the end of the authorized period.

#### 4.3.5 Variances

Pursuant to Section 55(1)(b) of the *Community Planning Act*, the Planning Advisory Committee may permit, subject to the terms and conditions it considers fit, a reasonable variance from the requirements of this Rural Plan authorized by section 53(2)(a) of the *Community Planning Act* as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in keeping with the general intent of the Rural Plan.

#### 4.3.6 Delegated Authority

Pursuant to Section 53(2)(j) of the *Community Planning Act*, the Planning Advisory Committee may delegate its authority to the Development Officer.

### 4.4 Amendments to the Rural Plan

- 1) A person who seeks to have this Rural Plan amended shall:
  - a) address a written and signed application to the Village Council; and
  - b) shall pay a fee as prescribed in section 4.5.
- 2) Through a motion at a regular meeting, Council may return all or any part of the fee mentioned in paragraph (1)(b).
- 3) An application under this section shall include such information as may be required by the Village Council or Planning Advisory Committee for the purposes of adequately assessing the desirability of the proposal.
- 4) Unless Village Council is of the opinion that there is valid new evidence or change in conditions, where an application under this section has been previously refused by the Village Council, no further application may be considered by the Village Council for one year if such application:
  - a) in the case of rezoning, is respect of the same area of land with witch the original application was concerned; or
  - b) not being in relation to rezoning is similar to the original application.

### 4.5 Fees for Planning Services

- 1) Fees for the following services will be at the discretion of Council:

- a) zoning confirmation letter;
  - b) zoning compliance letter;
  - c) processing and considering all variances (temporary uses, dimensional, similar use); and
  - d) processing and considering requests for rezoning or by-law amendments.
- 2) All fees are submitted and payable to the Village of Grand Manan. A current list of fees is provided for convenience in Appendix B. Fees for Planning Services may be amended by Council from time to time.

## 4.6 Classification

- 1) For the purposes of this Rural Plan, the Village is divided into Zones delineated on the plan attached as Schedule "A", entitled the "Village of Grand Manan Zoning Map".
- 2) The Zones mentioned in subsection (1) are classified and referred to as follows:
 

|                              |            |
|------------------------------|------------|
| a) Rural                     | "R" Zone;  |
| b) Mixed Use                 | "MU" Zone; |
| c) Industrial                | "I" Zone;  |
| d) Environmentally Sensitive | "E" Zone.  |
| e) Integrated Development    | "ID" Zone  |

## 4.7 Conformity

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 Rural Plan pertaining to such Zone.

## 4.8 Boundaries of the Zones

- 1) Where the boundary of any Zone, as shown on the zoning map relating to this Rural Plan is uncertain:
  - a) where a Zone boundaries are indicated by following an existing street, lane, public utility right-of-way, watercourse or an easement line, the centre in of such feature is the Zone boundary; or
  - b) a Zone boundary shown approximately at a lot line, shown on a registered plan of subdivision or registered document, is deemed to be at the boundary of the lot line; or

- c) a Zone boundary shown following approximately the top of bank of a shoreline, creek, stream or channel is deemed to be the top of the bank and moves with any change in the bank; or
- d) where a Zone boundary runs parallel to a street line or property line and the distance is not indicated from the street line or property line, the boundary shall be deemed to be parallel to such street line or lot line and the distance from the street line and lot line shall be determined according to the scale shown on the zoning map.

## 4.9 Rural Plan Review

Village Council shall undertake a review of the Rural Plan in accordance with the *Community Planning Act* no later than 10 years from its commencement or the last review.

# PART 5 - GENERAL PROVISIONS

## 5.1 Uses Permitted in All Zones

Nothing in this Rural Plan shall prevent the use of any land for:

- a) Trap yard, no bait
- b) Community Garden;
- c) Land for Public Purpose;
- d) Lane, Street, or Highway;
- e) Village Recreation Use;
- f) Park or Playground;
- g) Public Display;
- h) Mobile Vendor;
- i) Seasonal or Temporary Market, Festival, or Event;
- j) Stormwater Management System;
- k) Telecommunications Tower;
- l) Temporary Parking Lot to Facilitate Snow Clearing;
- m) Utility Service Building or Structure; and
- n) Walking Trail

## 5.2 Access

### 5.2.1 Access for Residential Purposes

An access for residential purposes means an access that serves a residential building;

### 5.2.2 Access for Non-Residential Purposes

- a) No more than two (2) driveways shall be permitted per lot.
- b) A Non-Residential Driveway, when facilitating two way traffic, shall have a minimum width of 6 metres.
- c) No driveway shall meet the travelled portion of the fronting street at an angle of less than 60 degrees.

