

TOWN OF BURIN DEVELOPMENT REGULATIONS

Gazetted: October 28, 2011

Consolidation Date: September 6, 2013

Amendments: To see if there were any amendments to this document since it came into effect, please refer to:

[List of Amendments](#)

Town of Burin



Development Regulations 2010-2020

**Land Use Zoning, Subdivision and
Advertisement Regulations**

Prepared by:
exp
September 2011



PUBLISHED IN NEWFOUNDLAND AND LABRADOR GAZETTE: October 28, 2011

WITH CONSOLIDATED AMENDMENTS

UPDATED AS OF SEPTEMBER 6, 2013

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF BURIN DEVELOPMENT REGULATIONS**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Burin adopts the Town of Burin Development Regulations 2010-2020.

Adopted by the Town Council of Burin on the 10th day of May, 2011.

Signed and sealed this 5th day of October, 2011.

Mayor:

Kevin Ludwig

Clerk:

Rebecca Harrison

Development Regulations/Amendment	
REGISTERED	
Number	<i>225-2011-016</i>
Date	<i>October 17 2011</i>
Signature	<i>Colleen</i>

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Development Regulations have been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.

MCIP:

Lydia M. Lewycky
M.C.I.P., R.A.P.



**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF BURIN DEVELOPMENT REGULATIONS**

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

- a) adopted the Town of Burin Development Regulations 2010-2020 on the 10th day of May, 2011.
- b) gave notice of the adoption of the Town of Burin Development Regulations 2010-2020 by advertisement inserted on the 10th day and the 17th day of May, 2011 in the Southern Gazette newspaper.
- c) set the 26th day of May at 7:00p.m. at the Burin Town Office for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Burin approves the Town of Burin Development Regulations 2010-2020 as adopted.

SIGNED AND SEALED this 5th day of October, 2011

Mayor:



Clerk:



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Regulations

Short title

1. These regulations may be cited as the *Development Regulations*.

Definitions

2. In these regulations,

- (a) "Act," unless the context indicates otherwise, means the *Urban and Rural Planning Act, 2000*;
- (b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a development;
- (c) "authority" means a council, authorized administrator or regional authority; and
- (d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

Application

- 3.

- (1) These regulations shall be included in the development regulations of an authority and shall apply to all planning areas.
- (2) Where there is a conflict between these regulations and development regulations or other regulations of an authority, these regulations shall apply.
- (3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.

Interpretation

4. (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section:
 - (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
 - (b) "accessory building" includes:
 - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,

- (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
 - (iii) for commercial uses, workshops or garages, and
 - (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
 - (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,
 - (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
 - (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all buildings on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;

- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
 - (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
 - (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;
 - (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;
 - (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;
 - (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
 - (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
 - (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
 - (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
 - (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
 - (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
 - (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
 - (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations (Land Use Zoning Maps 2.1 & 2.2).
- (2) An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the authority's regulations as discretionary, permitted or prohibited uses for that area.

Notice of right to appeal

5. Where an authority makes a decision that may be appealed under section 42 of the Act, that authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the

- (a) person's right to appeal the decision to the board;
- (b) time by which an appeal is to be made;
- (c) right of other interested persons to appeal the decision; and
- (d) manner of making an appeal and the address for the filing of the appeal.

Appeal requirements

6.

- (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, NL, A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.
- (2) Notwithstanding subsection (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's may appoint an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.
- (3) The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
- (4) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.
- (5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

Appeal registration

7.

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.
- (3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.
- (4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.
- (5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

Development prohibited

8.

- (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.
- (2) Sections 102 and 104 of the Act apply to an authority acting under subsection (1).
- (3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

Hearing notice and meetings

9.

- (1) A board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.
- (2) A board may meet as often as is necessary to conduct its work in an expeditious manner.

Hearing of evidence

10.

- (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.
- (2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.
- (4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

Board decision

11. A decision of the board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.

Variances

12.

- (1) Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.

