

TOWN OF MARYSTOWN MUNICIPAL PLAN

2002 - 2012

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF MARYSTOWN MUNICIPAL PLAN**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Marystown adopts the Marystown Municipal Plan 2002 - 2012.

Adopted by the Town Council of Marystown on the ____ day of _____, 2002.

Signed and sealed this ____ day of _____, 2002.

Mayor: _____
Sam Synard

Clerk: _____
Dennis Kelly

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Municipal Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.

MCIP: Arvo McMillan

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF MARYSTOWN
MUNICIPAL PLAN 2002 - 2012**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Marystown:

- a) adopted the Marystown Municipal Plan on the _____ day of _____, 2002.
- b) gave notice of the adoption of the Marystown Municipal Plan by advertisement inserted on the _____ day and the _____ day of _____, 2002 in the Southern Gazette newspaper.
- c) set the _____ day of _____ at _____ p.m. at the Town Hall, Marystown for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Marystown approves the Marystown Municipal Plan 2002 - 2012.

SIGNED AND SEALED this _____ day of _____, 2002

Mayor: _____
Sam Synard

Clerk: _____
Dennis Kelly

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TOWN OF MARYSTOWN MUNICIPAL PLAN

1 INTRODUCTION

1.1 FOREWORD

This document is formally called the Marystown Municipal Plan Review 2002, a review of the Plan approved in 1984 and subsequently reviewed in 1993, by a desire for greater clarification and flexibility.

The Marystown Municipal Plan 2002 is designed to accommodate and encourage constructive change that will foster the community and region's economic and social development while adhering to basic principles of economically sound and environmentally appropriate urban and rural development within the Municipal Planning Area and the Town of Marystown.

It reflects the consensus developed through extensive consultation, about the future directions that Marystown will be taking in terms of land use and the relationship between land use and community development.

The Municipal Plan is an extremely important element of the other strategic planning processes, such as the Schooner - Zone 16 Strategic Plan, and other plans of businesses and major institutions and non governmental organizations, that together comprise the strategic planning process within the Marystown Region.

1.1.2 Legal Basis

Prepared pursuant to the Urban and Rural Planning Act 2000, the Marystown Municipal Plan contains policy statements and maps approved by Council and registered by the Minister of Municipal and Provincial Affairs to guide community growth and development for the next 10 years.

Section 2 provides some background information and the basis for the policies contained in Sections 3, 4, 5 and 6. There is a separate background report to this municipal plan. Section 4 contains a proposal for Central Marystown, while Section 5 sets out the legal impact of the Protected Road and Highway Sign Regulations and Section 6 restricts Crown Land applications along a portion of Highway 220.

Legally binding, Sections 3, 4, 5, and 6 set out the land use policies which are realized in the Marystown Development Regulations. These sections are often referred to when there is an appeal against a decision of Council under the Development Regulations, because it provides

the framework for the Regulations and so is used in their interpretation where it is necessary to shed additional light on a specific case. The Future Land Use Maps 1 to 10 form part of this Section and the Municipal Plan.

Section 3 of the Municipal Plan is permissive in that it allows the Town Council of Marystown, to zone for the array of uses and uses similar to the array of uses set out under Section 3.

The Effect and Variation of the Municipal Plan

When the Municipal Plan comes into effect, it is binding upon Council and upon all other persons, corporations and organizations. The Plan must be reviewed by Council every five years and, if necessary, revised to take account of development which cannot be foreseen during the next ten-year period.

Municipal Plan Implementation

When a Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land, in strict conformity with the Municipal Plan, in the form of Land Use Zoning, Subdivision and Advertisement Regulations. These are also known as the Development Regulations. Normally, these are prepared at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations.

Development Regulations must comply with the requirements of *the Urban and Rural Planning Act*, and any other pertinent rules and regulations enacted by the Province, including, the Municipalities Act, and as well, legislation relating to environment, health and safety, agriculture, mines and mineral workings, highways, and forestry.

Development schemes (amendment to the Municipal Plan), design concepts, comprehensive plans, subdivision agreements and concept plans, *further implement the Municipal Plan and Development Regulations* with more detailed designs, design strategies and policies for roads and other facilities and development.

While capital works programming does not affect the day to day regulation of land uses under the Development Regulations, it does over the long-run affect how and when lands will be developed and the standards of development. Capital Works programming is left to the five year capital works budgeting process.

Council may reserve land for future acquisition as the site of any public roadway, service or building, or for a school, park or other open space, and may make such agreement with owners of the land as well permit its acquisition and use of these purposes. Council may also specify the manner in which any particular area of land is to be used, subdivided or developed, and may regulate the construction of buildings which would interfere with the carrying out of any development project.

