

GRAND MANAN'S RURAL PLAN



By-law No. 61-25

A Rural Plan By-law for the Village of
Grand Manan





VISION & PURPOSE

Grand Manan – Quick Stats 2021

Population ~ 2595

Dwellings ~ 1180

Total Land Mass ~ 152.77 km²

Community 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.

Community Objectives

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

Purpose of the Rural Plan

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:

- In the case of the Village, any proposal or policy so outlined or suggested; or
- 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.

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Under section 44(2.3) of the Community Planning Act (the “Act”), I certify that the following content meets the requirements of the Act.

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Co-author: Alexander Gopen, RPP (NB), MCIP

Southwest New Brunswick Service Commission



Photo Credits

Nick Sarro, pg. 1

Paul Harrison, pg. 2

Ken Gallagher, pg. 7

RURAL PLAN BY-LAW

0.1 By-law Title & Scope

The Council of the Village of Grand Manan, under the authority vested in it under the Community Planning Act makes the following Rural Plan By-law (herein called the “By-law” or “Rural Plan”).

1. By-law No. 61-25, the Village of Grand Manan Rural Plan By-law, is hereby adopted.
2. This By-law may be cited as “Rural Plan for Grand Manan.”
3. This By-law applies to the Village of Grand Manan local government boundaries as outlined in Subsection 50 of Regulation 2022-50 under the [*Local Governance Act*](#).
4. This Rural Plan By-law:
 - i. divides the Village into zones as shown on a zoning map;
 - ii. prescribes powers reserved in the advisory committee;
 - iii. regulates how land, buildings and structures in any zone may be used;
 - iv. sets standards that land use, and the placement, erection, alteration and use of building and structures must conform to; and,
 - v. prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in clauses (i)-(iv).
5. For the purposes of this By-law, the Village is divided into zones as shown on the Village of Grand Manan Zoning Map attached as ‘Schedule A.’
6. The following by-laws are hereby repealed and replaced: By-law 56-22.

READ FIRST TIME:
READ SECOND TIME:
READ THIRD TIME AND ENACTED:

Mayor, Bonnie Morse

Clerk, Esme Frost



A wide-angle photograph of a coastal scene. In the foreground, a dark, pebbly beach stretches across the bottom. The water is calm with gentle ripples, meeting the shore. In the middle ground, a small, rocky island or headland is visible, covered in dense green forest. The sky is a clear, bright blue. The text "1.0 POLICIES & PROPOSALS" is overlaid in white, serif font across the center of the image.

1.0 POLICIES & PROPOSALS

1.1 General Land Use & Groundwater Supplies

1.1.1 Policies

DEVELOPING NEW SETTLEMENT AREAS ON THE ISLAND

1. Where sufficient groundwater resources are present, and it can be demonstrated that development will not lead to adverse effects on nearby groundwater resources, natural resource areas, and environmentally sensitive areas, and where there is sufficient road access for emergency vehicles, residential rezonings or subdivisions may be approved in compliance with the [*Community Planning Act*](#), including the [*Statements of Public Interest Regulation*](#).

PROTECTION OF DRINKING WATER SUPPLIES

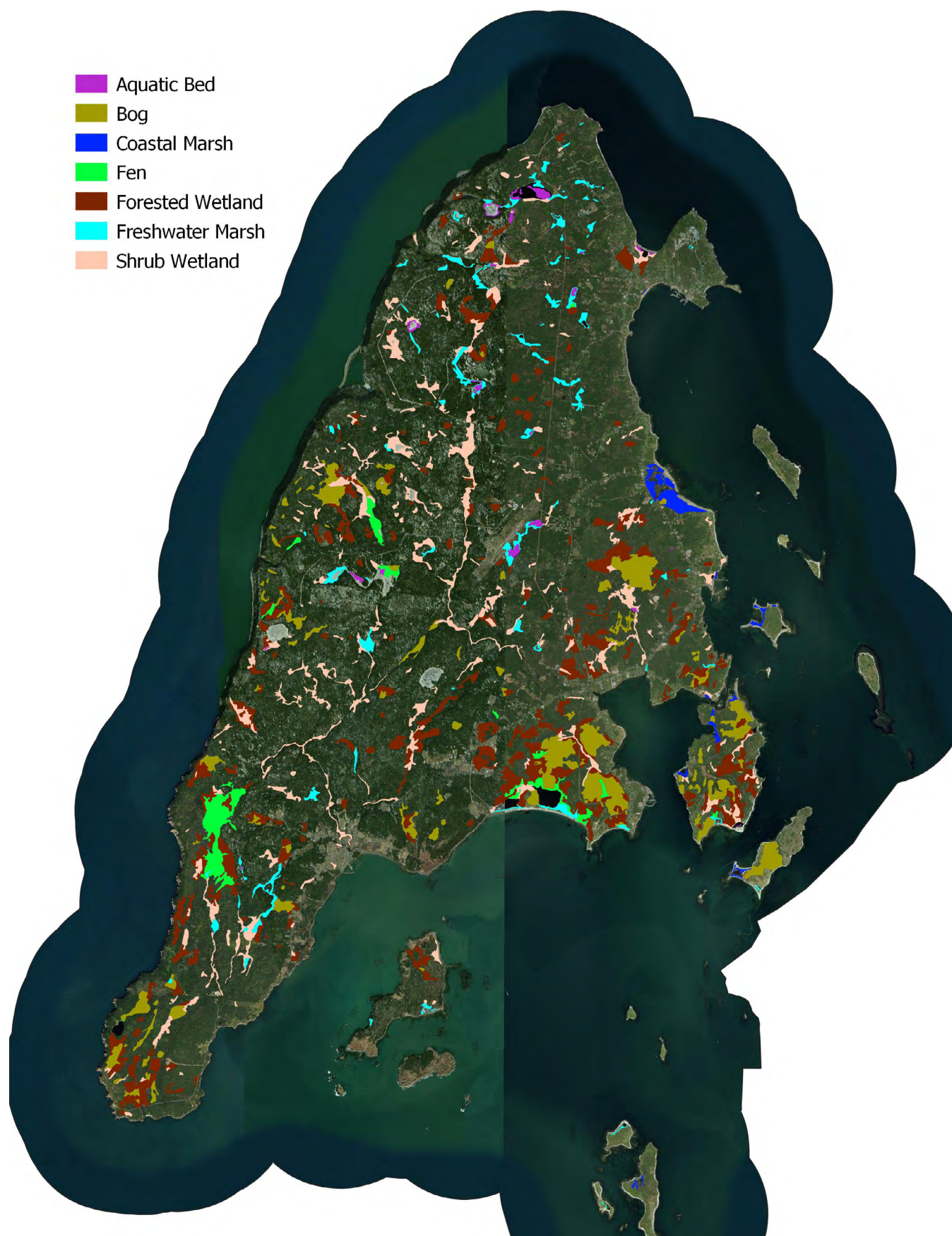
2. Protect groundwater and surface water supplies for existing and future users by discouraging development with the potential to degrade or deplete the resource.
3. Prohibit development that poses a significant risk to groundwater and surface water resources.
4. Encourage the remediation of known contaminated areas in a timely matter to reduce the spreading of pollutants to other lands, wells, and watercourses.

1.1.2 Proposals

ACTIONS TO PROTECT GROUNDWATER

5. To support the implementation of policy, the Village Council proposes to:
 - a. Undertake a public education program to educate residents about the continued maintenance and protection of individual wells and septic system maintenance.
 - b. Explore innovative approaches to servicing multi-unit development such as communal services that comply within the Province of New Brunswick's guidelines.
 - c. Evaluate future resource extraction uses for their impact on water supplies.
 - d. Set zoning standards to preserve provincially significant and regulated wetlands.

MAP 1: Grand Manan's wetlands and key aquifer recharge areas



1.2 Conservation & Climate Change

1.2.1 Policies

RESPECT NATURE WITH DEVELOPMENT

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. 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.
3. 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.

PROTECT DEVELOPMENT FROM NATURAL HAZARDS

4. Consider and mitigate climate change impacts in all building, land-use, and development decisions.
5. Direct development away from environmentally sensitive or hazardous areas and land that is otherwise unsuitable by virtue of soil or topography, or difficulty of emergency access.

1.2.2 Proposals

ACTIONS TO PROTECT NATURE AND THE BUILT ENVIRONMENT

6. To support the implementation of policy, the Village Council proposes to:
 - a. Consider climate change adaptation and building capacity in the community around the future impacts of climate change, storm surge, and flooding.
 - b. Support the continued preservation of environmentally sensitive lands on the Island through such means as nature reserves and other innovative approaches to environmental protection.
 - c. Promote 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.

Anchorage Provincial Park, Long Pond Bay



1.3 Affordable Housing & Residential Development

1.3.1 Policies

INCREASE AFFORDABLE HOUSING DEVELOPMENT

1. Encourage a variety of housing types that are responsive to the needs of the community including private and rental housing.
2. Promote residential development to be orderly, compact, and diverse by permitting a wide variety of housing types where appropriate access and on-site services can be made available.
3. Advocate for all residents to have equitable and safe housing.