## 5.3 Accessory Buildings & Structures

### 5.3.1 Accessory Building Standards

- a) Except as otherwise provided by this Rural Plan, an accessory building shall be permitted in any zone subject to the requirements of this part.
- b) Except as otherwise provided by this Rural Plan, an accessory building shall not be placed, erected or altered so that it:
  - i. Is wholly or partially within the front yard of the main building or structure;
  - ii. Is so located as to block that which otherwise would be the only vehicular access to the rear of the lot. Should this be the location of the only vehicular access to the rear of the lot, then a minimum 3 metres must be retained for vehicle access.
- c) Except as otherwise provided by this By-law, an accessory building or structure shall not be erected, placed, or altered unless in conformity with the following:

| Minimum Side Yard                                                               |                                                                                                                                        |
|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Mixed Use Zone                                                                  | 1.5 metres                                                                                                                             |
| All other zones                                                                 | 2 metres                                                                                                                               |
| Minimum Rear Yard                                                               |                                                                                                                                        |
| Mixed Use Zone                                                                  | 1.5 metres                                                                                                                             |
| All other zones                                                                 | 2 metres                                                                                                                               |
| Maximum Cumulative Ground Floor Area                                            |                                                                                                                                        |
| Notwithstanding a lot occupancy standard in the Mixed Use Zone, the greater of: | 75 square metres<br>or<br>7 percent of the lot area to maximum of 250 square metres, not exceeding the lot occupancy requirements      |
| All other zones                                                                 | 75 square metres<br>Or<br>5 percent of the lot area up to a maximum of 250 square metres, not exceeding the lot occupancy requirements |
| Maximum Height                                                                  |                                                                                                                                        |
| Mixed Use Zone                                                                  | 9 metres but not to exceed the height of the main building or structure.                                                               |
| All other zones                                                                 | A maximum of 9 metres                                                                                                                  |

### 5.3.2 Swimming Pools

- 1) No land shall be used for the purpose 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 1.6 meters in height
  - a) Where a portion of a wall of a building forms part of an enclosure mentioned in subsection (1),  
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
- 2) An enclosure mentioned in subsection (1) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing
- 3) 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 (5)
  - b) shall not be electrified or incorporate barbed wire or other dangerous material; and
  - c) shall be located at least:
    - i) 1.25 meters from the edge of the swimming pool, and
    - ii) 1.25 meters from any condition that would facilitate its being climbed from the outside.
- 4) 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 centimetres diameter steel;
  - b) in the case of a fence made of wood be designed and constructed with
    - i) vertical boarding, not less than 2.5 centimeters by 10 centimeters nominal dimensions spaced not more than 4 centimeters apart, attached to supporting members and arranged in such manner as not to facilitate climbing on the outside;
    - ii) supporting cedar posts at least 20 centimeters square or round with 10 centimeter diameters, set below frost and spaced not more than 2.5

meters 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 centimeters and a height of 15 centimeters; and

- iii) in the case of a fence constructed with materials and in a manner other than prescribed in this subsection, in a manner that will ensure rigidity equal to the design and construction prescribed by this subsection.

5) Gates forming part of an enclosure mentioned in subsection (1)

- a) shall be equivalent to the fence in content, manner of construction and height;
- b) shall be supported on substantial hinges; and
- c) shall be self-closing and equipped with a self-latching device at least 1.6 meters above the bottom of the gate.

## 5.4 Building and Structure Projections

Nothing in this Rural Plan shall prevent the following:

- a) An air conditioning or heat pump unit, or solar collector in any required yard;
- b) A balcony, deck, or veranda with a maximum projection of 2 metres into a required side or rear yard;
- c) A canopy, chimney, cornice, eave, flue, gutter, pilaster, roof overhand, sill, smoke stack, or other architectural feature with a maximum projection of 1 metre into any required yard;
- d) A door or window awning with a maximum projection of 1.5 metres into any required yard;
- e) the ordinary projection of skylights;
- f) A cantilevered floor in a main building above the first floor, which projects not more than 2 m into a required front, flankage, or rear yard or not more than 1.5 m into a required side yard.
- g) A personal mobility lift or wheelchair ramps may be located in any required yard;
- h) A fire escape or exterior staircase that projects into any required yard;
- i) Steps providing access at the first storey level may be located in any required yard; and
- j) An ornamental planting, retaining wall, or other similar landscaping installation may be located in any required yard.

## 5.5 Development Near a Watercourse, Wetland, Lake, or High Watermark

Any development within 30 m of a watercourse, wetland, lake, or from the high watermark shall be subject to the Regulations of the Province of New Brunswick and may require a Watercourse and Wetland Alteration permit.

## 5.6 Height Restrictions

The maximum height of buildings and structures are as provided for in particular zones in this Rural Plan, unless otherwise indicated, shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television, telephone or radio antennae, ventilators, chimneys, clock towers, cupola or wind turbines.

## 5.7 Landscaping and Lighting

### 5.7.1 Landscaping

- a) The owner of a lot developed for residential purposes shall landscape the front yard of the main building with reasonable accommodation for a driveway and walkway access; and
- b) Landscaping shall consist of a lawn and may include paths, patios, walkways, a driveway, trees, and ornamental features.

### 5.7.2 Lighting

No lighting fixtures, facility, or illumination device for any purpose may be arranged in such a way that causes a nuisance.