- (2) An authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
- (3) An authority shall not permit a variance from development standards where the proposed development would increase the non-conformity of an existing development.

1. Notice of variance

13. Where an authority is to consider a proposed variance, that authority shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance.

Residential non-conformity

14. A residential building or structure referred to in paragraph 108(3)(g) of the Act must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

Notice and hearings on change of use

15. Where considering a non-conforming building, structure or development under paragraph 108(3)(d) of the Act and before making a decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

Non-conformance with standards

16. Where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development.

Discontinuance of non-conforming use

17. An authority may make development regulations providing for a greater period of time than is provided under subsection 108(2) of the Act with respect to the time by which a discontinued nonconforming use may resume operation.

Delegation of powers

18. An authority shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act, make that designation in writing.

Commencement

19. These regulations shall be considered to have come into force on January 1, 2001.

TOWN OF BURIN
LAND USE, ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS
(DEVELOPMENT REGULATIONS)
APPLICATION

20. Short Title

These Regulations may be cited as the Burin Development Regulations.

21. Interpretation

(1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Schedule A.

(2) Words and phrases not defined in Schedule A shall have the meanings which are commonly assigned to them in the context in which they are used in the Regulations.

22. Commencement

These Regulations come into effect throughout the Burin Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the Newfoundland Gazette.

23. Municipal Code and Regulations

The Building Code including the Plumbing Code, the Fire Code, the Electrical Code, and any other ancillary code and any Building Regulations, Waste Disposal Regulation and/or any other municipal regulations regulating or controlling the development, conservation and use of land in force in the Town of Burin, shall, under these Regulations apply to the entire Planning Area.

24. Authority

In these Regulations, "Authority" means the Council of the Town of Burin.

PART I - GENERAL REGULATIONS

25. Compliance with Regulations

No development shall be carried out within the Planning Area except in accordance with these Regulations.

26. Permit Required

No person shall carry out any development within the Planning Area except where otherwise provided in these Regulations unless a permit for the development has been issued by the Authority.

27. Permit to be Issued

Subject to Regulations 28 and 29, a permit shall be issued for development within the Planning Area that conforms to:

- (a) the general development standards set out in Part II of these Regulations, the requirements of Part V of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;
- (b) the standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
- (c) the standards set out in Part III of these Regulations in the case of advertisement;
- (d) the standards set out in Part IV of these Regulations in the case of subdivision;
- (e) the standards of design and appearance established by the Authority.

28. Permit Not to be Issued in Certain Cases

Neither a permit nor outline planning permission shall be issued for development within the Planning Area when, in the opinion of the Authority, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by the Authority and such cost shall attach to and upon the property in respect of which it is imposed.

29. Discretionary Powers of Authority

In considering an application for a permit or for outline planning permission to carry out development, the Authority shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

30. Variances by Authority

- (1) Where an approval or permit cannot be given by the Authority because a proposed development does not comply with development standards set out in these development regulations, the Authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.

- (2) The Authority shall not allow a variance from development standards set out in these development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is great than a 10% variance even though the individual variances are separately no more than 10%.
- (3) The Authority shall not permit a variance from development standards where the proposed development would increase the non-conformity of an existing development.

31. Notice of Variance

Where the Authority is to consider a proposed variance, the Authority shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance, and allow a minimum period of seven (7) days for response.

32. Service Levy

- (1) The Authority may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.
- (2) A service levy shall not exceed the cost, or estimated cost, including finance charges to the Authority of constructing or improving the public works referred to in Regulation 32(1) that are necessary for the real property to be developed in accordance with the standards required by the Authority and for uses that are permitted on that real property.
- (3) A service levy shall be assessed on the real property based on:
 - (a) the amount of real property benefitted by the public works related to all the real property so benefitted; and,
 - (b) the density of development made capable or increased by the public work.
- (4) The Authority may require a service levy to be paid by the owner of the real property;
 - (a) at the time the levy is imposed;
 - (b) at the time development of the real property commences;
 - (c) at the time development of the real property is completed; or,
 - (d) at such other time as the Authority may decide.