EFFICIENT SETTLEMENT PATTERNS

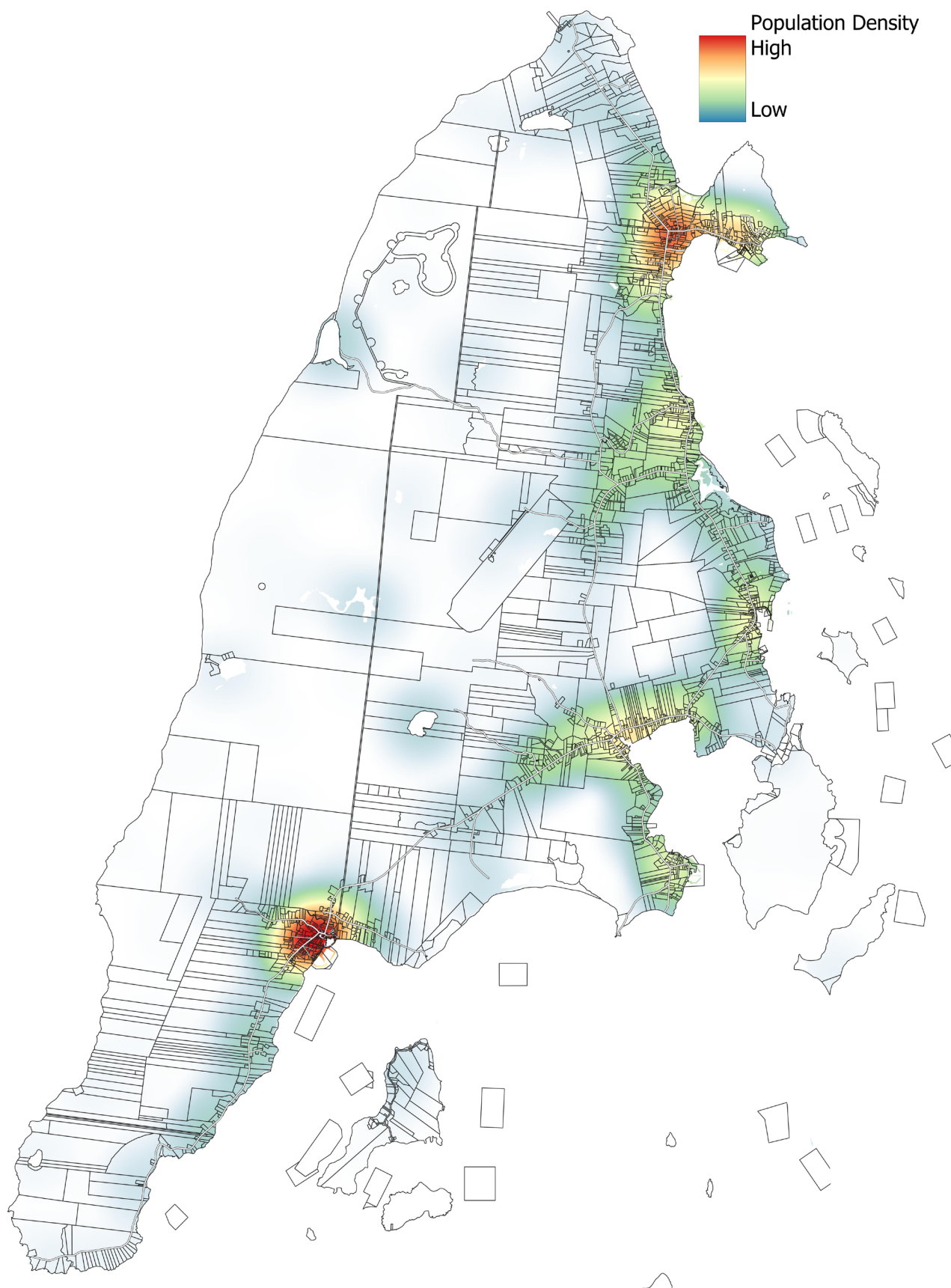
4. Encourage residential development to occur where it is compatible with the surrounding land uses and the environment.
5. Control the location of residential development through appropriate regulations and through Schedule A, the Village of Grand Manan Zoning Map.
6. Concentrate residential development in mixed-use areas, and away from environmentally sensitive areas, rural resource, and industrial land uses.

1.3.2 Proposals

ACTIONS TO DEVELOP AFFORDABLE HOUSING

7. Council proposes to encourage the development of affordable housing by exploring the following actions:
 - Development incentive policy for affordable housing;
 - Subject to section 76 of the [*Community Planning Act*](#), sell any land for public purposes that is not serving a public purpose or public enjoyment and is suitable for affordable housing development;
 - Offering Village owned land for the provision of affordable housing;
 - If desirable parcels of land for affordable housing become available, acquiring them for the provision of affordable housing.

MAP 2: current population density of Grand Manan Island



1.4 Tourism & Commercial Development

1.4.1 Policies

ENCOURAGING COMMERCIAL GROWTH

1. Encourage the expansion of the local employment base by increasing the variety of tourism and commercial services while protecting the viability of existing industries.

COMMERCIAL CLUSTERS

2. Encourage commercial development to occur in areas that are easily accessed from Highway 776, or in appropriate locations compatible with the surrounding land uses and environment and which reflect the transportation patterns of residents and visitors.
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.

COMMERCIAL STANDARDS

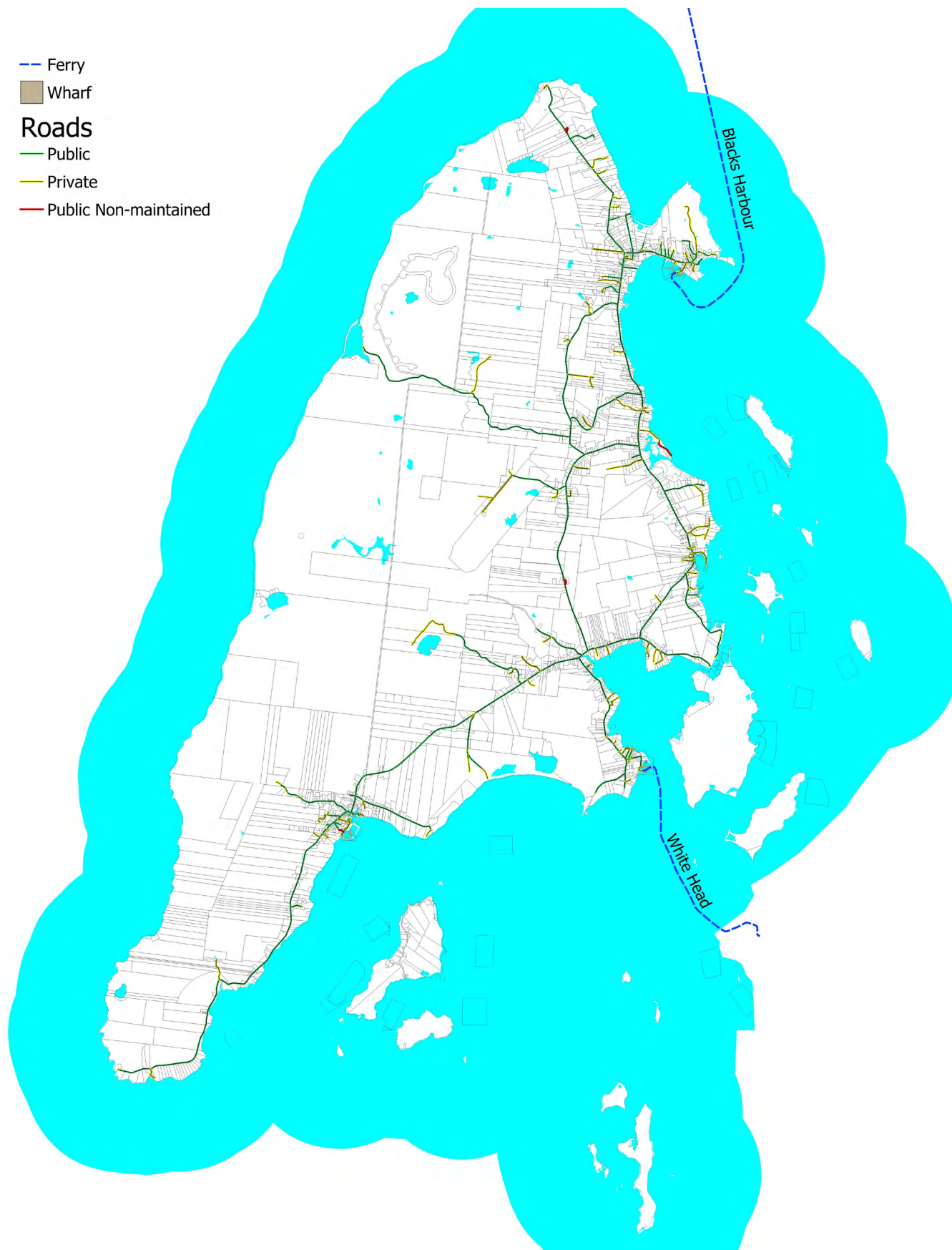
5. Set standards with respect to temporary or seasonal commercial uses through appropriate regulations in Section 5 of this Rural Plan.
6. Ensure the use of buffers, such as hedge rows, to minimize noise pollution and the pollution of land, air, or water that may be caused by commercial land uses.
7. Ensure commercial uses are developed using lighting standards so as to not negatively impact adjacent uses or impact the view of the night sky.

1.4.2 Proposals

ACTIONS TO INCREASE VARIETY OF COMMERCIAL SERVICES

1. Council proposes to work with the regional service commission and local economic development agencies to conduct a Grand Manan shopping survey and business gap analysis and assist with the promotion of business training and networking events on the Island.

MAP 3: Grand Manan Island non-aviation transportation routes



1.5 Government Services & Institutional Development

1.5.1 Policies

INSTITUTIONS THAT SERVE ISLANDERS

1. Encourage institutional land uses which serve the cultural, social, and educational needs of the community.
2. Develop public facilities and services that are centrally and conveniently located in areas which are easily accessible to all residents to meet the needs of the 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 facilities and services for seniors and for those with disabilities.
5. Encourage community facilities to be inclusive and accessible to all residents.
6. Permit all institutional buildings of all varieties to 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.

1.5.2 Proposals

ACTIONS TO SUPPORT ESSENTIAL INSTITUTIONS

7. Council proposes to support Island institutions through the following actions:
 - Advocate with the Province to continue the provision of community services such as the Grand Manan Public Library and the Grand Manan Community School.
 - Advocate 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.

Grand Manan Community School



1.6 Industrial Development

1.6.1 Policies

ENCOURAGING INDUSTRIAL GROWTH

1. Encourage appropriate industrial operations which create employment opportunities for local residents.
2. Provide for existing fisheries and coastal uses through zoning to ensure these uses are supported while providing parameters under which industry can expand.
3. Establish zoning provisions to facilitate a mix of industrial uses and all other land uses within the Village's working harbours.
4. Permit 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.