## 5.8 Loading Standards

A loading space not less than 9 meters long, 3.5 meters wide and 4 meters high, with access thereto, shall be required for every building or structure used for any purpose involving the receipt or distribution of goods, animals, salvage, materials or commodities.

## 5.9 Location of Buildings and Structures on a Lot

- a) No building or structure may be placed, erected or altered so that any part of it is within:
  - i) 15 meters from the boundary of a highway, or
  - ii) 7.5 meters from the boundary of a street or highway other than an arterial or local road;

- b) Notwithstanding (a), a building or structure may be placed, erected or altered so that it is as near a boundary of a street or highway as existing buildings or structures provided that
- i) the existing buildings or structures are on each side of and immediately adjacent to, such building or structure; and
  - ii) the nearest side of each existing building or structure, immediately adjacent thereto, will be within 30 meters of the nearest side of the building or structure to be placed, erected or altered.

## 5.10 Number of Dwellings on a Lot

No more than one building containing one or more dwelling units shall be erected on any lot, except:

- a) one garden suite, where permitted;
- b) tourist establishments, where permitted;
- c) a mini-home park, where permitted; and
- d) where such dwellings are so located that they would be in conformity with the provisions of all applicable regulations regarding size, frontage, setback and configuration of lots if the lot was divided into separate lots, each abutting a publicly-owned street and containing one dwelling

## 5.11 Parking Standards

Where developed, a parking area shall:

- i) conform with the Province's Barrier-Free Design
- ii) The following number of off-street parking stalls provided shall be in accordance with the table below:

| PARKING REQUIREMENTS                        |                                        |
|---------------------------------------------|----------------------------------------|
| Use                                         | No. of Parking Spaces Needed           |
| For a one, two, and three unit dwelling     | One (1) space for each dwelling unit   |
| Multiple unit dwelling / apartment building | One (1) space for every dwelling unit  |
| Supportive Housing or Special Care Facility | One half (0.5) space per dwelling unit |

|                                                                                                                                       |                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Business or professional office, medical or dental clinic                                                                             | One space (1) for every 36 square metres of floor area                                                                                                                             |
| Retail store                                                                                                                          | One space (1) for every 18 square metres of retail sales space                                                                                                                     |
| Accommodations                                                                                                                        | One space (1) per guest room                                                                                                                                                       |
| Restaurant and taverns                                                                                                                | One space (1) per 4 seats                                                                                                                                                          |
| Places of assembly including recreational, entertainment buildings, institutional buildings, or any building containing a similar use | One space (1) for 10 fixed seats, or not less than one space for each 9 square metres                                                                                              |
| Industrial buildings, warehouse, self-service storage facility, storage yards or buildings, and service shop and repair establishment | One space (1) for every regular employee                                                                                                                                           |
| School                                                                                                                                | One space (1) for every classroom and, where an auditorium or place of assembly is included therein, and additional space for every 9 square metres of auditorium or assemble area |
| Day care centre                                                                                                                       | One space (1) space for every 30 square feet of floor area                                                                                                                         |
| Other uses                                                                                                                            | One space (1) space per 30 square metres of floor area                                                                                                                             |

## 5.12 Excavation & Resource Extraction

### 5.9.1 Excavation Minimum Standards

All resource excavation developments must meet the following minimum standards:

- a) No excavation shall be undertaken:
- b) within 30 meters of any wetland, coastal and inland waterbody, or other watercourse;
- c) below the groundwater table;

- d) The excavation site shall be of a minimum distance of 30 meters from all property lines, 7.5 meters from power lines, and 150 meters from any dwelling on any property;
- e) A treed or landscaped buffer of at least 15 meters in width shall be maintained between the final perimeter of any excavation site and any public street or adjacent property;
- f) The main entrances to the site shall have a barrier to control access to the site;
- g) All excavation sites shall have adequate signs warning people of any dangerous situation associated with the operation, such as, but not limited to, blasting, steep slopes or open holes; such signs shall be posted around the perimeter and visible from any access;
- h) All surface water shall either be contained within the site limits, or the resource excavation development shall require the necessary approval from the Department of Environment and Local Government;
- i) The excavation site shall not serve as a storage place or a dump for toxic materials, scrap iron, domestic wastes, construction residue or any other material likely to be harmful to the environment;
- j) Any access within 100 meters of an existing residential use shall not be used for transporting excavated materials; and,
- k) Prior to the commencing of an excavation upon any lands, a copy of an Archaeological Impact Assessment (AIA), as approved by the Department of Tourism, Heritage, and Culture, shall be submitted to the Development Officer, where that Department determines a need for an AIA.

### 5.9.2 Gravel Pits

Gravel pit developments must meet the following minimum standards:

- a) The land shall not be used for temporary or permanent asphalt production;
- b) No excavations involving any blasting of aggregate or mining shall be permitted; and
- c) The land shall not be used for aggregate crushing.