33. Financial Guarantees by Developer

- (1) The Authority may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to

guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.

(2) The financial provisions pursuant to Regulation 33(1) may be made in the form of:

- (a) a cash deposit from the developer, to be held by the Authority, or;
- (b) a guarantee by a bank, or other institution acceptable to the Minister, for expenditures by the developer, or;
- (c) a performance bond provided by an insurance company or a bank, or;
- (d) an annual contribution to a sinking fund held by the Authority.

34. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Regulation 98, the Authority may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Authority in accordance with the provisions of the Act.

35. Reinstatement of Land

Where the use of land is discontinued or the intensity of its use is decreased, the Authority may order the developer, the occupier of the site, or the owner or all of them to reinstate the site, to remove all or any buildings or erections, to cover or fill all wells or excavations, and to close all or any accesses, or to do any of these things or all of them, as the case may be, and the developer, occupier or owner shall carry out the order of the Authority and shall put the site in a clean and sanitary condition to the satisfaction of the Authority.

36. Form of Application

- (1) An application for a development permit or for outline planning permission shall be made only by the owner or by a person authorized by the owner to the Authority on such form as may be prescribed by the Authority, and every application shall include such plans, specifications and drawings as the Authority may require, and be accompanied by the permit fee required by the Authority.
- (2) The Authority shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 36(1) and a description of the plans, specifications and drawings required to be provided with the application.

37. Register of Application

The Authority shall keep a public register of all applications for development, and shall enter therein the Authority's decision upon each application and the result of any appeal from that decision.

38. Deferment of Application

- (1) The Authority may, with the written agreement of the applicant, defer consideration of an application.

- (2) Applications properly submitted in accordance with these Regulations which have not been determined by the Authority and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Authority, and on which consideration has not been deferred in accordance with Regulation 38(1) shall be deemed to be refused.

39. Outline Planning Permission

- (1) The Authority may grant outline planning permission for the erection, alteration or conversion of a building if, after considering an application for outline planning permission made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.
- (2) Where outline planning permission is granted under this Regulation, it shall be subject to the subsequent approval by the Authority of such details as may be listed in the outline planning permission, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of outline planning permission.

40. Development Permit

- (1) A plan or drawing which has been approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed there under.
- (2) The Authority may attach to a permit or to outline planning permission such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
- (3) Where the Authority deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Authority for further periods not exceeding two years.
- (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Part III of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.

- (6) The Authority may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
- (8) There shall be kept available on the premises where any work, matter or thing in being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

41. Reasons for Refusing Permit

The Authority shall, when refusing to issue a permit or attaching conditions to a permit, state the reasons for so doing.

42. Notice of Right to Appeal

Where an authority makes a decision that may be appealed under Section 42 of the Act, that authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

- (a) person's right to appeal the decision to the board;
- (b) time by which an appeal is to be made;
- (c) right of other interested persons to appeal the decision; and
- (d) manner of making an appeal and the address for the filing of the appeal.

43. Appeal Requirements

- (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, NL, A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.
- (2) Notwithstanding subsection (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's may appoint an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.
- (3) The fee required under Section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
- (4) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.

- (5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part IV of the Act, the right to appeal that decision shall be considered to have been forfeited.

44. Appeal Registration

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.
- (3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.
- (4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.
- (5) A notice published under subsection (4) shall be published not fewer than two (2) weeks before the date upon which the appeal is to be heard by the board.

45. Development Prohibited

- (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.
- (2) Sections 102 and 104 of the Act apply to an authority acting under subsection (1).
- (3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

46. Appeal Board

The Minister may, by order, establish an Appeal Board and shall assign to the Appeal Board a specific area of the province over which it shall have jurisdiction, as outlined in section 40 of the *Urban and Rural Planning Act, 2000*.