INDUSTRIAL STANDARDS

5. 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.
6. Control the type and location of industrial development through appropriate regulations and through Schedule A, the Village of Grand Manan Zoning Map.
7. Ensure new industrial development occur in areas that minimize conflicts with current and existing land uses.
8. 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.
9. Council may consider industrial uses requiring an amendment to the Rural Plan subject to the following considerations:
 - compatibility with the adjacent land uses and other surrounding community features;
 - considerations of noise, dust, vibration, traffic, and visual impacts, such as outdoor storage;
 - size and type of operation;
 - visual and noise buffers;
 - topography and soils;
 - drainage;
 - possible risk of pollution of air, water, and soil; and,
 - any other risk to residents or the environment that could occur as a result of the proposed development.

North Head Harbour fishing boats



1.7 Agriculture & Natural Resources

1.7.1 Policies

ENCOURAGING NATURAL RESOURCE DEVELOPMENT

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.

STANDARDS FOR NATURAL RESOURCE DEVELOPMENT

4. Control the location of resources uses through appropriate regulations and through Schedule A, the Village of Grand Manan Zoning Map.
5. Establish zoning provisions to adequately separate rural land uses and residential uses.
6. Permit gravel pits and quarry operations in appropriate locations subject to standards and requirements that include, but are not limited to:
 - projected extraction plan and its impact on the water table;
 - protection measures for people, adjacent properties, and existing private and public infrastructures; and
 - rehabilitation.
7. Permit resource excavation uses subject to the condition that lands be rehabilitated to a state that is environmentally safe, stable, and compatible with the adjacent areas after their mineral resources have been depleted.

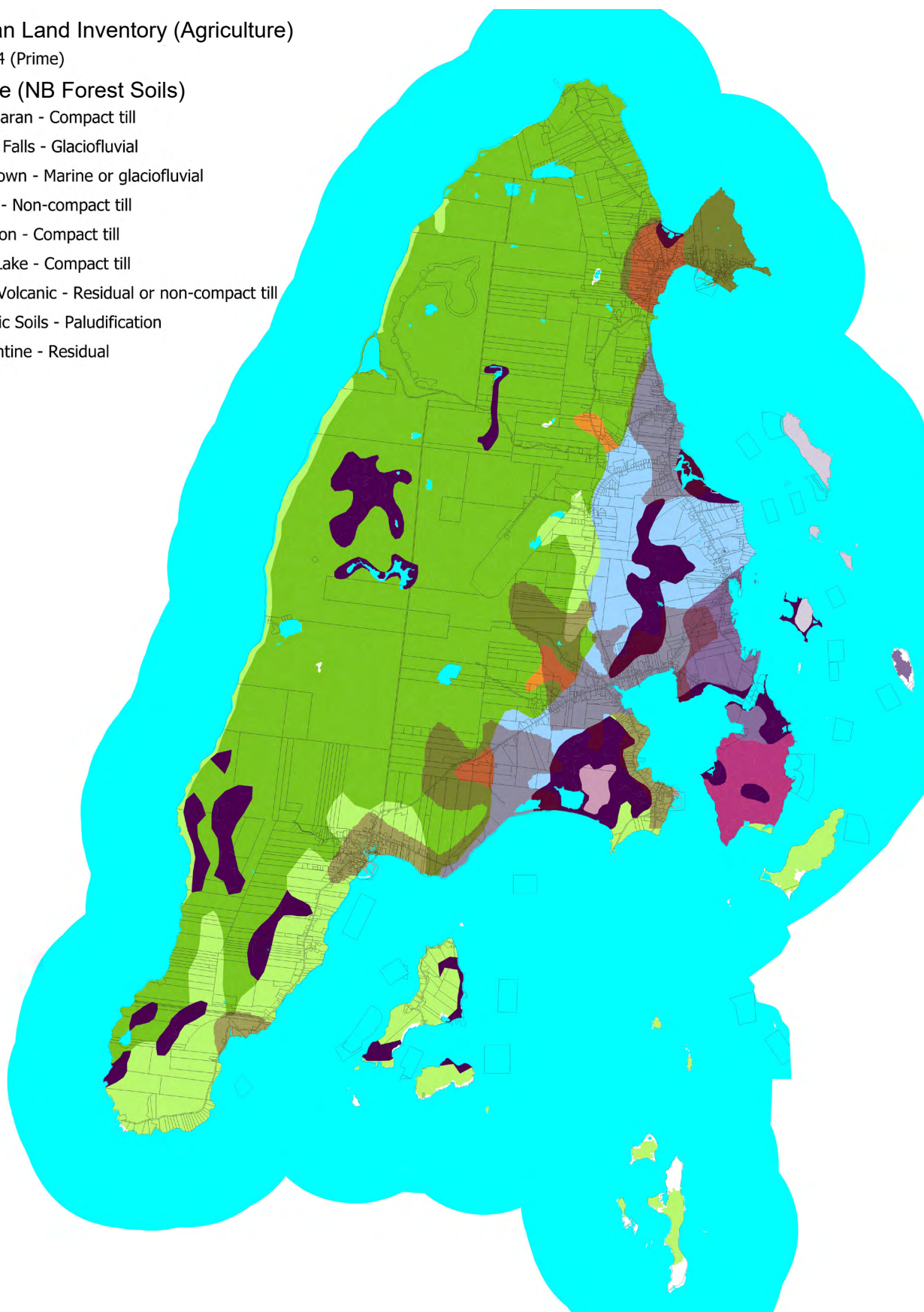
MAP 4: Grand Manan Island's viable agricultural and forestry soils

Canadian Land Inventory (Agriculture)

Class 4 (Prime)

Soil Type (NB Forest Soils)

- Catamaran - Compact till
- Grand Falls - Glaciofluvial
- Gagetown - Marine or glaciofluvial
- Irving - Non-compact till
- Kingston - Compact till
- Long Lake - Compact till
- Mafic Volcanic - Residual or non-compact till
- Organic Soils - Paludification
- Serpentine - Residual



1.8 Recreational Facilities & Public Open Spaces

1.8.1 Policies

DEVELOPING RECREATION FACILITIES & PUBLIC OPEN SPACES

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. Preserve, protect, and enhance natural areas by encouraging its use as public open space while also minimizing disturbance to the natural environment by developing it for passive recreation uses such as trails.
3. Ensure Village-owned parks, trail systems, and recreation spaces are adequately maintained.
4. Through the subdivision process, require land for public purposes dedication or cash in lieu based on the assessed value of the land.
5. Control the location of recreation facilities and recreational uses through appropriate regulations and through Schedule A, the Village of Grand Manan Zoning Map.

1.9.2 Proposals

ACTIONS TO INCREASE RECREATIONAL OPPORTUNITIES

6. Council proposes to work with stakeholder groups such as schools, churches, volunteers, and community groups to ensure the provision of year round recreation opportunities for residents.

The Hole-in-the-Wall, Village of Grand Manan



1.9 Heritage & Culture

1.9.1 Policies

HISTORICAL AND CULTURAL PRESERVATION ON GRAND MANAN

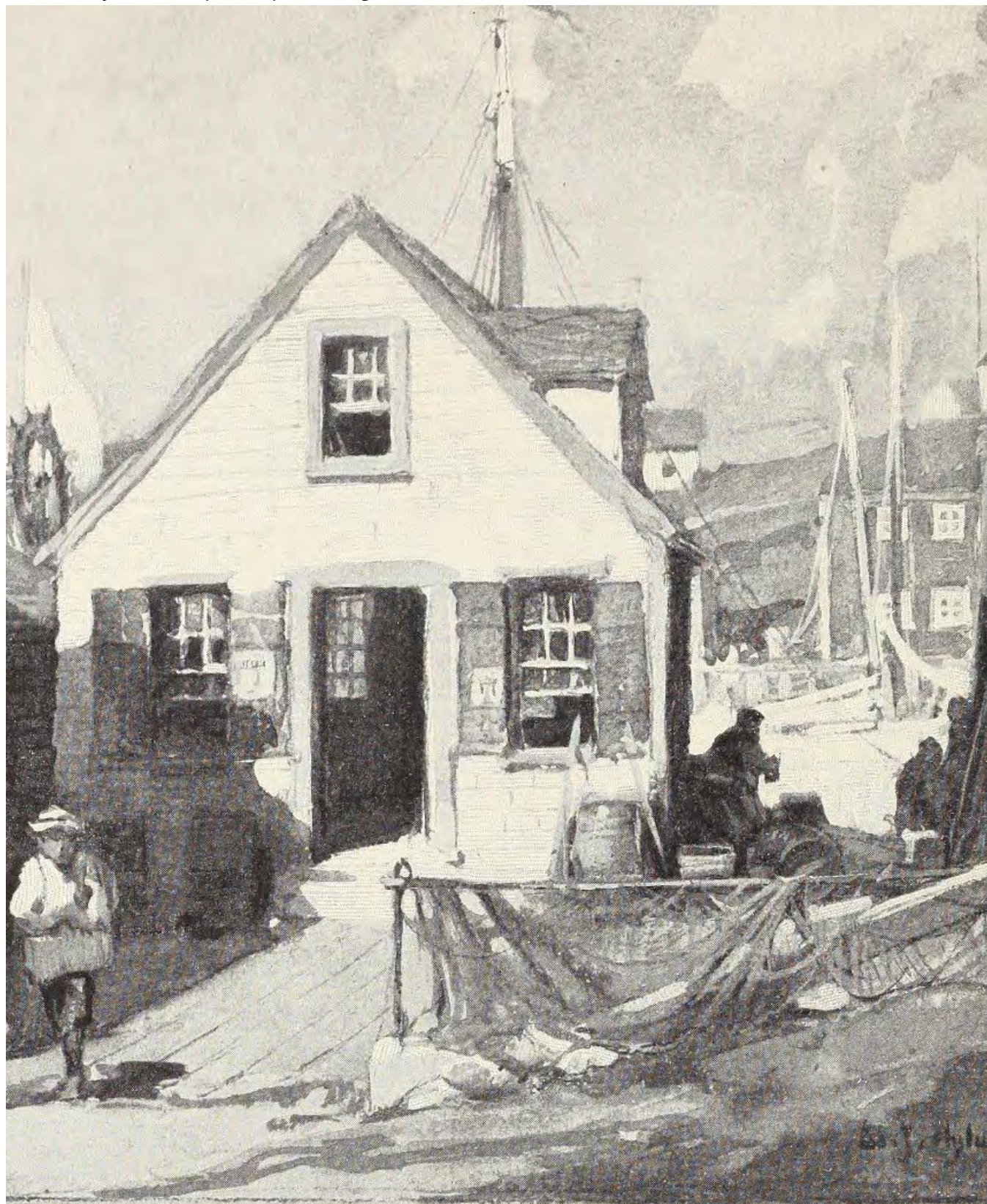
1. Protect important cultural, historical, and archaeological resources from development and resource extraction uses, and to minimize negative impacts to known archeological resources.
2. Encourage the preservation, restoration and maintenance of historic sites, buildings, structures and monuments.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

1.9.2 Proposals

ACTIONS TO SUPPORT GRAND MANAN'S HISTORY AND CULTURE

1. Council proposes to support heritage and culture through the following actions:
 - 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.
 - Support the programming of festivals and events that promote the culture of Grand Manan.