### 5.9.3 Quarries

Quarry developments must meet the following minimum standards:

- a) Prior to the commencing of an excavation upon the lands, a copy of a rehabilitation plan, as approved by the Department of Environment and Local Government, shall be submitted to the Development Officer, where required;
- b) The operation shall maintain a rock wall and a 10-meter buffer cleared of vegetation from the edge of all slopes steeper than one and one-quarter (1 1/4) meters horizontal to one (1) meter with brightly coloured 1 m<sup>2</sup> warning signs placed at 20-meter intervals along the top length of that slope;

- c) Prior to the commencing of an excavation upon the lands, all development and activities shall comply with all applicable acts, permits and approvals as required, including but not limited to: the Air Quality Regulation – Clean Air Act, the Environmental Impact Assessment Regulation and the Water Quality Regulation – Clean Environment Act, Clean Environment Act, Approval to Operate, Approval to Construct, the Watercourse and Wetland Alteration Regulation, and the Water Well Regulation – Clean Water Act, and the Species at Risk Act;
- d) An excavation involving the blasting of rock shall not place within 600 meters of a dwelling on any property without the written consent of the owners of any affected dwellings.

## 5.13 Signs

- a) A sign may be placed, erected or displayed on any land, building or structure if such sign
  - i) advertises the sale, rental or lease of the land, building or structure;
  - ii) identifies a residential property or the residents of that property;
  - iii) denotes a home-based business permitted hereunder; or
  - iv) prohibits trespassing.
- b) A sign referred to in subsection (a) shall not
  - i) exceed, in number, one for each purpose mentioned therein;
  - ii) exceed 1.5 square meters in size;
  - iii) employ neon or flashing lights; or
  - iv) be of a colour, intensity or location so as to be confused with traffic or other warning devices.
- c) A sign shall be exempt from the requirements of this Regulation if the sign
  - i) warns against danger;
  - ii) is permitted in accordance with the Posting of Signs on Lands Regulation – Fish and Wildlife Act;
  - iii) is a traffic control device as defined in the Motor Vehicle Act;
  - iv) is a legal notice; or
  - v) is a store window sign advertising goods for sale in the store.

## 5.14 Garden Suites

Where permitted, a garden suite shall:

- a) be secondary to the main dwelling;

- b) Be located in the side or rear yard and behind the building line of the main dwelling,
- c) Have a maximum ground floor area of 72 square metres;
- d) Have a maximum height of 9 metres but not be taller than the main dwelling;
- e) Have a similar or complementary design as the main dwelling;
- f) A mobile or mini home may be used as a garden suite;
- g) No vehicle bodies, recreational vehicles, or shipping containers may be used as a garden suite.
- h) Notwithstanding (g), a shipping container may be use as a building material for a garden suite if the construction drawings are reviewed and stamped by a Professional Engineer.

## 5.15 Small-Scale Fishery Operations

Notwithstanding anything else in this By-law, small-scale fishery uses, structures, or buildings, are permitted in the Rural and Mixed zones subject to the following conditions:

- a) that all other provisions of this regulation, including setbacks, are complied with;
- b) that the lot on which the small-scale fishery use is located is not to be used as a storage place for rubbish, salvage, or derelict equipment;
- c) that any mechanical equipment associated with the use, with the exception of transport vehicles, be operated inside of a building with a sound-damping enclosure or be located at a minimum setback distance of 90 meters from any residential dwelling on another lot. This includes refrigerated shipping containers used to store catch; and
- d) that any associated bait, catch, or dead animals are only stored in sealed containers, live holding tanks, be refrigerated as appropriate.

## 5.16 Home Occupation

### 5.13.1 Home Occupation General Requirements

A Home Occupation may be conducted subject to the following conditions:

- a) A Home Occupation may be permitted as an secondary use within a dwelling unit or an accessory building, or both for the same home occupation, and must be clearly secondary to the residential use;
- b) A Home Occupation shall be the principle residence of the operator;

- c) The maximum area of the Home Occupation located within a dwelling unit shall not exceed 33% of the gross floor area of the dwelling unit;
- d) When the Home Occupation operates from an accessory building, the accessory building shall meet the regulations for maximum gross floor area permitted on the property;
- e) No exterior changes will be permitted which would change the architectural appearance of the dwelling;
- f) Parking shall be accommodated on the site of the Home Occupation;
- g) Signs must be in keeping with section 5.10;
- h) The following environmental standards shall apply:
  - i) No emissions of odorous gas or particulates that can be discerned at the lot line;
  - ii) No production of noise in excess of a normal street traffic experience;
  - iii) No physical hazards or nuisance including fire, toxic waste, explosion, glare or vibration to adjacent properties;
  - iv) No discharge of any waste material or pollutant onto the ground of property or adjacent property or any waterway or drainage facility; and
  - v) Outdoor storage must be located in the rear yard containing the Home Occupation and must be screened.