1.2 MUNICIPAL PLANNING AREA

The Marystown Municipal Planning Area is the area delineated under the Urban and Rural Planning Act for planning and regulatory purposes, which along with the Town of Marystown, includes several local service districts, notably, Beau Bois, Rock Harbour, Spanish Room, and Jean de Baie.

The Town of Marystown exercises full planning and zoning control within the Marystown Planning Area. However, Marystown does not provide municipal services, levy taxes or provide any other administrative services to the other communities of the Planning Area.

2 BACKGROUND

2.1 GENERAL

The Town of Marystown occupies approximately 4,040 hectares of the Planning Area's 23,000 hectares.

Marystown is located on Mortier Bay, Placentia Bay approximately 144 kilometres from the Trans Canada Highway, and 313 kilometres from the City of St. John's. With a 2001 population of 5,908 it is the largest town on the Burin Peninsula. The balance of the Planning Area contains approximately 470 persons. It sits at the crossroad to Burin - St. Lawrence, and Grand Bank - Fortune - the Placentia Bay and Fortune Bay sides of the Burin Peninsula.

Marystown is bordered by the towns of Burin and Winterland that have populations of 2,470 and 327 respectively. The next largest community on the Peninsula is Grand Bank, roughly 50 kilometres distance, with a population of 2,841. Zone 16 - Burin Peninsula - has a 2001 population of 23,391, a drop from the 1996 population of 26,694.

Incorporated in 1951, Marystown has been built up through an amalgamation of communities - Marystown North and South, Creston North, Creston South, Little Bay and Mortier. In the 1960's it was designated a growth centre which attracted families from isolated Placentia Bay communities.

With the Marystown Mall, Peninsula Mall, the Columbia Mall, the Hotel Marystown and a significant commercial strip development along McGettigan Drive (Highway 210) Marystown is the shopping centre for the Burin region. Various government offices are situated here along with the Burin School Board, the Schooner Regional Development Corporation and the Marystown-Burin Area Chamber of Commerce offices. Highway 210 as it branches out toward Grand Bank is called Columbia Drive.

It is also the home of the Marystown Shipyard - the only one of its kind on the Peninsula, and the only facility in the Province capable of competing with the St. John's Dockyard. The Marystown Fish Plant at Mooring Cove is the other major industrial employer.

The Burin Peninsula Health Care Centre and the College of the North Atlantic campus are located in Salt Pond, Burin, approximately 11 kilometres from the centre of Marystown.

Located in nearby Winterland, the Marystown Airport is basically a landing strip that presently handles unscheduled flights and forestry protection and medivac flights. The airport is maintained by the Department of Works Services and Transportation, and could, with suitable upgrades, handle scheduled passenger flights.

The nearby community of Frenchman's Cove - Garnish contains the Frenchman's Cove Provincial Park and Golf Course (the Grand Meadows Golf Course), and a major campsite and freshwater beach and recreational facility is located at Freshwater Pond within the Marystown - Burin - Winterland triangle.

There are therefore clusters of specialized activities within Marystown and the adjoining communities of Burin, Winterland, and Garnish - Frenchman's Cove that serve a large proportion of the Burin Peninsula's population for shopping and administration, health, education, and recreation needs.

Marystown lies within the ambit of two regional planning bodies:

- the Zone 16 - Schooner Regional Economic Development Corporation regional economic development board, headquartered in Marystown; and
- the Strategic Social Plan Region, Eastern Region headquartered in Clarenville - a temporary organization with the mandate to fulfill the Province's Strategic Social Plan.

These two bodies are new since the last municipal plan review.

Other pertinent regional bodies are:

- the Burin Peninsula School Board which has its headquarters in Marystown;
- the Peninsulas Health Care Corporation, headquartered in Clarenville.

2.2 PROJECTIONS

Between 1986 and 1991 Marystown grew slightly from 6,660 to 6,742 while the region as a whole lost approximately 2,700 people, then it seems that all towns in the Burin Peninsula, Winterland excepted, lost population in the 1996 - 2001 period.

The best projections (Low, Medium, High) for the Zone 16 Region call for a gradual decrease and ageing of population in the Burin Peninsula. For planning purposes it is going to be assumed that although the projected Regional population is expected to decrease from the 2002 forecast of 24,940 (already at variance with the census data) to the 2012 forecast of 21,971 (Medium Scenario - Population Projections Newfoundland and Labrador), that essentially Marystown's population is going to remain stable while ageing slightly.

This changing population structure will be reflected in further school enrolment reductions, changes in requirements for social housing, changing medical services needs, and in requirements for housing and commercial space.