Illustration of Seal Cove by W. J. Aylward, August 1912



A WATER-SIDE STORE—SEAL COVE





2.0-4.0 ZONING PROVISIONS

2.0 Definitions

ACCESSORY BUILDING - means a detached subordinate building or 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*](#).

ADVISORY COMMITTEE - means the advisory committee as defined under the [*Community Planning Act*](#) or the regional service commission under the [*Regional Service Delivery Act*](#), as the case may be.

AGRICULTURAL USE - means an agricultural operation, other than an intensive livestock 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 on land or in greenhouses;
- 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 (ALTERATION) - 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. 1 dairy cow, beef cow, beef feeder, horse mule donkey, bison, or buffalo, including offspring until weaning;
- b. 4 ostrich, emu, llama, sheep, goat, sow with litter, or feeder hog, including offspring until weaning;
- c. 7 alpaca or deer, including offspring until weaning;
- d. 35 geese, fox, mink, or rabbit, including offspring until weaning; and,
- e. 120 chickens, or turkeys, including roosters.

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 condominium property as defined under the [Condominium Property Act](#), and is generally one lot consisting of separate units of land on which buildings may be located or constructed after purchase.

BUFFER - means a treed or fenced area intended to visibly separate one use from another.

BUILDING - means any structure used or intended for supporting or sheltering any use or occupancy.

CABIN - means a dwelling 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 a maximum of one (1) of the following: a trailer, camper, truck camper, tent, dome, yurt, or similar accommodation. For the purposes of this by-law, more than one (1) camp on a lot shall be considered a campground.

CAMPGROUND - means a lot, parcel, or piece of land intended for a tourism or commercial use and occupied on a seasonal basis by more than one (1) of the following: recreational vehicles, trailers, campers, truck campers, yurts, glamping domes, tents, or similar accommodations.

CANNABIS PRODUCTION - means an indoor or year-round facility and premises authorized by a license issued by the Government of Canada pursuant to the [Cannabis Control 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 - 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 retail merchandise, serving food or liquor, and supplying of services. This use may include offices, salons, mobile vendor, automobile repair, service station, microbrewery, kennel, and veterinary clinic. This use does not include a cannabis retail use, small-scale fishery use, machine repair service, carpentry shop, contractor's yards, aquaculture uses, lobster holding facilities, warehousing and distribution, manufacturing and assembling of goods, tourism use, transportation terminals, self-storage use, cannabis production facilities, salvage yards, forestry use, resource excavation developments, or mining.

COMMISSION - means the Southwest New Brunswick Service Commission which is the regional service having jurisdiction and as established under the [*Regional Service Delivery Act*](#).

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.

DEVELOPMENT OFFICER - means a development officer as defined by the [*Community Planning Act*](#).

DWELLING - means a main building, or a portion thereof, containing one or more dwelling units, and includes a single-unit dwelling, cabin, garden suite, tiny home, mini-home, or a multiple dwelling, but does not include a camp or mobile home.

DWELLING UNIT - means a room or suite of two or more rooms for use, or intended for use, by one or more individuals in which culinary and sanitary facilities are provided for the exclusive use of such individual(s), and with a private entrance from outside the building or from a common hallway or stairway inside.

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 for mining as defined under the [*Mining Act*](#), or the refinement and/or processing of minerals, ores, sand, gravel, stone or other aggregate resources, and includes tailing ponds, rock crushing plants, asphalt plants or concrete plants.

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 catch or bait may be stored as of a direct result of this use. This use does not exceed 200 square meters of total floor area.

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 any uses associated with commercial silviculture, such as a sawmill use that includes the sale or distribution of forestry products, and any related vehicle and equipment storage and maintenance buildings, structures and storage yards, but does not include a heavy industrial use.

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.

GROUND WATER - means any flowing or standing water below the surface of the earth.

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, such as noticeable amounts of noise, dust, odour, smoke, glare or vibration outside the building or land in which the activity takes place. This use may include abattoirs serving primarily the wholesale, inter-provincial and international market, lobster holding facilities, extractive industrial uses, salvage yards, and cannabis production facilities.

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 . This use may include a machine repair service, carpentry shop, contractor's yard, aquaculture use, warehousing and distribution, transportation terminals, cannabis retail use, or a self-storage use. This use does not include a small-scale fishery use, cannabis production facilities, contractor's yards, salvage yards, forestry use, resource excavation development, or an extractive industrial use.

INSTITUTIONAL USE - means the use of land, buildings or structures for a public or nonprofit purpose such as a community center, residential care facility, hospital, clinic, government offices or service centers, cemetery, school, day care, or place of worship.

INTENSIVE LIVESTOCK OPERATION - means a livestock facility or operation including 20 or more animal units, or a facility subject 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 dog daycare but shall not include a veterinary clinic.

LIVESTOCK - includes, but is not limited to, 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 and may also include a small-scale abattoir that is not intended to be used to export meat products internationally.

LOADING AREA - means an off-street area, on the same lot as the main use, that is used for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials and which is connected to a public street by an appropriate access.

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 zones.

LOT LINE - means any boundary line of a lot other than the street line.

MAIN BUILDING - means the building in which the main or principal use of a lot is conducted.

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 By-law.

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.

MINI-HOME - means a dwelling, other than a mobile home or modular dwelling, fabricated in an off-site manufacturing facility for installation or assembly at the building site, and provided with a Canadian Standards Association approved stamp and number and/or meeting the requirements of the National Building Code of Canada, but does not include any mobile home with a trailer hitch.

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.

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 single building divided into two 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 USE -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, but does not include a shooting range, camp or campground

PRE-EXISTING USE - means a pre-existing building, structure, or use of land, that was lawfully permitted prior to, and where the use was in existence and continued uninterrupted afterwards, the date of approval of this Rural Plan.

RECREATIONAL USE - means any land, buildings or structures used for recreational purposes and, without limiting the generality of the foregoing, may include: an indoor recreation facility, open space use, outdoor recreational use, playgrounds, baseball fields, tennis courts, soccer and other athletic fields, ice rinks, swimming pools, or similar buildings or land designed for recreational enjoyment , but does not include a shooting range, camp or campground.

RECREATION, VILLAGE - 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 and may include a campground.

RESIDENTIAL CARE FACILITY- means a residential building or part of a building in which accommodation and nursing, supervisory and/or physical personal care is provided, or is made available for more than three (3) persons with social, health, legal, emotional, mental, or physical disabilities or problems, and includes such facilities as are licensed by the [*Family Services Act*](#), or by other provincial legislation, and that may contain common facilities, but does not include multi-unit residential uses or a correctional facility.

RESIDENTIAL CLUSTER DEVELOPMENT - means a bare-land condominium or residential land lease community on a parcel of land that is not subdivided into lots within the meaning of the [*Community Planning Act*](#) and where the dwellings are clustered together on one part of the land in order to preserve, for a conservation use, at least fifty percent (50%) of the original parcel through conservation easements.

RESIDENTIAL LAND LEASE COMMUNITY - Any area, lot, parcel, or tract held in common

ownership, and on which individual portions of said area, lot, parcel, or tract are leased for the placement of mini-homes as a primary residence. Residential land lease communities do not include camps or mobile homes with trailer hitches.

RESOURCE EXCAVATION USE – means the use of land for the excavation of sand, gravel, clay, shale, limestone or other mineral deposit for a development or for the sale or other commercial use of the material excavated, but does not include processing, or refinement of materials, or an extractive industrial use.

SALVAGE USE – means the use of land, buildings, or structures, where there are 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 second-hand 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 land, buildings, or structures for the 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

SHOOTING RANGE – means a licensed shooting range that may include any culinary and sanitary facilities for public assembly and other related accessory uses.

STREET LINE - means the common line between a street and a lot, or a private access and a lot, and it is deemed synonymous with frontage.

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 heights.

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 traveling 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.

UTILITY USE – means the use of land, buildings, or structures, to provide services, renewable and other electricity generation such as wind turbines, electricity transmission, telecommunications, marine access, transportation infrastructure, public water or sewerage, solid waste disposal or recycling, or other similar utilities provided to members, customers, or the general public.

VILLAGE – means the Village of Grand Manan, a local government territory in the Province of New Brunswick.

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 ‘watercourse’ as defined in the [*Clean Water Act*](#).

WETLAND – means a wetland as identified by the Province of New Brunswick under the [*Clean Water Act*](#).

3.0 Administrative & Interpretive Clauses

3.1 Zones

1. For the purposes of this Rural Plan, the Village is divided into zones as delineated on the map attached hereto 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. Mixed Use “MU” Zone
 - b. Industrial “I” Zone
 - c. Environmentally Sensitive “ES” Zone
 - d. Rural “R” Zone
3. The zones mentioned in subsection (1) prescribe:
 - a. the purpose for which land, buildings, and structures in any Zone may be used; and,
 - b. 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).

3.2 Interpretation

3.2.1. ZONE BOUNDARIES

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 line of such feature is the Zone boundary; or
 - b. where a Environmentally Sensitive Zone boundary is established within a certain distance of a wetland or watercourse, and where a professional delineator determines the mapped feature was incorrectly mapped, the boundary shall be within a certain distance of the newly delineated feature; or
 - c. 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
 - d. 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
 - e. 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.

3.2.2. USES PERMITTED

1. 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.

3.2.3. LEGAL NON-CONFORMING USES

1. Non-conforming uses, unless otherwise provided for in this By-law, shall be subject to Sections 60 and 61 of the Community Planning Act.

3.3 Changes to the Rural Plan

3.3.1. RURAL PLAN REGULAR REVIEW

1. 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.