### 5.13.2 Home Occupations Permitted in Association with any Residential Dwelling

- a) Art or Craft Person Studio;
- b) Bed & Breakfast;
- c) Day Care – One Unit Dwelling only;
- d) Home Business Office – no additional staff;
- e) Personal Service
- f) Pet Grooming
- g) Carpentry and Repair Shops, including incidental retail sales

### 5.13.3 Home Occupations Permitted by Planning Advisory Committee Approval

- a) Kennel including breeder
- b) Art Gallery
- c) Retail Sales
- d) Food Service
- e) Any other use, subject to the terms and conditions imposed by the Planning Advisory Committee

## 5.17 Keeping of Hens

Where permitted, the keeping of hens shall comply with the following:

- a) be restricted only to lots with a one-unit dwelling;

- b) a maximum of 10 hens can be kept in a Mixed Use zone;
- c) Roosters are prohibited in the Mixed Use zone;
- d) the sale of eggs or meat and the slaughter of animals on the lot is prohibited;
- e) any manure or waste material shall be removed from the site (or composted) on a regular basis;
- f) a roofed enclosure consisting of a chicken coop connected to a chicken run is required and shall be fully enclosed by wired fencing and impermeable to predators;
- g) the enclosure shall be set back a minimum of 10 metres from any dwelling on an adjacent lot; and
- h) the activity is registered with the Village Clerk.

## 5.18 Keeping of Livestock

In the Rural Zone, the keeping of livestock is permitted subject to the following conditions:

- a) No livestock facility, barn, stable feedlot, abattoir or manure pile shall be located closer than 20 meters from any lot line or closer than 90 meters from any existing watercourse;
- b) The property shall have an area of at least 20,000 square metres (approximately 5 acres);
- c) Livestock shall be contained on the property by a fence;
- d) A livestock operation shall be developed in accordance with and adhere to all applicable Provincial regulations; and
- e) Roosters are permitted in the Rural zone.

## 5.19 Hobby Farms

Where permitted by the Rural Plan, a Hobby Farm is permitted subject to the following conditions:

- a) The property shall have an area of at least 12,000 square metres (approximately 3 acres);
- b) The Hobby Farm shall be clearly secondary to a main use;
- c) All activities associated with the Hobby Farm shall be located in the side and rear yards and behind the building line of the primary building;
- d) Accessory buildings associated with a Hobby Farm must be setback a minimum of 15 metres from any property line;
- e) A maximum of 5 animal units are permitted as part of the Hobby Farm;
- f) A rooster may be permitted on a Hobby Farm subject to the terms and conditions imposed by the Planning Advisory Committee.

## 5.20 Secondary Suites

Where permitted by this Rural Plan, a one-unit, two-unit, rowhouse, and townhouse dwelling may also contain a Secondary Suite subject to the following:

- a) It shall not exceed 40% of the gross floor area of the main dwelling unit or 75 square metres, whichever is less;
- b) The presence of the Secondary Suite shall not change the exterior appearance of the main building; and
- c) One on-site parking space shall be provided for the Secondary Suite.

## 5.21 Undersized Lots

The Rural Plan does not prevent the use of an existing lot that does not conform to minimum size requirements provided:

- a) that the proposed use of the lot is permitted in the zone; and
- b) that the setbacks, height, lot occupancy and all other relevant requirements of the zone are maintained.

## 5.22 Vehicle Bodies

- a) A motor vehicle, tractor trailer, tractor engine, container designed for commercial transport, farm tractor, road building machine, and any vehicle drawn, propelled or driven by any kind of power, notwithstanding its wheels having been removed, shall not be used, in any zone, as a dwelling unit in any zone.
- b) A motor vehicle, tractor trailer, tractor engine, container designed for commercial transport, farm tractor, road building machine, and any vehicle drawn, propelled or driven by any kind of power, notwithstanding its wheels having been removed, may be used as a commercial main building subject to the terms and conditions imposed by the Planning Advisory Committee.
- c) Notwithstanding section (a) and (b), a shipping container may be used as building materials for a dwelling so long as plans are designed, reviewed, and stamped by a Professional Engineer and the resulting structure does not have the appearance of a shipping container.
- d) Notwithstanding section (a) and (b), a shipping container may be used as an accessory building or structure in any zone subject to the following:
  - (i) the shipping container shall be in the rear yard; and
  - (ii) the shipping container shall be set back from the side and rear lot line by a minimum of 3 metres.
- e) Subject to subsection (e) below, any recreational equipment or unoccupied non-commercial trailer shall be stored in the rear yard of a main building or an accessory building.
- f) Where an unoccupied trailer is stored in a rear yard, it shall be at least

- (i) 1.5 metres from a side or rear lot line; and
  - (ii) 3 metres from any building or structure.
- g) Shipping containers proposed for seasonal, temporary use will be considered at the discretion of the Planning Advisory Committee.

## 5.23 Wind Turbines and Solar Collectors

### 5.23.1 Wind Turbines

- a) A small scale turbine for personal or on-site use is permitted as an accessory use subject to the following:
  - i) A minimum setback of 1.5 times the total height of the wind turbine from the rear, front, and side lot lines, dwellings, transmission lines, and public right-of-ways,
  - ii) Be located on the same property as the main use;
  - iii) Wind turbines that have not been used for electricity production for a period of two years are to be removed.
- b) Commercial turbine development will be considered at the discretion of the Planning Advisory Committee.