47. Appeals

- (1) A person or association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to:
 - (a) an application to undertake a development;

- (b) a revocation of an approval or permit to undertake a development;
 - (c) the issuance of a stop work order;
 - (d) a decision permitted under the Act or another Act to be appealed to the Board.
- (2) A decision of the Authority to adopt, approve or proceed with a municipal plan, a scheme and development regulations and amendments and revisions of them is final and not subject to appeal.
 - (3) An Appeal Board shall not make a decision that does not comply with the Municipal Plan, a scheme and development regulations that apply to the matter being appealed.
 - (4) An appeal shall be filed with the Appeal Board not more than 14 days after the person who made the original application appealed from has received the decision being appealed. An appeal shall be made in writing and shall include:
 - (a) a summary of the decision appealed from;
 - (b) the grounds for the appeal; and
 - (c) the required fee.
 - (6) A person or group of persons affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representatives concerning the matter under appeal.
 - (7) An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.
 - (8) An Appeal Board shall consider and determine appeals in accordance with the Act and the Municipal Plan, scheme and regulations that have been registered under section 24 of the Act, and having regard to the circumstances and merits of the case.
 - (9) A decision of the Appeal Board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to the Board.
 - (10) In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the Board considers appropriate in the circumstances and may direct the Authority to carry out its decision or make the necessary order to have its decision implemented.
 - (11) Notwithstanding subsection (10), where the Authority may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.

- (12) The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.
- (13) An Appeal Board shall in writing notify the appellant and the appropriate Authority of the decision of the Appeal Board.

48. Hearing of Notice and Meetings

- (1) An Appeal Board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than seven (7) days before the date scheduled for the hearing of the appeal.
- (2) An Appeal Board may meet as often as is necessary to conduct its work in an expeditious manner.

49. Hearing of Evidence

- (1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under regulation 48(1) of their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.
- (2) An Appeal Board shall hear an appeal in accordance with Section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act, respecting a visit to and viewing of the property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the Appeal Board.
- (4) In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.

50. Return of Appeal Fee

Where an appeal made by an appellant under Section 42 of the Act is successful, an amount of money equal to the fee paid by that appellant under Section 44 of the Act shall be paid to him or her by the Authority.

51. Notice of Application

The Authority may, and when a variance is necessary under Regulation 12 and the Authority wishes to consider whether to authorize such a variance, when a change in non-conforming use is to be considered under Regulation 69, or when the development proposed is listed as a discretionary use in Schedule C of the Regulations shall, at the expense of the applicant, give notice of an application for a permit or for outline planning permission, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary, and under Regulation 31 and the Authority shall give written notice of the proposed variance from development standards to all persons whose land is in the vicinity of the land that is the subject of the variance, and allow a minimum period of seven (7) days for response.

52. Right of Entry

The Authority, the Director, or any inspector may enter upon any public or private land and may at all reasonable times enter any development or building upon the land for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any development, construction, alteration, repair, or any other works whatsoever which the Authority is empowered to regulate.

53. Record of Violations

Every inspector shall keep a record of any violation of these regulations which comes to his knowledge and report that violation to the Authority.

54. Stop Work Order and Prosecution

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, the Authority may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Regulation 54(1) is guilty of an offence under the provisions of the Act.

55. Delegations of Powers

An Authority shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act, make that designation in writing.

PART II - GENERAL DEVELOPMENT STANDARDS

56. Accesses and Service Streets

- (1) Access shall be located to the specification of the Authority so as to ensure the greatest possible convenience and safety of the street system and the Authority may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (2) No vehicular access shall be closer than 10 metres to the street line of any street intersection.

57. Accessory Buildings

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.
- (2) No accessory building or part thereof shall project in front of any building line.
- (3) The side yard requirements set out in the use zone tables in these Regulations shall apply to accessory buildings wherever they are located on the lot but accessory buildings on two (2) adjoining properties may be built to property boundaries provided they shall be of fire resistant construction and have a common firewall.