2.3 KEY ASSUMPTIONS - DIRECTIONS FOR THE FUTURE

Based on research, observation, consultations and planning practice, certain major assumptions are made which help guide the objectives and policies governing land use in Marystown. These are set out below.

- The population of the Burin Peninsula is forecast to gradually decrease and age over the forecast period. The population of the Municipal Planning Area had increased until the 1996 Census, then decreased in the last inter-censal period. Actual populations have fallen significantly short of projections as set out in the 1984 Municipal Plan and in the 1991 Municipal Plan Review. Notwithstanding improved prospects for the Marystown Shipyard, this trend is going to continue.
- The fundamental land use structure that is now in place will continue to serve Marystown and the region for years to come. However, there is going to be pressure for more high visibility and access commercial locations as the prime locations along McGettigan and Columbia are taken up.
- Cow Head is the location for major industrial development, rather than the smaller undeveloped sites that were previously designated between McGettigan and the Bay.

Land Use Issues: No changes in urban development limits; no changes in fundamental land use policies, except to accommodate changes within the land use or development blends. Due its significance, the inclusion of Cow Head within the urban development limit may be warranted.

- The major commercial and public facilities that will serve the community during the planning period are in place, including the Burin Peninsula Hospital, College of the North Atlantic Burin Peninsula Campus, the three Marystown shopping centres, and the Creston North Bypass Road.

Land Use Issues: Protect these resources under the municipal plan with the appropriate policies.

- Marine Industries - After some period of uncertainty, the Marystown Shipyard is expected to employ approximately 600 workers in carrying out offshore oil related construction work. This will help to stabilize the economy of the region, but it will not necessarily trigger an appreciable amount of new development since many of the jobs will go to existing and former employees of the Shipyard. It appears that employment at the Fisheries Products International Plant at Mooring Cove will continue to fluctuate.

Land Use Issues:

- (a) Commercial and residential developments which have been put on hold, will (are being) be reactivated because of greater certainty in the economy.
 - (b) Existing businesses will experience improved revenues, and commercial and residential vacancy rates will begin to drop, and prices for space will start to rebound.
 - (c) There will be a greater uptake of Newfoundland and Labrador Housing stock, reversing the previous trend.
- For a variety of reasons, including changing provincial policies and provincial and local population characteristics, the provision of health services is under review and evolution. It is too early to predict the exact types of changes that will occur, however, the long term future of existing medical care facilities in the Burin Peninsula Health Care Centre is not in jeopardy.

Land Use Issues: To be determined.

- ❑ A regional solid waste disposal system will be put into operation during period covered by the Municipal Plan. In line with contemporary thinking as articulated in the recently released Provincial solid waste strategy, it will place a very heavy emphasis on recycling and consolidation of landfill sites.

Land Use Issues: To be determined.

- ❑ There are mineral resources, including significant aggregate supplies (mineral workings) within the Planning Area.

Land Use Issues: These resources are to be protected from incompatible development, and options are to be retained for minerals related development having regard for the environment and other developments.

- ❑ Agriculture and forestry are limited resources in this Municipal Planning Area. Forestry activity occurs in the form of domestic cutting.

Land Use Issues: The existing resources are to be protected, having regard for the environment and urban development requirements.

- ❑ Historic and archaeological resources have not been adequately explored, although there is evidence of early European sites in the Planning Area. A number of potential pre-contact sites have been destroyed by rising sea levels and development.

Land Use Issues: Protection and programming to research and develop the resources, including development of selected areas and sites for the benefit of the community and visitors.

- ❑ Waterways and wetlands - The Department of Fisheries and Oceans Canada has indicated that many of the streams flowing into Mortier Bay, Creston Inlet and Southwest Arm are important fish habitat.

Land Use Issues: The conservation and protection of waterways is essential, as is the protection of wetlands feeding these waterways.

- ❑ Municipal finance and the capacity of the municipality to fund capital expenditures and operations will continue to remain under severe stress. This will affect the ability

of the Town to provide the necessary services and their improvements. Included in this would be sewage treatment.

Land Use Issues: Development must maximize the use of existing trunk and maintenance services such as sewer and water, garbage collection, road maintenance. Developments requiring extensions to trunk municipal services must be carefully assessed as to benefits and costs.

- ❑ The central area with its concentration of commercial and public facilities will continue to be a vital part of Marystown and region. However, improvements can be made to render it more functional and attractive - in particular the area centred on Ville Marie from the Shipyard to and including Canning Bridge.

Land Use Issues: Policies to ensure that this area retains its vitality by encouraging an appropriate mix of uses and the formation of a business improvement area association that will develop a marketing strategy for the area and help guide and develop the necessary physical improvements.