### 5.23.2 Solar Collectors

Solar collectors are permitted as an accessory use in all zones subject to the following:

- a) The height of the collector shall not exceed 2 metres from the highest peak of the roof structure upon which it is located;
- b) Be located on the same property as the main use.

# PART 6: ZONES

## 6.1 Rural “RU” Zone

The Rural Zone is applied to those areas of the Village that are outside of the built-up areas and former communities. These areas are largely wooded and dominated by large lots with substantial setbacks between neighbouring properties. Lands in the Rural zone are generally appropriate for residential, agricultural, and resource extraction uses.

### 6.1.1 Permitted Uses

Any land, building or structure may be used for the purpose of, one or more of the following:

- a) an agriculture use, subject to 5.18
- b) a forestry use;
- c) a bait shed, refrigerated; subject to 6.1.5
- d) a fisheries use; subject to 6.1.5
- e) a one unit dwelling;
- f) a day care
- g) a bed and breakfast
- h) a seasonal dwelling
- i) a supportive care facility
- j) a veterinary clinic
- k) a campground
- l) a retail use, convenience store only
- m) a shooting range, *existing*

### 6.1.2 Secondary Uses

Any land, building or structure may be used for one or more of the following uses in conjunction with and secondary to any main use described in section 6.1.1:

- a) a garden suite
- b) a secondary suite
- c) a hobby farm
- d) a home occupation
- e) a one unit dwelling accessory to an agricultural use
- f) a small scale fisheries operation, subject to 5.15

### 6.1.3 Accessory Uses

- a) Any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section, subject to the provisions of section 5.

### 6.1.4 Conditional Uses

Any land, building or structure may be used for one or more of the following uses subject to the terms and conditions as may be set by the Planning Advisory Committee:

- a) an industrial use
- b) a hotel or motel
- c) a quarry, subject to section 5.12
- d) a worker or staff accommodation use
- e) a self storage facility
- f) a tank house
- g) a refrigerated bait shed, secondary to a main use
- h) a tank house, secondary to a main use

### 6.1.5 Conditions of Use

- a) A fisheries use includes a trap yard. A trap yard is subject to the following:
  - i) No bait is to be stored in conjunction with the trap yard
- b) A refrigerated bait shed is permitted subject to the following:
  - i) The refrigeration unit shall be pointed away from the dwelling units within 30 metres of the bait shed;
  - ii) The refrigeration unit shall not face a public road;

### 6.1.6 Zone Standards

No main building or structure may be placed in the Rural zone unless the following provisions are met:

| Table 1: Rural Zone Standards                                              |                    |
|----------------------------------------------------------------------------|--------------------|
| Minimum Lot Area                                                           | 4000 square metres |
| Minimum Lot Frontage                                                       | 50 metres          |
| Minimum Front Yard Setback                                                 | 15 metres          |
| Minimum Rear Yard Setback                                                  | 15 metres          |
| Minimum Side Yard Setback                                                  | 7.5 metres         |
| Maximum Height                                                             | 9 metres           |
| Maximum Lot Occupancy                                                      | 30%                |
| Other Requirements in accordance with the general provisions of section 5. |                    |

## 6.2 Mixed Use “MU” Zone

The Mixed Use Zone is applied to the majority of the traditional built up areas of the Village. Areas where there is a concentration of residential and commercial activity along Route 776. The Mixed Use Zone is intended to allow the established land use pattern to continue and to provide opportunity for new infill development through a flexible, common-sense approach.

### 6.2.1 Permitted Uses

Any land, building or structure may be used for the purpose of, one or more of the following:

- a) an assembly use including a banquet hall
- b) an artist or crafter person studio, including gallery
- c) a boarding or rooming house
- d) a bed & breakfast
- e) a business office
- f) a commercial recreation facility
- g) a commercial retail use
- h) a day care centre
- i) a restaurant or food service use
- j) a residential use, including: one unit, two unit, duplex, semi detached, rowhouse, townhouse, mobile or mini home subject to 6.2.5, or multiple dwelling
- k) an institutional use
- l) a personal service
- m) a pub or tavern
- n) a medical clinic
- o) a health and wellness use
- p) a machine repair service or carpentry shop; subject to section 6.2.5
- q) a hotel or motel
- r) a tourism use
- s) a service station
- t) a small-scale fishery use
- u) a supportive house use
- v) a seasonal dwelling
- w) veterinary clinic

### 6.2.2 Secondary Uses

Any land, building or structure may be used for one or more of the following uses in conjunction with and secondary to any main use described in section 6.1.1:

- a) a garden suite;

- b) a small scale fisheries operation, subject to 5.15
- c) a secondary suite
- d) a home occupation;
- e) a day care;

### 6.2.3 Accessory Uses

- a) Any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section, subject to the provisions of section 5.