58. Advertisements

Advertisements shall not be erected or displayed except in accordance with Part III of these Regulations.

59. Buffer Strips

Where any industrial development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than ten (10) metres wide between any residential activity and the industrial area. The buffer shall include the provision of such natural or structural barrier as may be required by the Authority and shall be maintained by the owner or occupier to the satisfaction of the Authority.

60. Building Height

The Authority may permit the erection of buildings of a height greater than that specified in Schedule C, but in such cases the building line setback and rear yard requirements shall be varied as follows:

- (1) The building line setback shall be increased by two (2) metres for every one (1) metre increase in height.
- (2) The rear yard shall not be less than the minimum building line setback calculated as described in (1) above plus 6 metres.

61. Building Line and Setback

The Authority, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations.

62. Family and Group Care Centres

Family group care centre use is permitted in any dwelling or apartment that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that in the opinion of the Authority, the use of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences, or the neighbourhood in which it is located. The Authority may require special access and safety features to be provided for the occupants before occupancy is permitted.

63. Height Exceptions

The height requirements prescribed in Schedule C of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys, but any such waiver which results in an increase of more than 20% in the permitted height of the structure shall only be authorized under the provisions of Regulation 12.

64. Livestock Structures and Uses

(1) No structure designed to contain more than five animal units shall be erected or used unless it complies with the following requirements:

- (a) The structure shall be at least 600 m from a residence, (except a farm residence or a residence which is a non-conforming use in any zone in which agriculture is a permitted use class in the Use Zone Tables in Schedule C of these Regulations), and, from an area designated for residential use in an approved Plan, and, from a Provincial or Federal Park.
- (b) The structure shall be at least 60 m from the boundary of the property on which it is to be erected.
- (c) The structure shall be at least 90 m from the centre line of a street.
- (d) The erection of the structure shall be approved by the Department of Forestry & Agriculture and the Department of Environment & Lands.

(2) No development for residential use shall be permitted within 600 m of an existing structure designed to contain more than five animal units unless the development is first approved by the Department of Forestry & Agriculture.

65. Lot Area

(1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Regulations for the zone in which such lot is located.

- (2) Where any part of a lot is required by these Regulations to be reserved as a yard, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof, and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

66. Lot Area and Size Exceptions

Where, at the time of coming into effect of these Regulations, one or more lots already exist in any residential zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Authority for the erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Regulations.

67. Lot Frontage

Except where specifically provided for in the Use Zone Tables in Schedule C of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a street or forms part of a Comprehensive Development Scheme.

68. Mobile Homes

- (1) Groups of more than five (5) mobile homes shall be located only in approved mobile home parks and mobile home subdivisions in Residential Use Zones so designated and shall conform to the requirements of the Provincial Mobile Home Development Regulations currently in effect.
- (2) No development permit shall be issued for a mobile home lot unless it conforms with the requirements of Regulation 23 of the Mobile Home Development Regulations.

69. Non-Conforming Uses

- (1) Notwithstanding a plan, scheme or regulations made under this Act, the Minister, a council or regional authority shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the nonconforming use legally existed before the registration under Section 24 of the Act, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed six (6) months after that discontinuance unless otherwise provided by regulation under the Act.
- (3) A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under subsection (1):
 - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the minister or appropriate council, regional authority or authorized administrator;
 - (b) shall not be structurally modified except as required for the safety of the building, structure or development;

- (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
 - (d) may have the existing use for that building, structure or development varied by the appropriate council, regional authority or authorized administrator to a use that is, in their opinion, more compatible with a plan and regulations applicable to it;
 - (e) may have the existing building extended by the appropriate council, regional authority or authorized administrator where, in its opinion, that extension is not more than 50% of the existing building;
 - (f) where the non-conformance is with respect to standards included in development regulations, shall not be expanded if the expansion would increase the non-conformity;
 - (g) where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the nonconformity and an expansion must comply with the development standards applicable to that building, structure or development; and
 - (h) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.
- (4) Where considering a non-conforming building, structure, or development and before making a decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

70. Offensive and Dangerous Uses

No building or land shall be used for any purpose which may be dangerous by causing or promoting fires or other hazards or which may emit noxious, offensive or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an unpleasant effect on the senses unless its use is authorized by the Authority and any other authority having jurisdiction.