- ❑ The communities of the Marystown Planning Area - Marystown proper (Marystown, Creston North, Creston South, Little Bay, Beau Bois) Spanish Room, Jean de Baie, Rock Harbour, will all retain their distinctive characteristics. These communities are important places for a wide variety of activities and are important elements in the heritage of the Region and this Province.

Land Use Issues: Retain and foster the appropriate mix of uses, protect the historic resources of these communities, and ensure their continued viability.

- ❑ Strength - The Burin Peninsula and Marystown in particular, will retain a significant core population that is well educated, highly skilled and motivated. This will enable the region to adapt to the changing economy and social conditions.
- ❑ Strength - Marystown, along with the rest of the Peninsula, is extraordinarily picturesque, accessible, and well endowed with tourist accommodation and recreational activities for both visitors and residents alike. It is just far enough away from other major Newfoundland centres to necessitate overnight stays to enjoy the region's attractions.
- ❑ Strength - The Burin Peninsula and Marystown in particular, will retain a significant core population that is well educated, highly skilled and motivated. This will enable the Region to adapt to the changing economy and social conditions.

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- ❑ Strength - Marystown has a solid industrial base with the Shipyard that is on the upswing again. With the support of educational institutions, in particular the College of the North Atlantic, it will help to create a centre of marine related industrial activity on Placentia Bay.
 - ❑ Strength - Marystown, along with the rest of the Peninsula, is extraordinarily picturesque, accessible, and well endowed with tourist accommodation and recreational activities for both visitors and residents alike. It is just far enough away from other major Newfoundland centres to necessitate overnight stays to enjoy the region's attractions.
 - ❑ Strength - Given its preeminent role as the Burin Peninsula's service and industrial centre, and being located on Placentia Bay - a hub of marine activity that includes Come By Chance Oil Refinery, Whiffen Head natural gas base, and the Argentia industrial park and future smelter site - in cooperation with other communities and groups in the region Marystown is well positioned to become a truly exciting and innovative community.

3 MUNICIPAL PLAN

3.1 PLANNING GOALS

- To establish an overall growth structure for the Marystown Planning Area within which the community can control and promote compatible, orderly and economic development for the benefit of all its residents.
- To consolidate development in built up areas on existing municipal trunk services, at least for the duration of the five year planning period, and minimize unnecessary development and maintenance expenditures.
- To develop the Town's and Planning Area's unique locational and scenic resources - in a way that improves the use and enjoyment of Marystown and the other communities in the Planning Area for residents and visitors.
- To provide flexibility, clarity and fairness in the planning and regulatory process.

3.2 GENERAL DEVELOPMENT

3.2.1 Future Land Use Designations and Policies

All development within the Marystown Planning Area shall be managed in accordance with the general land use policies and designations set out in the ensuing sections. These designations are shown on the Future Land Use Maps.

To identify land for the future development needs of Marystown, the following land use designations are established in the Plan and designated on Future Land Use Maps:

- (a) Residential
- (b) Residential Rural
- (c) Commercial and Community Services
- (d) Industrial
- (e) Recreational Open Space
- (f) Rural
- (g) Rural Restricted
- (h) Mineral Working
- (i) Conservation
- (j) Protected Water Supply.

The boundaries between the land use designations portrayed on the Future Land Use maps are general only and, except in the case of roads or other physical barriers, are not intended to define exact limits. Therefore, minor adjustments may be made to these boundaries for the purpose of implementing the Plan.

3.2.2 General Development Policy - Development Within Existing Limits

(1) Areas Serviced with Municipal Water and Sewer

Within serviced areas, development shall be connected to municipal water and sewer services. If deemed feasible by the Town, development adjacent serviced areas may be connected to the Marystown municipal water and sewer systems provided that there is sufficient capacity in the existing systems and provided that the developer agrees to pay for the cost of the extension of the services.

Council shall ensure that new development makes efficient use of existing roads and infrastructure. Council shall further ensure that new development will not create unreasonable servicing demands or costs.

Proposed subdivision development will be subject to a comprehensive evaluation by Council to ensure that it will mesh with adjacent development and the existing road system. Access to adjacent undeveloped land shall be reserved for future development.

In addition to any other considerations under this Municipal Plan, Council may refuse permission for a subdivision or any development where in its opinion:

- (a) it is uneconomical to provide all requisite services, including maintenance, garbage pickup, fire protection;
- (b) existing access and trunk services are inadequate and may need upgrading to accommodate the development.

(2) Unserviced Areas

Except for resource based development, development in unserviced and partially serviced areas shall occur only on an infill basis on existing roads. Development on private water and/or waste disposal systems shall be approved by the Department of Government Services and Lands and all other appropriate agencies.