### 6.2.4 Conditional Uses

Any land, building or structure may be used for one or more of the following uses subject to the terms and conditions as may be set by the Planning Advisory Committee:

- a) an agricultural use
- b) a bait shed, refrigerated
- c) a hobby farm
- d) a microbrewery
- e) a cannabis retail use
- f) a tank house
- g) a refrigerated bait shed, secondary to a main use
- h) a tank house, secondary to a main use

### 6.2.5 Conditions of Use

- a) No mini-home shall be placed, erected or altered in a Mixed Use Zone unless it meets the following requirements:
  - i) the mini-home shall be anchored and skirted or attached to a concrete foundation;
  - ii) the mini-home shall be sided and the siding shall be maintained in reasonable repair.
- b) A repair or carpentry shop shall be subject to the following:
  - i) No emissions of odorous gas or particulates that can be discerned at the lot line;
  - ii) The production of noise in excess of a normal street traffic experience shall be limited to the hours of 8am to 8pm;
  - iii) No physical hazards or nuisance including fire, toxic waste, explosion, glare or vibration to adjacent properties;
  - iv) No discharge of any waste material or pollutant onto the ground of property or adjacent property or any waterway or drainage facility; and
  - v) Outdoor storage must be orderly and screened from neighbouring residential properties.
- c) A fisheries use includes a trap yard. A trap yard is subject to the following:
  - i) No bait is to be stored in conjunction with the trap yard

### 6.2.6 Zone Standards

No main building or structure may be placed in the Mixed Use zone unless the following provisions are met:

| Table 2: Mixed Use Zone Standards                                          |                                                                                |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Minimum Lot Area                                                           | 4000 square metres                                                             |
| Minimum Lot Frontage                                                       | 25                                                                             |
| Minimum Front Yard                                                         | The lesser of : 7.5 metres or the Provincial requirement for Highway setbacks. |
| Minimum Side Yard                                                          | 1.5 metres                                                                     |
| Minimum Side Yard when non-residential use is abutting a residential use   | 3 metres                                                                       |
| Maximum Building Height                                                    | 9 metres                                                                       |
| Maximum Lot Occupancy for Residential Use                                  | 50%                                                                            |
| Maximum Lot Occupancy for all other uses                                   | 70%                                                                            |
| Other Requirements in accordance with the general provisions of section 5. |                                                                                |

## 6.3 Industrial “I” Zone

The Industrial Zone is applied to those areas with more intensive and impactful land uses that may create noise, smell, or discharge of waste water or effluent. These areas currently include commercial fisheries activities, the Ferry Terminal, the Airport, and any active pits or quarries. The intention of the Industrial zone is to allow these economic drivers of the community to continue and to limit the opportunity for future land use conflicts by increased setbacks and buffering between industrial and non-industrial land uses.

### 6.3.1 Permitted Uses

Any land, building or structure may be used for the purpose of, one or more of the following:

- a) a business office
- b) a bait shed, refrigerated
- c) a commercial use
- d) a cannabis production facility
- e) a fisheries use
- f) a pit or quarry use, subject to 5.12
- g) a machine repair service or carpentry shop
- h) a microbrewery
- i) a self storage use
- j) a tank house
- k) a transportation use
- l) a warehouse

### 6.3.2 Secondary Uses

Any land, building or structure may be used for one or more of the following uses in conjunction with and secondary to any main use described in section 6.3.1:

- a) a care taker dwelling, maximum two dwelling units
- b) a small scale fisheries use, subject to 5.15
- c) a bait shed, refrigerated
- d) tank house

### 6.3.3 Accessory Uses

- a) Any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section, subject to the provisions of section 5.

### 6.3.4 Conditional Uses

Any land, building or structure may be used for one or more of the following uses subject to the terms and conditions as may be set by the Planning Advisory Committee:

- a) a worker or staff accommodation use
- b) a hobby farm
- c) an agricultural use

### 6.3.5 Zone Standards

No main building or structure may be placed in the Mixed Use zone unless the following provisions are met:

| Table 3: Industrial Zone Standards                                         |                    |
|----------------------------------------------------------------------------|--------------------|
| Minimum lot area – Services not required                                   | 1000 square metres |
| Minimum lot area – Services required                                       | 4000 square metres |
| Minimum lot frontage                                                       | 25 metres          |
| Minimum front yard                                                         | 5 metres           |
| Minimum rear yard abutting non-industrial use                              | 15 metres          |
| Minimum rear yard abutting an industrial use                               | 7.5 metres         |
| Minimum side yard abutting a non-industrial use                            | 15 metres          |
| Minimum side yard abutting an industrial use                               | 2.5 metres         |
| Maximum Height                                                             | 9 metres           |
| Maximum lot coverage                                                       | 70%                |
| Other Requirements in accordance with the general provisions of section 5. |                    |

## 6.4 Environmentally Sensitive “ES” Zone

The Environmentally Sensitive Zone is applied to wetlands, the 30 metre area around the outer limit of the wetland, the 30 metre area from a watercourse, and any other areas determined to be of environmental significance. These areas are limited to passive recreation uses like walking trails and educational uses like interpretation areas and signage.