71. Off-street Parking Requirements

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D of these Regulations.
- (3) Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or

dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.

- (4) The parking facilities required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:
 - (a) parking space shall mean an area of land, not less than 15 m² in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas;
 - (b) the parking area shall be constructed and maintained to the specifications of the Authority;
 - (c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
 - (d) a structure, not more than 3 m in height and more than 5 m² in area may be erected in the parking area for the use of attendants in the area;
 - (e) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
 - (f) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
 - (g) access to parking areas in non-residential zones shall not be by way of residential zones;
 - (h) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines;
 - (i) where, in the opinion of the Authority, strict application of the above parking requirements is impractical or undesirable, the Authority may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Authority for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

72. Off-Street Loading Requirements

- (1) For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise, there shall be provided and maintained for the premises loading facilities on land that is not part of a street comprised of one or more loading spaces, 15 m long, 4 m wide, and having a vertical clearance of at least 4 m with direct access to a street or with access by a driveway of a minimum width of 6 m to a street.
- (2) The number of loading spaces to be provided shall be determined by the Authority.

- (3) The loading facilities required by this Regulation shall be so arranged that vehicles can manoeuvre clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

73. Parks and Playgrounds, and Conservation Uses

Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of parks and playgrounds in any zones provided that such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.

74. Screening and Landscaping

The Authority may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application. The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of the Authority, the landscaping or screening is desirable to preserve amenity, or protect the environment.

75. Services and Public Utilities

The Authority may within any zone permit land to be used in conjunction with the provision of public services and public utilities if the use of that land is necessary to the proper operation of the public service or public utility concerned provided that the design and landscaping of any development of any land so used is, in the opinion of the Authority, adequate to protect the character and appearance of the area.

76. Service Stations

The following requirements shall apply to all proposed service stations:

- (a) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side.
- (b) Pump islands shall be set back at least 4 metres from the front lot line.
- (c) Accesses shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 metres and the lot line between entrances shall be clearly indicated.

77. Side Yards

A side yard which shall be kept clear of obstruction shall be provided on the exposed sides of every building in order to provide access for the maintenance of that building.

78. Street Construction Standards

A new street may not be constructed except in accordance with and to the design and specifications laid down by the Authority.

79. Subsidiary Apartments

Subsidiary apartments may be permitted in single dwellings only, and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling.

80. Un-subdivided Land

Development is not permitted on un-subdivided land unless sufficient area is reserved to satisfy the yard and other allowances called for in the Use Zone in which it is located and the allowances shall be retained when the adjacent land is developed.

81. Zero Lot Line and Other Comprehensive Development

The Authority may, at its discretion, approve the erection of dwellings which are designed to form part of a zero lot line development or other comprehensive layout which does not, with the exception of dwelling unit floor area, meet the requirements of the Use Zone Table in Schedule C, provided that the dwellings are designed to provide both privacy and reasonable access to natural daylight and the overall density within the layout conforms to the regulations and standards set out in the Use Zone Table apply where the layout adjoins other development.

PART III - ADVERTISEMENTS

82. Permit Required

Subject to the provisions of Regulation 87, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Authority.

83. Form of Application

Application for a permit to erect or display an advertisement shall be made to the authority in accordance with Regulation 36.

84. Advertisements Prohibited in Street Reservation

No advertisement shall be permitted to be erected or displayed within, on or over any highway or street reservation.

85. Permit Valid for Limited Period

A permit granted under these Regulations for the erection or display of an advertisement shall be for a limited period, not exceeding two years, but may be renewed at the discretion of the Authority for similar periods.