3.2.3 Conditions - All Development

(1) Services and Access

All development must have adequate water supply and waste disposal service, front onto a public road, have proper road access, and be set back from the road in accordance with the Development Regulations.

(2) Uses Permitted In All Designations

Accessory buildings and uses, conservation, and public utilities are permitted in all designations.

(3) Compatibility of Uses, Buffers and Screening

Council shall ensure as much as possible that new development will not negatively affect existing and proposed land uses by creating a hazard or nuisance such as noise, dust, odour or unsightly appearance. Council may require a developer to provide appropriate screening or to undertake other measures to minimize negative off-site effects.

3.2.4 Advertisements and Signage

The Town shall adopt regulations pertaining to the design and location of advertisements and signage that will promote the amenities, natural and cultural resources and businesses of the community and enable people to quickly and easily locate these services while contributing to the overall attractiveness and distinctiveness of Marystown and its planning area.

Furthermore, in order to protect amenities, protect the appearance of the Town, and foster appropriate urban design, the Town may, under the Development Regulations:

- (a) establish areas for advertisements and other signage, and determine their location and type;
- (b) exclude other areas from advertisements and other signage.

The designated areas and the standards for advertisement and signage design, along with the prohibited shall be specified in the Development Regulations.

3.2.5 Agriculture and Forestry

Agriculture and forestry uses are deemed to be permitted uses under the Rural designation, subject to all other provisions of this Municipal Plan and the implementing Development Regulations.

Higher intensity livestock and related agricultural uses shall be separated by an adequate buffer between existing and proposed residential developments and shall conform to Provincial Government policies and guidelines with respect to their development and management.

3.2.6 Archaeological and Heritage Resources

Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development shall stop and the Historic Resources Division of the Department of Tourism, Culture and Recreation consulted.

The Town shall endeavour to conserve and develop its heritage resources, and encourage the preservation of buildings of historic interest through regulation and/or other suitable means.

3.2.7 Back Lot, Cluster and Comprehensive Development

(1) Backlot Development

Because of the way Marystown and several of the smaller communities have historically developed, and in order to minimize conflict between property owners back lot residential development - that is, development behind other structures with only driveway access - may be permitted **at the discretion of Council** under the Development Regulations provided:

- only one dwelling is located behind the other;
the backlot development has access to a public road by means of a driveway that forms part of the backlot development;
- underground municipal sewer and water service hookups are located entirely on the owner's property and that the property is properly accessible to fire protection and other emergency services;
- exclusive of the driveway, the minimum lot area requirements of the zone are met and adequate separations between the backlot development dwelling and other dwellings are maintained under the development regulations;
- where there is potential for future development, a minimum right of way of 12.5 to 15 metres is provided, and this road reserve, despite being in the ownership of the applicant, is shown on the plan of the property.

(2) Cluster Development

In exceptional circumstances and for very short cul de sacs with no more than eight to ten dwellings having frontage, cluster development may be permitted under the Development Regulations - subdivisions - wherein the public road right of way may be reduced to 10.2 metres if the street is no longer than 80 metres. This can only be approved where the Town is satisfied that there is no further development potential.

Cluster development must be fully serviced with municipal sewer and water, and comply with other subdivision and development requirements of the Town.

(3) Comprehensive Development

At the discretion of Council, a comprehensive development containing one or more single or individual developments, may be treated as a single development where services are to be provided and maintained privately and internally. A comprehensive development must be connected municipal trunk water and sewer services.

3.2.8 Discretionary Uses

Unless it is specifically set out as a discretionary use under the Municipal Plan, the Town may determine that a use should be identified as discretionary use under the Development Regulations, where, in its opinion:

- (a) the use is likely to have an impact on the predominant uses of the zone and that in order to mitigate this impact it is desirable to consult with the public and possible affected parties prior to issuing, issuing subject to conditions, or refusing a permit;
- (b) it is necessary to attach conditions to an approval that differ from the standard conditions under the Development Regulations to ensure that the discretionary use is compatible with nearby uses and the predominant uses of the zone.

3.2.9 Environment

(1) General

Before approving development of a site having a slope greater than 15 percent, the Authority shall require the submission of a review of the development proposal by a certified engineer, landscape architect or similar professional. The review shall evaluate the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving run-off from the site, and other similar matters.

The Authority shall ensure that the proposal is not inappropriate by reason of:

- (a) precipitating or contributing to a pollution problem in the area; or
- (b) creation of erosion and/or sedimentation.

The Authority shall consider the suitability of the site in terms of steepness of grades, soil and geographic conditions, location of watercourses, marshes, swamps, or bogs when reviewing a development proposal.

(2) Waterways - Buffers

- (a) A protective buffer of undisturbed soil and vegetation shall be preserved along the shoreline of all waterways. The buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat.