3.3.3. REZONINGS

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 3.4.
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 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 which the original application was concerned; or,
 - b. not being in relation to rezoning is similar to the original application.

3.4 Fees for Planning Services

1. Fees for the following services are established by Council:
 - a. development approval;
 - b. zoning confirmation letter;
 - c. zoning compliance letter;
 - d. processing and considering all variances (temporary uses, dimensional, similar use); and,
 - e. processing and considering requests for rezoning or by-law amendments.
2. All fees are submitted and payable to the Commission which shall remit them to the Village.
3. Fees for Planning Services shall be applied as follows:
 - a. development approval, \$50;
 - b. zoning confirmation letter, \$100;
 - c. zoning compliance letter, \$200;
 - d. processing and considering all variances (temporary uses, dimensional, similar use), \$250; and,
 - e. processing and considering requests for rezoning, \$1500.

3.5 Special Powers of the Advisory Committee

1. The advisory committee may, subject to such terms and conditions as it considers fit:
 - a. Authorize, for a one-year temporary period, in accordance with the Community Planning Act, a development otherwise prohibited by this By-Law; and,
 - b. Require the termination or removal of a development authorized under paragraph (a) at the end of the authorized period; and,
 - c. Authorize, for one additional temporary period not exceeding one year, a development

otherwise prohibited by this by-law if:

- i. The applicant holds an authorization under paragraph (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 advisory committee has received a resolution from Council confirming that Council will consider the application referred to in subparagraph (ii).
- d. Require the termination or removal of a development authorized under paragraph (a) or (b) at the end of the authorized period.

3.7 Development Approval

1. Except as otherwise provided in this section, no person shall undertake a development unless the development officer having jurisdiction approves the development as conforming with, if it applies to the land on which the development is located:
 - a. the Community Planning Act;
 - b. the rural plan by-law;
 - c. a secondary rural plan by-law, if applicable;
 - d. a deferred widening or controlled access by-law, if applicable.
2. While it does not exempt a person from complying with all other provisions of this Bylaw or any other bylaws or regulations, a development approval is not required prior to carrying out any of the following developments:
 - a. the development of an accessory use of land;
 - b. the development of any use permitted in all zones under section 4.1;
 - c. the installation or erection of any business advertising signs that comply with section 4.2, night-sky friendly exterior lighting that complies with section 4.2, or fences that are under 2 m in height;
 - d. the development of an accessory use in an accessory building or structure less than 20 m² (215 ft²) in floor area and less than 4.5 m (14.7 ft) in height, and not attached to a building or structure greater than 20 m² (215 ft²) in floor area, and where it is not used for overnight accommodation and is exempt from the National Building Code under the Building Code Administration Act;
 - e. establishment of parking areas that comply with section 5.11.
3. A development approval application under section 3.7(1) shall include such information as may be required by the Development Officer for the purpose of adequately assessing the compatibility of the development proposal according to the Rural Plan and the Statements of Public Interest Regulation.
4. Notwithstanding section 3.4, where a building permit is required under the Building Code Administration Act, a separate application for a development approval is not required and the development approval fee is not applicable.

4.0 General Provisions

4.1 Uses Permitted in All Zones

1. Nothing in this Rural Plan shall prevent the use of any land for:
 - a. community garden;
 - b. directional/traffic signage, non-commercial advertising;
 - c. land for public purpose;
 - d. lane, street, or highway;
 - e. mobile vendor;
 - f. walking trail, park or playground;
 - g. seasonal or temporary market, festival, or event;
 - h. stormwater management system;
 - i. temporary parking lot to facilitate snow clearing;
 - j. trap yards, no bait;
 - k. utility use, provided by the Village, Province of New Brunswick, or Government of Canada; and,
 - l. village recreation use.

4.2 Limits on Light Pollution

1. Notwithstanding anything contained in this By-law, no lighting fixtures, facility, sign, or illumination device for any purpose may be arranged in such a way that it is not shielded and directed downwards for the purposes of protecting the night sky from light pollution, protecting the privacy of surrounding lots, and protecting automobile drivers from glare.

4.3 Accessory Uses, Buildings and Structures

4.3.1. OUTBUILDINGS

1. Except as otherwise provided by this Rural Plan, an accessory buildings or structures shall be permitted in a zone subject to the zone standards that apply to the main buildings in that zone.

4.3.2. CHILD SAFETY STANDARDS FOR 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. 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.

4.4 Building and Structure Projections

1. 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. balcony, deck, or veranda with a maximum projection of 2 metres into a required side or rear yard;
 - c. 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. 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. personal mobility lift or wheelchair ramps may be located in any required yard;
 - h. 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.

4.5 Exemptions on Height Restrictions

1. Subject to the Government of Canada's regulations respecting [*Zoning at Grand Manan Airport*](#), 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 and other buildings for agricultural uses, flagpoles, television, telephone or radio antennae, ventilators, chimneys, clock towers, cupola or wind turbines.

4.6 Standards for Separating Non-residential Uses

4.6.1. BUFFERS FOR LOW-IMPACT USES

1. In the Mixed Use Zone, where any lot is developed for a commercial use, camp, institutional use, tourism use, that use is subject to the following terms and conditions:
 - a. that the use has effective sound-dampening enclosures built around any noise-generating mechanical equipment or exterior loading areas, as measured by the sound transmission class rating, if such equipment or exterior loading areas are to be located within 90 m of a dwelling on another lot; and,
 - b. a 5 m separation buffer with either landscaping, fences, or trees shall be maintained along any lot line that abuts another lot where the only main use of that adjacent lot is a dwelling. This requirement does not apply to a street line.

4.6.2. BUFFERS FOR HIGHER-IMPACT USES

1. In the Mixed Use Zone, where any lot is developed for a forestry use, light industrial use, campground, that use is subject to the following terms and conditions:
 - a. that the use has effective sound-dampening enclosures built around any noise-generating mechanical equipment or exterior loading areas, as measured by the sound transmission class rating, if such equipment or exterior loading areas are to be located within 90 m of a dwelling on another lot; and,
 - b. a 5 m separation buffer shall be maintained along any lot line or street line, with trees

planted or preserved with a maximum spacing of one (1) tree for every three (3) metres of linear distance, except for locations of driveway access, or along the lot lines of any undeveloped portions of the lot, or along any lot lines adjacent to another undeveloped lot; and,

- c. Notwithstanding sub-section 4.6.2(1)(b), a 20 m separation buffer shall be maintained with trees planted or preserved with a maximum spacing of one (1) tree for every three (3) metres of linear distance measured along and near any lot line that abuts another lot where the only main use of that adjacent lot is a dwelling. This requirement does not apply to any undeveloped portions of the lot that are not being used for buildings, structures, parking, loading, or storage; and,
- d. Notwithstanding sub-sections 4.6.2(1)(b) or (b), where a separation buffer cannot be established on all or any a portion of the lot, a 2-metre-tall opaque wooden fence shall be erected along that lot line; and,
- e. That the use has effective sound-dampening enclosures built around any noise-generating mechanical equipment or exterior loading areas, as measured by the sound transmission class rating, if such equipment or exterior loading areas are to be located within 90 m of a dwelling on another lot.

4.7 Standards for Density and Drinking Water Supplies

- 1. No more than one (1) building containing one (1) dwelling unit or one (1) tourist accommodation shall be erected on any lot, except:
 - a. for one (1) garden suite, in addition to the main dwelling, where permitted;
 - b. a multiple dwelling, or as a tourism use involving more than one (1) dwelling unit or guest room with separate sanitary facilities, subject to section 4.7(2);
 - c. a mini-home park or bare land condo developed as a residential cluster development and subject to section 4.12;
 - d. a campground, subject to section 4.7 (3); and,
 - e. 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.
- 2. The following lot sizes and conditions apply to developments of multiple dwellings or tourism uses to ensure adequate water supplies:
 - a. the minimum lot size for two dwelling units or two guest rooms with separate sanitary facilities in one building is 5,350 m²;
 - b. the minimum lot size for three dwelling units or three guest rooms with separate sanitary facilities in one building is 6,700 m²;
 - c. the minimum lot size for four dwelling units or four guest rooms with separate sanitary facilities in one building is 8,050 m²; and,
 - d. if the population density is proposed to exceed more than four (4) dwelling units or four (4) guest rooms with separate sanitary facilities, or the proposed development density has less than the required of total lot area according to this section, then that development approval is subject to a water supply assessment prepared by a professional engineer or geoscientist, that demonstrates adequate water supplies available for the development, as well as an approved plumbing permit or waiver is issued by the relevant Provincial agency for on-site sewage disposal.
- 3. The following conditions apply to the development of a campground use to ensure adequate water supplies:
 - a. if nine (9) or more camps are proposed to be developed as part of a campground, then a water supply assessment prepared by a professional engineer or geoscientist is provided to the Commission demonstrating adequate water supplies exist for the development.

4.8 Parking Standards

1. Where developed, a parking area shall conform with the Province's *Barrier-Free Design Building Code Regulation – Building Code Administration Act*.

4.9 Standards for Resource Excavation & Extractive Uses

4.9.1. GENERAL RESOURCE EXCAVATION STANDARDS

1. All resource excavation developments, including gravel pits, quarries, and extractive industrial uses, must meet the following minimum standards:
 - a. no excavation shall be undertaken:
 - i. within 30 meters of any wetland, coastal and inland waterbody, or other watercourse;
or,
 - ii. below the groundwater table.
 - b. any excavation site or aggregate storage area 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 lot;
 - c. 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 lot;
 - d. the main entrances to the site shall have a barrier to control access to the site;
 - e. 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;
 - f. 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;
 - g. the excavation site shall not serve as a salvage yard or a dump for toxic materials, scrap iron, domestic wastes, construction residue or any other material likely to be harmful to the environment;
 - h. any driveway access within 100 meters of an existing residential use shall not be used for transporting excavated materials; and,
 - i. 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.

4.9.2. STANDARDS APPLICABLE TO GRAVEL PITS

1. Gravel pit developments shall meet the following minimum standards:
 - a. the land shall not be used for temporary or permanent asphalt production, quarry, or any extractive industrial use;
 - b. no excavations involving any blasting of aggregate or mining shall be permitted; and,
 - c. the land shall not be used for aggregate crushing.