### 6.4.1 Permitted Uses

Any land may be used for the purpose of:

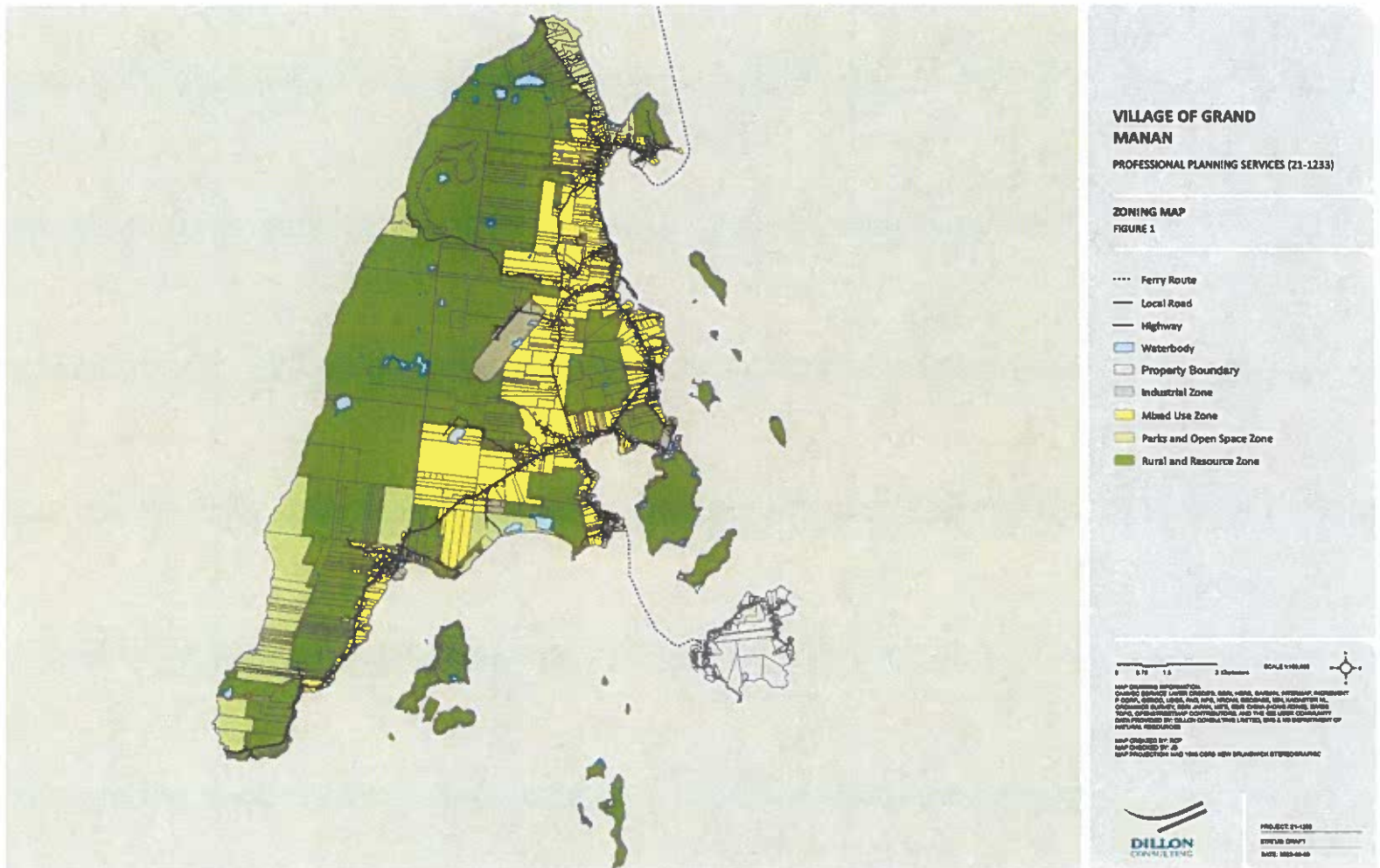
- a) a passive recreation use include parks and trails
- b) a conservation use

### 6.4.1 Conditional Uses

Any land, building or structure may be used for one or more of the following uses subject to the terms and conditions as may be set by the Planning Advisory Committee:

- a) campground
- b) a parking area
- c) an interpretative centre and displays

EDUCATION: University of Maryland, College Park, B.S., 1982; University of Maryland, College Park, M.S., 1983; University of Maryland, College Park, Ph.D., 1986.



## Schedule B: Fees for Planning Services

The following fees will be applied to the services noted:

- e) zoning confirmation letter, \$100;
- f) zoning compliance letter, \$200;
- g) processing and considering all variances (temporary uses, dimensional, similar use), \$250; and
- h) processing and considering requests for rezoning, \$1500.

All fees are submitted and payable as follows:

- a) at the time of application or request, the proponent shall pay the fee as prescribed above; and
- b) payments shall be made to the Village of Grand Manan