- (b) Subject to the appropriate approvals and reviews, only trails and accessory uses, and uses requiring direct access to a body of water may be permitted in these buffer areas.
 - (c) The matter of adequate and usable legal public access to the waterway may be used as a consideration in the review of an application for a structure within a buffer and/or waterway.
 - (d) Any activity that has the potential to affect fish habitat shall be forwarded to Fisheries and Oceans Canada for review.
- (3) Designated Trails and Public Open Space - Buffers

The Town may require that any development within a specified distance of a designated trail or watercourse be reviewed by the Town to ensure that development does not negatively impact such trail or watercourse. Where deemed necessary, the Town may require that the buffer be provided by the developer.

3.2.10 Mineral Exploration

- (1) Subject to the other provisions of this Municipal Plan, mineral exploration which is not classed as development by virtue of appreciable soil disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- (2) Mineral exploration which is classed as development shall be permitted in the Mineral Workings, Rural and Rural Restricted designations, provided that adequate provision is made for buffering/and or other mitigations of impacts of existing or future urban residential, commercial, industrial, institutional and recreational areas and provided that all necessary approvals are obtained.
 - (a) Buffering may take the form of a buffer between such mineral exploration and areas set aside for urban purposes within which higher impact mineral exploration is either prohibited outright, or is treated as a discretionary use.
 - (b) Higher impact mineral exploration shall be subject to conditions that control noise, appearance, duration of the drilling or excavating program and the control of other impacts that may arise. The precise nature of these controls will depend upon the location of the mineral exploration in respect to built-up areas.

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- (c) Where there is soil disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to the Town.

3.2.11 Mineral Workings

The Town may provide for mineral workings in areas where there is a known resource and where there is less likely to be conflict between mineral workings and other uses. Such mineral workings shall be accommodated under designations and zones specifically designed to accommodate mineral workings and certain compatible uses, and/or they can be accommodated in the rural portions of the Planning Area, subject to controls that will minimize environmental damage, foster protection or retention of amenities in nearby areas, foster restitution of sites and minimize land use conflict.

Also, controls on development shall endeavour to ensure that mineral workings operations are able to be carried out efficiently and without undue interference. This may include establishing buffer areas around mineral workings within which certain types of development are to be reviewed by the Department of Mines and Energy before approvals are given by the Town.

The Town may distinguish between short and long term mineral workings under the Development Regulations.

3.3 RESIDENTIAL DESIGNATIONS

There are two residential designations in this Municipal Plan - Residential and Residential Rural.

The Residential Designation applies to the fully serviced and serviceable areas of Marystown itself. The Residential Rural Designation takes in residential communities in the Planning Area outside of Marystown that for the most part lack full municipal services.

3.3.1 Residential Designation

The residential designation is applied to the largely residential areas of Marystown and which for the most part contain single dwellings.

This designation allows for various types of dwellings, together with residential and non-residential uses that are compatible with the predominant dwelling types, businesses, shops, and, places of worship and schools.

Non dwelling uses shall be located and designed so as not to create an intrusion or conflict with the residential neighbourhood or nearby dwellings.

Free-standing businesses or businesses located in dwellings shall be compatible in use, scale and appearance with the surrounding area and shall not impose a nuisance or hazard on adjacent residential properties because of noise, dust, fumes, hours of operation, parking, traffic, appearance, outdoor storage, site design or other factors. Council may require the business to be suitably buffered or screened so to minimize its impact on nearby residential properties and the character of the residential area.

Except for conservation, single dwellings, parks and playgrounds, and public utilities Council in its development regulations may place any or all other residential types, and non-residential uses as permitted or discretionary uses.

3.3.2 Residential Rural

All development in this designation shall essentially occur on private water supply and waste disposal systems (there are several communities that provide partial services), and be located on existing (at the time of this Municipal Plan) public roads. No development can occur until all necessary water and soil tests and approvals have been given.

This designation allows for various types of dwellings, together with residential and non-residential uses that are compatible with the predominant dwelling types, businesses, shops, and, places of worship and schools.

Non dwelling uses shall be located and designed so as not to create an intrusion or conflict with the residential neighbourhood or nearby dwellings.

Free-standing businesses or businesses located in dwellings shall be compatible in use, scale and appearance with the surrounding area and shall not impose a nuisance or hazard on adjacent residential properties because of noise, dust, fumes, hours of operation, parking, traffic, appearance, outdoor storage, site design or other factors. Council may require the business to be suitably buffered or screened so to minimize its impact on nearby residential properties and the character of the residential area.

Except for conservation, single dwellings, parks and playgrounds, and public utilities Council in its development regulations may place any or all other residential types, and non-residential uses as permitted or discretionary uses.