4.9.3. STANDARDS APPLICABLE TO QUARRIES & EXTRACTIVE INDUSTRIAL USES

1. Quarry developments or extractive industrial uses shall 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 that Department determines a need for an AIA.

- b. any excavated areas 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 (1¼) meters horizontal to one (1) meter with brightly coloured 1 m² warning signs placed at 20-meter intervals along the top length of that slope;
- c. prior to the commencing of an excavation or extractive industrial use 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, or any extractive industrial use, shall not place within 600 meters of a dwelling on any property without the written consent of the owners of any affected dwellings.

4.10 Standards for Small-scale Fishery Uses

1. 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.

4.11 Standards for the Keeping of Livestock

1. A the Rural Zone and Mixed Use Zone, the keeping of livestock is permitted subject to the following conditions:
 - a. No livestock facility(e.g. barn, stable feedlot, abattoir or manure pile) shall be located closer than 30 meters from any existing watercourse;
 - b. No livestock facility shall be located less than 60 meters from any potable water source (e.g. well) or any pre-existing dwelling on a neighbouring/other lot;
 - c. Livestock shall be contained on the property by a fence; and,
 - d. A livestock operation shall be developed in accordance with and adhere to all applicable Provincial regulations.

4.12 Standards for Mini-home Parks or Bare-land Condos

1. Land within the Mixed Use or Rural Zone may be developed as a residential cluster development, in the form of a bare-land condominium or mini-home park, that consists of four (4) or more dwellings on one (1) lot, subject to the following conditions:
 - a. if developed as a bare-land condominium, that it complies with all Provincial regulations and registration requirements under the Condominium Property Act;
 - b. if developed as a mini-home park, that it complies with all Provincial regulations and mini-home registration requirements under the Assessment Act;
 - c. that it has a shared, private driveway access with no dead-end portion of the access, such

- as cul-de-sac, exceeding 365 m in length from an interception with a public street and that driveway access meets the Access Route Design requirements of Part 3 of the National Building Code of Canada 2020;
- d. that a water supply assessment prepared by a professional engineer or geoscientist is provided to the Commission, that demonstrates adequate water supplies are available for the development;
 - e. that if any well water or sewage systems are proposed to connect to more than one dwelling, they are approved by the appropriate Provincial agencies prior to the issuance of a development approval;
 - f. that at least fifty percent (50%) of the total of the parcel of land is permanently protected under a conservation easement, under the [Conservation Easements Act](#), and which may be used as open space, outdoor recreation use, or conservation use for the residences;
 - g. that the minimum lot size for whole residential cluster development, including the lands under conservation easement, is not less than 4,000 m² of land multiplied by the number of dwelling units to be permitted; and,
 - h. prior to approval of the development, evidence has been supplied to the development officer that a conservation easement pursuant to subsection 4.12(1)(f.) has been registered in accordance with the [Conservation Easements Act](#) in the Provincial Land Registration Office.

4.13 Undersized Lots & Non-conforming Buildings

1. The Rural Plan does not prevent the use of an existing lot or building that does not conform to any dimensional requirement of this By-law, provided:
 - a. that the proposed use of the lot or building is permitted in the zone;
 - b. that the setbacks, building height, lot coverage or all other dimensional requirements applicable to the zone are not affected in such a way that the lot or building's non-conformity with this By-law is further increased by way of a development;
 - c. that the proposed population density does not exceed more than one (1) dwelling unit if the lot has less than 4000 m² of total area;
 - d. that if the population density is proposed to exceed more than one (1) dwelling unit and the lot has less than 4000 m² of total area, that the development approval is subject to a water supply assessment, prepared by a professional engineer or geoscientist, that demonstrates adequate water supplies available for the development; and,
 - e. that an approved plumbing permit or waiver is issued by the relevant Provincial agency for the installation or use of a septic system on the undersized lot.

4.14 Standards for Utility Uses

1. Where utility uses are permitted as a main use of land, or where wind turbines are developed as an accessory to use of land for personal or on-site use, wind turbines may be developed subject to the following conditions:
 - a. that the wind turbine is setback a minimum of 1.5 times the total height of the wind turbine from dwellings, transmission lines, and public right-of-ways;
 - b. that a wind turbine as accessory use is located on the same lot as the main use;
 - c. that the wind turbine location does not conflict with airport approach surfaces or anything else contained in the Government of Canada's [Zoning at Grand Manan Airport](#); and,
 - d. that any wind turbines that have not been used for electricity production for a period of two years are to be removed.
2. Wind turbine developments that do not conform with the conditions of sub-section 4.14(1) may be permitted as a use subject to terms and conditions imposed by the advisory committee or prohibited where compliance with the terms and conditions imposed cannot be expected.

4.14 Elevation of Development

1. Excluding localized depressions, no habitable areas or critical mechanical and/or electrical equipment may be developed below 5.1 m Canadian Geodetic Vertical Datum of 2013, except for the following uses if they are permitted by the zone on which the land is located on:
 - a. the development of accessory uses, buildings or structures that are incidental to any pre-existing main use of the lot;
 - b. the repair or maintenance of any pre-existing buildings or structures; and,
 - c. minor additions or alterations required for mobility assistance, such as wheelchair ramps, stairs, or lifts;
 - d. the development of small-scale fishery uses or light industrial uses that depend on proximity to the Bay of Fundy.





5.0 ZONES

5.1 Mixed Use (MU) Zone

5.1.1 MU Zone Permitted Uses

1. Subject to general provisions under section 4, any land, building or structure in the MU Zone may be used for the purposes of:

MAIN USES

- a. One or more of the following main uses:
 - i. Agriculture use, subject to section 4.11;
 - ii. Camp, subject to section 4.6.1;
 - iii. Campground, subject to sections 4.6.2 and 4.7;
 - iv. Commercial use, subject to section 4.6.1;
 - v. Conservation use;
 - vi. Dwellings, subject to section 4.7;
 - vii. Forestry use, subject to section 4.6.2;
 - viii. Institutional use, subject to section 4.6.1;
 - ix. Light industrial use, subject to section 4.6.2;
 - x. Recreation use;
 - xi. Residential cluster development, subject to section 4.12;
 - xii. Small-scale fisheries use, subject to 4.10; and,
 - xiii. Tourism use, subject to sections 4.6.1 and 4.7.

SECONDARY USES

- b. One of the following secondary uses:
 - i. Garden Suite, subject to section 4.7; and,
 - ii. Utility Use, subject to 4.14.

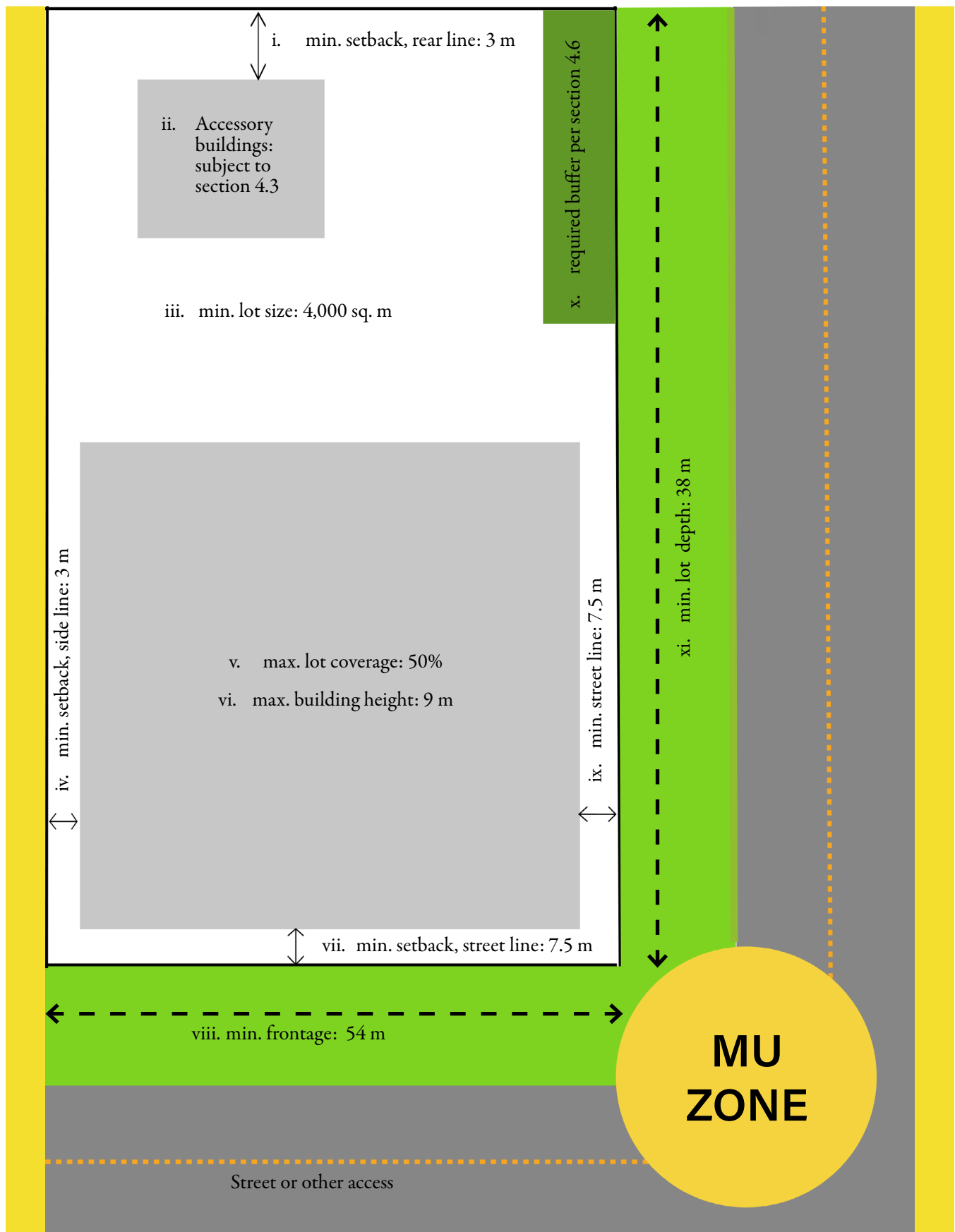
ACCESSORY USES

- c. 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.