Non-residential uses shall be located and designed so as not to create an intrusion or conflict with the surrounding dwellings.

3.4 COMMERCIAL AND COMMUNITY SERVICE

The Commercial and Community Service designation is used to accommodate commercial and public development in places where:

- (a) it is deemed useful to have concentrations of such activities, such as Columbia Drive, McGettigan Drive, Ville Marie Drive and Creston Boulevard; and,
- (b) there are significant free standing commercial and public developments which cannot be reasonably accommodated under other designations because of impacts on other uses.

Also, in addition to the primary commercial and public developments, certain types of residential and industrial development can be allowed in this designation provided that these are compatible with the other uses.

More specifically, this designation accommodates the following uses:

- (a) commercial uses, including uses such as retail stores, shopping centres, tourist accommodation and commercial services to persons and businesses;
- (b) private and public offices;
- (c) light industrial uses;
- (d) commercial garages, carwashes and service stations;
- (e) public and institutional uses, such as churches, government facilities, schools, special care facilities, medical clinics;
- (f) major gathering places, such as arenas, and community and civic centres and outdoor and indoor assembly;
- (g) campgrounds;
- (h) full service marinas, transportation uses;
- (i) recreational open space;
- (j) commercial recreational facilities such as driving ranges and go-kart tracks;
- (k) residential uses such as hostels, seniors housing, and apartment buildings.

There must be adequate separation and/or other mitigation measures in place between potentially conflicting uses, accompanied by measures to ensure landscaping of the property that includes driveways and parking areas.

3.5 INDUSTRIAL

Lands designated Industrial can be used for general industrial, light industrial, manufacturing, transportation, passenger assembly, taxi stand, service station, marinas, and hazardous industry. Hazardous industry is treated as a discretionary use.

The other provisions of the Municipal Plan concerning adequate separations, buffers, and/or other mitigation measures apply to uses in this designation.

3.6 RECREATIONAL OPEN SPACE

Land designated as Recreational Open Space is intended to create active recreation opportunities and provide for associated community and public facilities.

Subject to the other requirements of this Municipal Plan, this designation accommodates the following uses:

- (a) outdoor recreational facilities, both public and private;
- (b) commercial recreational facilities such as driving ranges, go-kart tracks, and so forth;
- (c) campgrounds for tenting, recreational vehicles and travel-trailers;
- (d) major gathering places, such as arenas, community and civic centres, theatres and cultural and civic;
- (e) full service marinas.

The development and operation of recreational and public facilities shall not impose adverse effects on adjacent residential and other uses in terms of noise, traffic, parking and hours of operation.

3.7 RURAL

Natural resources such as aggregates, forest, blueberry areas and undeveloped land have significant economic and recreational value, and are important community resources. The Marystown Municipal Plan protects these areas from inappropriate urban development through the Rural designation.

As Marystown develops, rural lands may gradually be redesignated to accommodate urban uses. This potential for redesignation and proximity to serviced urban uses are to be significant factors in assessing applications for higher impact developments, such as: livestock operations, mineral workings, resource based industrial development and scrap yards.

Subject to the other requirements of this Municipal Plan, this designation accommodates the following uses:

- (a) agriculture and forestry, veterinary;
- (b) resource based industrial uses - processing and storage related to agriculture, forestry, and/or mineral workings (**as a discretionary use only**);
- (c) recreational open space;
- (d) campgrounds;
- (e) commercial recreational facilities;
- (f) cemeteries and places of worship;
- (g) full service marinas;
- (h) mineral exploration;
- (i) mineral workings (**as a discretionary use only**);
- (j) outdoor assembly and outdoor markets;
- (k) scrapyards (**as a discretionary use only**);
- (l) seasonal residential development (**as a discretionary use only**);
- (m) accessory single dwelling (**as a discretionary use only**).

Any requests for development in the Rural designation shall be reviewed by the Departments of Government Services and Lands, and Forest Resources and Agrifoods. Other agencies shall be consulted as appropriate.

A scrapyard shall be buffered and screened from other uses.

Seasonal residential development shall may occur on an infill basis in existing seasonal residential development areas. The Town may impose maximum floor area or other requirements to attempt to ensure that a seasonal residence is likely to remain a seasonal residence. The Town shall not extend municipal sewer and/or water service to seasonal residential development unless it is warranted for other reasons.

An accessory single dwelling may only be permitted as a use accessory to an agriculture or forestry use.

3.8 RURAL RESTRICTED

In order to accommodate the restrictions on further seasonal residential development in selected areas as set out by the Department of Government Services and Lands, these areas to which the restrictions on seasonal residential development apply are designated Rural Restricted.

All provisions of Section 3.7 - Rural - apply, except that in the Rural Residential designation, seasonal residential development cannot be entertained as either a permitted or discretionary use.

3.9 MINERAL WORKING

Lands set aside for mineral workings purposes are designated Mineral Workings on the Future Land Use Maps. The only uses that can be entertained for this designation are:

- (a) mineral workings, mineral exploration - permitted uses;
- (b) agriculture, forestry, and scrapyards - discretionary uses.

Single dwellings accessory to agriculture and forestry operations are not permitted in this designation.

Other provisions of this Municipal Plan pertaining to mineral workings and exploration also apply under this designation. However, in this designation mineral workings and mineral exploration are permitted uses.

3.10 CONSERVATION

The conservation designation is applied to:

- (a) well-defined areas along or around selected waterways and wetlands; and,
- (b) cemeteries.

The intent is only to allow those uses which are entirely compatible with the conservation of environmentally sensitive areas and cemeteries. Only conservation uses are permitted uses in this designation. Other uses that normally permitted in all designations are treated as discretionary uses, along with cemeteries, recreational open space, agriculture and forestry.

3.11 PROTECTED WATER SUPPLY

In Marystown there are two protected water supply areas designated Protected Water Supply Areas under the Department of Environment Act:

- (a) Linton Lake Protected Water Supply Area - which serves Marystown; and,
- (b) Big Pond Protected Water Supply Area, serving Burin, a portion of which lies within Marystown and Fox Cove-Mortier.

All development activities in the protected water supply areas require prior approval under Section 10 of the Environment Act.

The only uses that may be entertained for in the Protected Water Supply designation are conservation and public utility as permitted uses, and mineral exploration and antenna as discretionary uses. Development buffers shall be established along the bodies of water within the Protected Water Supply designation in addition to those established elsewhere in this Municipal Plan.

4 CENTRAL MARYSTOWN

The 1984 Municipal Plan defined the “commercial core” as the area around Ville Marie Drive and Queen Street. It defined problems related to appearance and circulation that are still prevalent some eighteen years later. However, it is a misnomer to still call this area the “commercial core” because of the commercial activity that has occurred along McGettigan and Columbia Drives since 1984 (the Peninsula Mall was under construction then).

The commercial core (called “Central Marystown”) is now centred - if that is the right term - at the intersection of McGettigan and Columbia. Highway 210 separates the old and the new commercial areas.

The area identified in 1984 as requiring improvement still does require improvement if the entire Central Area is to function properly and become a true and effective centre of the Region.

Building upon the actions of Community Pride, and in partnership with community volunteers and businesses in tourism and heritage, it is Council’s intention to make this area an attractive and functional place that will serve as the community’s centre and focal point for the Region.

Working closely with these groups, a development scheme is to be prepared for this area that addresses in detail the following issues:

- (a) a definition of the area to be included in the Scheme - it is recommended that for the time being, the area to be considered would take in Columbia Drive, McGettigan, Queen and extend to the south side of Canning Bridge;
- (b) pedestrian and vehicular circulation along public roads and in and around major private facilities;

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- (c) multi-use commercial and residential waterfront development;
 - (d) views;
 - (e) urban design that includes landscaping of public and private lands and design of buildings, lighting, amenities and signage;
 - (f) development potential, and other issues that will emerge during the consultation and planning process.

5 PROTECTED ROAD ZONING REGULATIONS, THE BURIN PENINSULA HIGHWAY ZONING PLAN 1990 AND HIGHWAY SIGN REGULATIONS

5.1 PROTECTED ROAD ZONING REGULATIONS

The Protected Road Zoning Regulations applies along Highway 210 outside the Marystown Municipal Boundary, but inside the Planning Area Boundary to a depth of 150 metres on either side. The Marystown Municipal Plan and Development Regulations override the zoning of the Protected Road Plan. However, there is still the duty to secure the approval of the Department of Government Services and Lands prior to the issuance of any permit in this area.

5.2 HIGHWAY SIGN REGULATIONS

The Highway Sign Regulations apply to all provincial highways. Within the Town of Marystown and built up areas within the Planning Area these regulations extend to 100 metres from the highway centre-line in either direction, and extend 400 metres elsewhere in the Planning Area.

6 HIGHWAY 220 CRESTON SOUTH TO BURIN CROWN LAND RESTRICTION

In order to preserve the area between Creston South Boulevard and the Town of Burin from premature development, the Town Council of Marystown is continuing its policy of not entertaining, that is to say, not recommending for approval, Crown Land applications within three hundred (300 metres) on either side of Highway 220 between Creston South Boulevard and the Marystown/Burin Municipal Boundary. This 300 metre restricted area is measured from the centre-line of Highway 220.