5.1.2 MU Zone Standards

1. No development shall be undertaken nor shall any land, building or structure be used within the MU Zone unless the following standards are met:
 - a. The MU Zone standards as numbered on the diagram 'Figure 1. Site Requirements' are complied with; and,
 - b. The general provisions under section 4 are complied with.

FIGURE 1. SITE REQUIREMENTS



5.3 Industrial (I) Zone

5.2.1 I Zone Permitted Uses

1. Subject to general provisions under section 4, any land, building or structure in the I Zone may be used for the purposes of:

MAIN USES

- a. One or more of the following main uses:
 - i. Agricultural use;
 - ii. Commercial use;
 - iii. Extractive industrial use, subject to section 4.9.1 and 4.9.3;
 - iv. Forestry use;
 - v. Intensive livestock operation, subject to 4.11;
 - vi. Light industrial use;
 - vii. Resource excavation development, subject to section 4.9;
 - viii. Small-scale fishery use; and,
 - ix. Utility use, subject to 4.14.
- b. In addition to main uses permitted under section 5.3.1(1)(a), one or more of the following main uses as subject to terms and conditions as may be applied by the advisory committee:
 - i. Heavy industrial use.

SECONDARY USES

- c. One of the following secondary uses:
 - i. Dwellings, subject to section 4.7; and,
 - ii. Institutional Use.

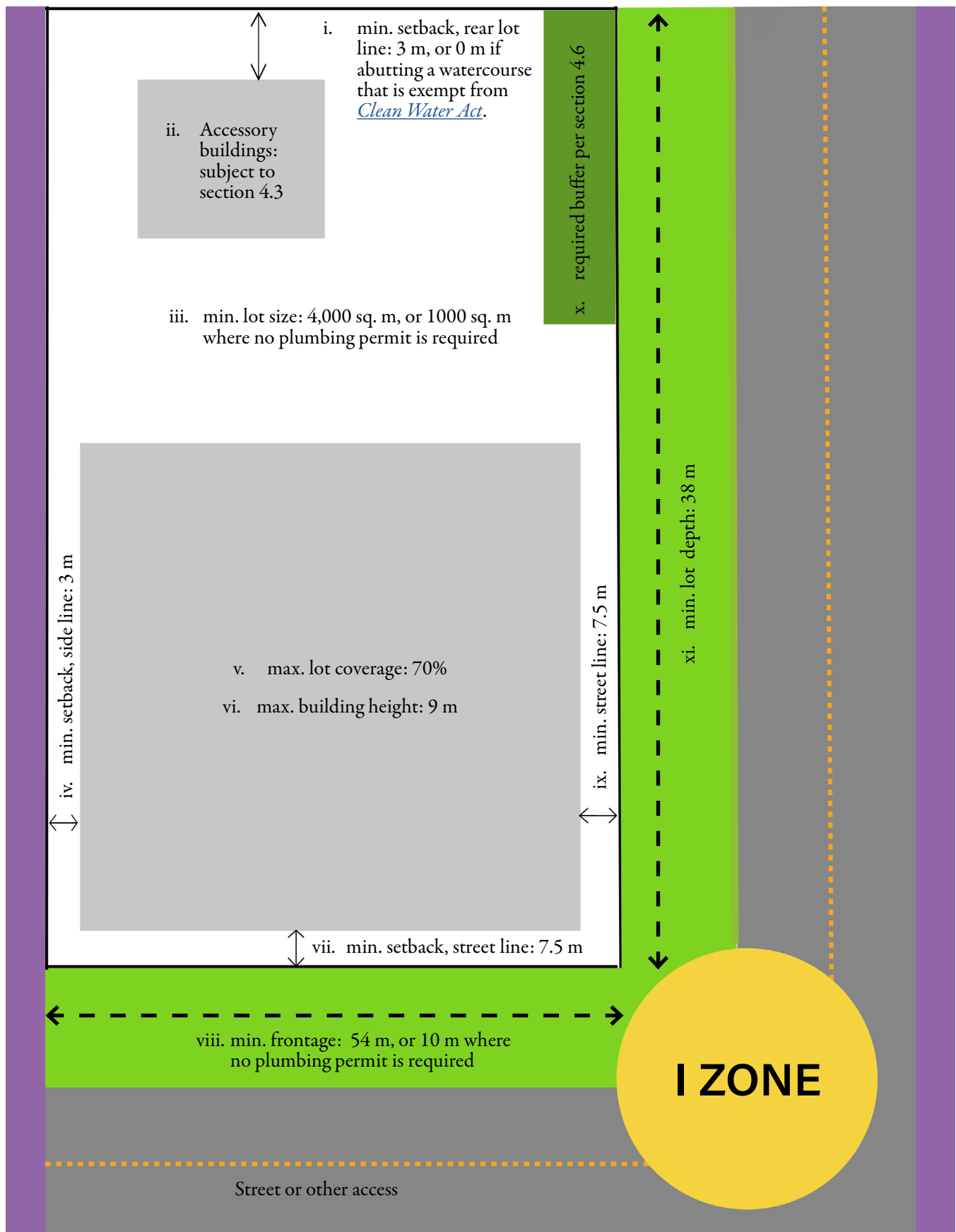
ACCESSORY USES

- d. 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.

5.2.2 I Zone Standards

1. No development shall be undertaken nor shall any land, building or structure be used within the I Zone unless the following standards are met:
 - a. The I Zone standards as numbered on the diagram 'Figure 2. Site Requirements' are complied with; and,
 - b. The general provisions under section 4 are complied with.

FIGURE 2. SITE REQUIREMENTS



5.3 Environmentally Sensitive (ES) Zone

5.3.1 ES Zone Permitted Uses

1. Subject to general provisions under section 4, any land, building or structure in the ES Zone may be used for the purposes of:

MAIN USES

- a. One or more of the following main uses:
 - i. Conservation use;
 - ii. Outdoor recreation use; and,
 - i. Pre-existing use.
- b. In addition to main uses permitted under section 5.4.1(1)(a), one or more of the following main uses as subject to terms and conditions as may be applied by the advisory committee including, but not limited to, conditions intended to protect the natural environment, habitats, trees, soil stability around watercourses, drinking water recharge areas, and any approvals through the Province of New Brunswick:
 - i. Camp, subject to section 4.6.1; and,
 - ii. Campground, subject to sections 4.7 and 4.6.2.

ACCESSORY USES

- c. 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.

5.3.2 ES Zone Standards

1. No *development* shall be undertaken nor shall any land, *building* or *structure* be used within the ES Zone unless the following standards are met:
 - a. The ES Zone standards as numbered on the diagram 'Figure 3. Site Requirements' are complied with; and,
 - b. The general provisions under section 4 are complied with.

FIGURE 3. SITE REQUIREMENTS



5.4 Rural Resource (R) Zone

5.4.1 R Zone Permitted Uses

1. Subject to general provisions under section 4, any land, building or structure in the R Zone may be used for the purposes of:

MAIN USES

- a. One or more of the following main uses:
 - i. Agricultural use;
 - ii. Conservation use;
 - iii. Extractive industrial use, subject to section 4.9.1 and 4.9.3;
 - iv. Forestry use;
 - v. Intensive livestock operation;
 - vi. Light industrial use;
 - vii. Resource excavation development, subject to section 4.9;
 - viii. Small-scale fishery use
 - ix. Utility use, subject to section 4.14;
 - x. Pre-existing use; and,
 - xi. Shooting range.

SECONDARY USES

- b. One of the following secondary uses:
 - i. Camp;
 - ii. Campground, subject to section 4.7;
 - iii. Commercial use;
 - iv. Dwellings or garden suite, subject to section 4.7;
 - v. Recreational use; and,
 - vi. Tourism use.

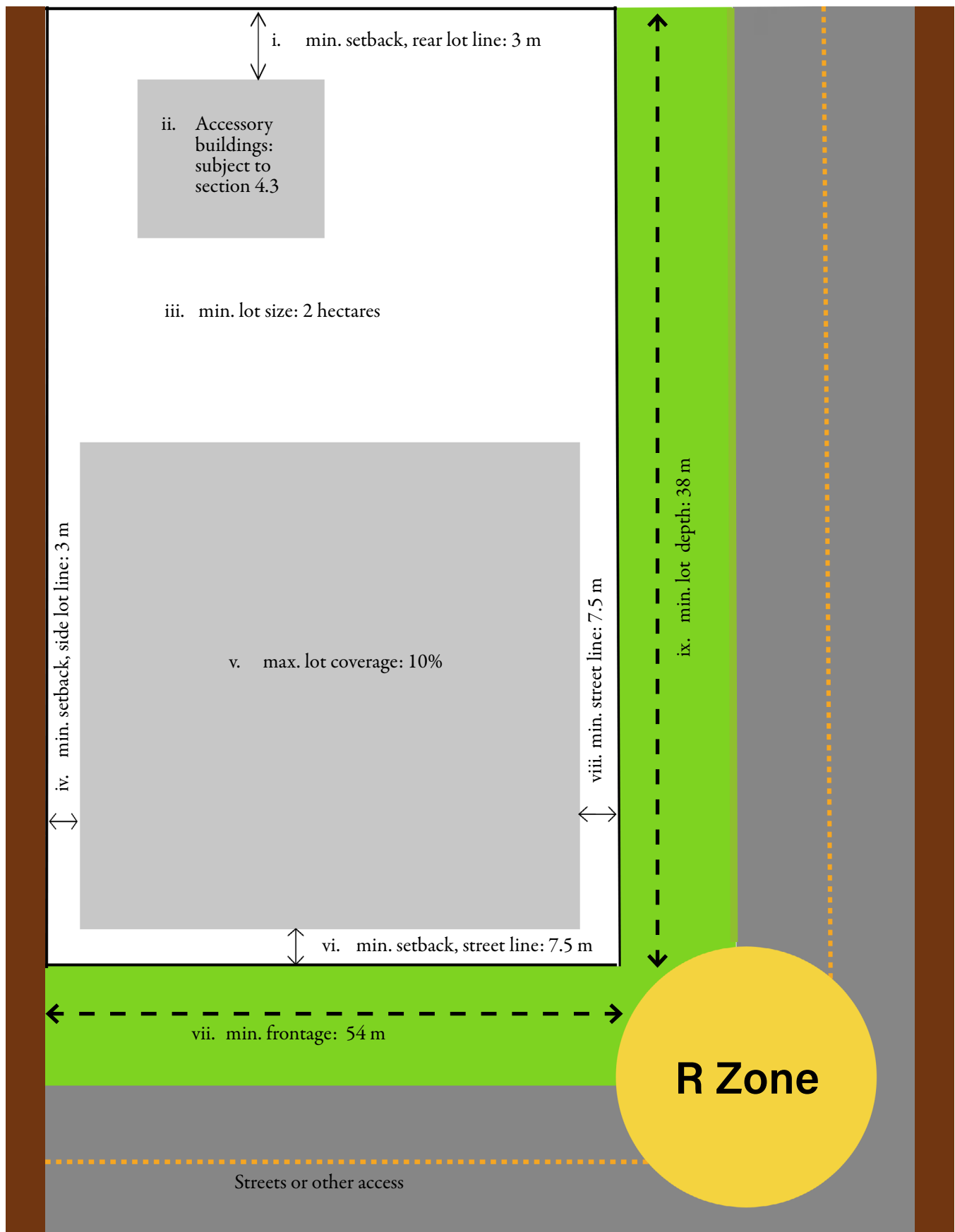
ACCESSORY USES

- c. 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.

5.4.2 R Zone Standards

1. No development shall be undertaken nor shall any land, building or structure be used within the R Zone unless the following standards are met:
 - a. The R Zone standards as numbered on the diagram 'Figure 4. Site Requirements' are complied with; and,
 - b. The general provisions under section 4 are complied with.

FIGURE 4. SITE REQUIREMENTS



5.5 Integrated Development (ID) Zone

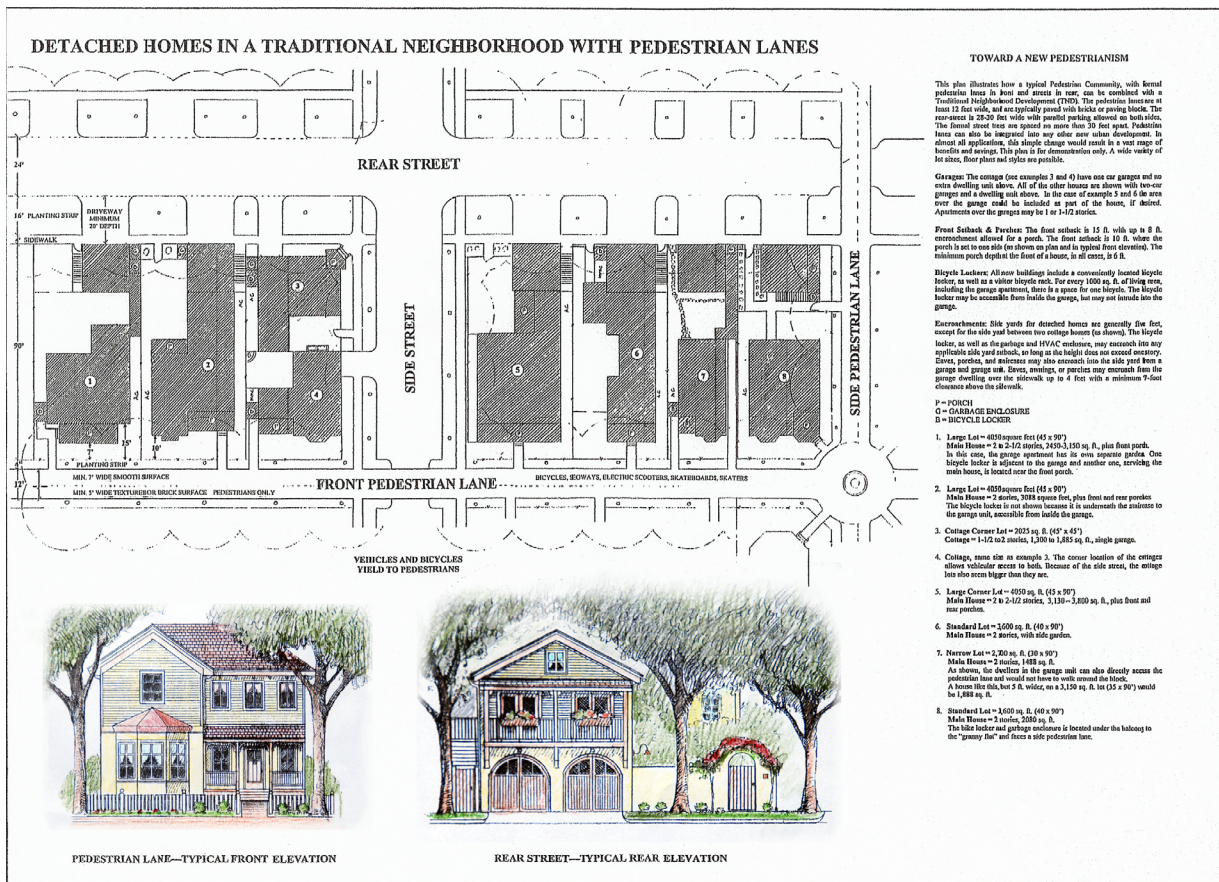
5.5.1 ID Zone Permitted Uses

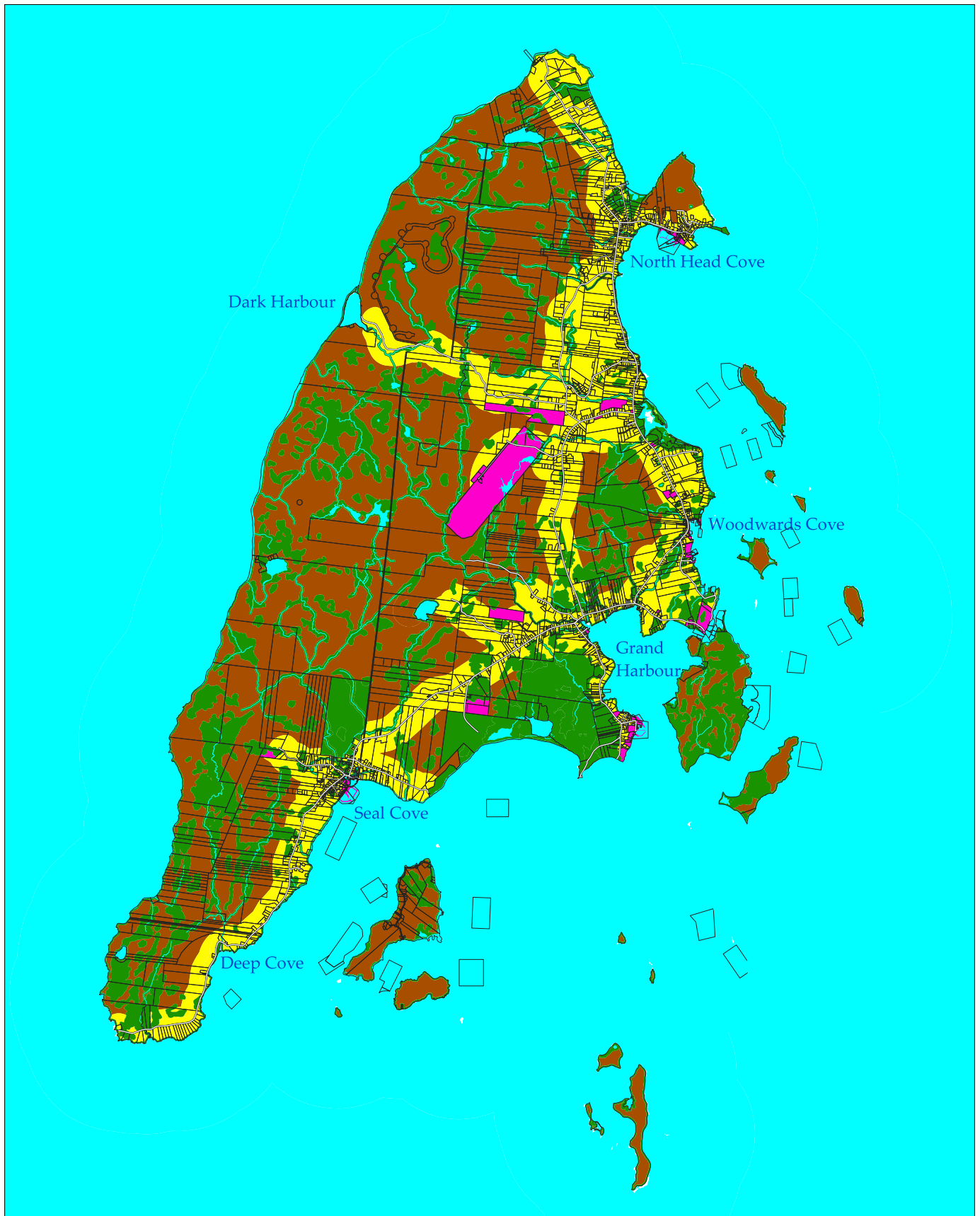
1. No development shall be permitted nor shall any land, building or structure be used on a lot within the ID Zone except in conformity with a specific proposal adopted by Council pursuant to Section 58 and 59 of the *Community Planning Act*.

5.5.2 ID Zone Standards

1. Notwithstanding any provision in this By-law, any land, building or structure may be developed within the ID Zone in conformity with specific terms and conditions adopted in development agreement or resolution of Council. Those terms and conditions may establish zoning standards for the design or dimensional requirements of main buildings, accessory buildings, building height, lot size, lot coverage, lot depth, lot frontage, yards, setbacks, driveway access, and any other zoning requirement that Council applies to the specific development proposal. See Figure 5. for an example of site-specific zoning requirements.

FIGURE 5. Example of a specific development proposal that does not fit within any of the other zones. A development in the ID Zone requires a rezoning application but a proponent can propose unique zoning standards that the Council can approve after a public hearing.





Watercourse
Waterbody

Zones

Environmentally Sensitive (ES) Zone
Industrial (I) Zone
Mixed Use (MU) Zone
Rural Resource (R) Zone

1 0 1 2 3 4 kilometers

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