86. Removal of Advertisements

Notwithstanding the provisions of these Regulations, the Authority may require the removal of any advertisement which, in its opinion, is:

- (a) hazardous to road traffic by reason of its siting, colour, illumination, or structural condition, or;
- (b) detrimental to the amenities of the surrounding area.

87. Advertisements Exempt from Control

The following advertisements may be erected or displayed in the Planning Area without application to the Authority:

- (a) on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m² in area;
- (b) on an agricultural holding or farm, a notice board not exceeding 1 m² in area and relating to the operations being conducted on the land;
- (c) on land used for forestry purposes, signs or notices not exceeding 1 m² in area and relating to forestry operations or the location of logging operations conducted on the land;
- (d) on land used for mining or quarrying operations, a notice board not exceeding 1 m² in area relating to the operation conducted on the land;

- (e) on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m² in area in connection with the practice of a professional person carried on in the premises;
- (f) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m² in area;
- (g) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser;
- (h) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot.

88. Approval Subject to Conditions

A permit may only be issued for the erection or display of advertisements which comply with the appropriate conditions and specifications set out in the Use Zone Tables in Schedule C of these Regulations.

89. Non-Conforming Uses

Notwithstanding the provisions of Regulation 82, a permit may be used for the erection or display of advertisements on a building or within the curtilage of a building or on a parcel of land, the use of which is a non-conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Authority.

PART IV - SUBDIVISION OF LAND

90. Permit Required

No land in the Planning Area shall be subdivided unless a permit for the development of the subdivision is first obtained from the Authority.

91. Services to be Provided

No permit shall be issued for the development of a subdivision unless provisions satisfactory to the Authority have been made in the application for a supply of drinking water, a properly designed sewage disposal system, and a properly designed storm drainage system.

92. Payment of Service Levies and Other Charges

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the Authority for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 32 and 33.

93. Issue of Permit Subject to Considerations

A permit shall not be issued when, in the opinion of the Authority, the development of a subdivision does not contribute to the orderly growth of the municipality and does not demonstrate sound design principles. In considering an application, the Authority shall, without limiting the generality of the foregoing, consider:

- (a) the location of the land;
- (b) the availability of and the demand created for schools, services, and utilities;
- (c) the provisions of the Plan and Regulations affecting the site;
- (d) the land use, physical form and character of adjacent developments;
- (e) the transportation network and traffic densities affecting the site;
- (f) the relationship of the project to existing or potential sources of nuisance;
- (g) soil and subsoil characteristics;
- (h) the topography of the site and its drainage;
- (i) natural features such as lakes, streams, topsoil, trees and shrubs;
- (j) prevailing winds;
- (k) visual quality;
- (l) community facilities;

- (m) energy conservation;
- (n) such other matters as may affect the proposed development.

94. Building Permits Required

Notwithstanding the approval of a subdivision by the Authority, a separate building permit shall be obtained for each building proposed to be erected in the area of the subdivision, and no building permit for any building in the area shall be issued until the developer has complied with all the provisions of these Regulations with respect to the development of the subdivision.

95. Form of Application

Application for a permit to develop a subdivision shall be made to the Authority in accordance with Regulation 36.

96. Subdivision Subject to Zoning

The subdivision of land shall be permitted only in conformity with the Use Zones delineated on the Zoning Maps.

97. Building Lines

The Authority may establish building lines for any subdivision street and require any new building to be located on such building lines.

98. Land for Public Open Space

- (1) Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than 10% of the gross area of the subdivision or 25 m² for every dwelling unit permitted in the subdivision, whichever is the greater, for public open space, provided that:
 - (a) where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage of land to be dedicated;
 - (b) if, in the opinion of the Authority, no public open space is required, the land may be used for such other public use as the Authority may determine;
 - (c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Authority shall not accept land which, in its opinion is incapable of development for any purpose;
 - (d) the Authority may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
 - (e) money received by the Authority in accordance with Regulation 99(1)(d) above, shall be reserved by the Authority for the purpose of the acquisition or development of land for public open space or other public purpose.

- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Authority and may be sold or leased by the Authority for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- (3) The Authority may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Authority, constitute the requirement of land for public use under Regulation 99(1).

99. Structure in Street Reservation

The placing within any street reservation of any structure (for example, a hydro pole, telegraph or telephone pole, fire hydrant, mail box, fire alarm, sign post) shall receive the prior approval of the Authority which shall be satisfied on the question of safe construction and relationship to the adjoining buildings and other structures within the street reservation.

100. Subdivision Design Standards

No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the following standards:

- (a) The finished grade of streets shall not exceed ten (10) percent.
- (b) Every cul-de-sac shall be provided with a turning circle of a diameter of not less than 30 metres.
- (c) The maximum length of any cul-de-sac shall be:
 - (i) 200 m in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by the Municipality and the Minister of Municipal and Provincial Affairs in connection with municipal five-year capital works program eligibility.
 - (ii) 300 m in areas not served by or planned to be served by municipal piped water and sewer services.
- (d) Emergency vehicle access to a cul-de-sac shall be not less than 3 m wide and shall connect the head of the cul-de-sac with an adjacent street.
- (e) No cul-de-sac shall be located so as to appear to terminate a collector street.
- (f) New subdivisions shall have street connections with an existing street or streets.
- (g) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- (h) No street intersection shall be closer than 60 m to any other street intersection.

- (i) No more than four streets shall join at any street intersection.
- (j) No residential street block shall be longer than 490 m between street intersections.
- (k) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Authority, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30 m	15 m	1.5 m	discretion of Council
Collector Streets	20 m	9 m	1.5 m	discretion of Council
Local Residential Streets:				
where more than 50% of the units are single or double dwellings;	15 m	9 m	1.5 m	discretion of Council
where 50% or more of the units are row houses or apartments.	20 m	9 m	1.5 m	discretion of Council
Service Streets	15 m	9 m	1.5 m	discretion of Council

- (l) No lot intended for residential purposes shall have a depth exceeding four times the frontage.
- (m) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- (n) The Authority may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (o) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

101. Engineer to Design Works and Certify Construction Layout

- (1) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Authority to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer. Such designs and specifications shall, upon approval by the Authority, be incorporated in the plan of subdivision.

- (2) Upon approval by the Authority of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by the Authority to service the said area.

102. Developer to Pay Engineer's Fees and Charges

The developer shall pay to the Authority all the Engineer's fees and charges for the preparation of designs and specifications and for the layout and supervision of construction; such fees and charges being percentages of the total cost of materials and labour for the construction and installation of all works calculated in accordance with the Schedule of Fees recommended by the Association of Professional Engineers of Newfoundland and in effect at the time the work is carried out.

103. Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Authority as being necessary, may, at the Authority's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the Authority before approval of his application, an amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works. In the later stage of the work of development, the Authority shall call for tenders for the work of construction and installation of the works, and the amount so deposited by the developer shall be applied towards payment of the contract cost. If the contract cost exceeds the deposit, the developer shall pay to the Authority the amount of the excess. If the contract price is less than the deposit, the Authority shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the Authority by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

104. Transfer of Streets and Utilities to Authority

- (1) The developer shall, following the approval of the subdivision of land and upon request of the Authority, transfer to the Authority, at no cost to the Authority, and clear of all liens and encumbrances:
 - (a) all lands in the area proposed to be developed or subdivided which are approved and designated by the Authority for public uses as streets, or other rights-of-way, or for other public use;
 - (b) all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by the Authority.
- (2) Before the Authority shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets,

services and public works installed in the subdivision and certify his satisfaction with their installation.

- (3) The Authority shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by the Authority.

105. Restriction on Sale of Lots

The developer shall not develop or dispose of any lot within a subdivision for the purposes of development and no building permit shall be issued until the Authority is satisfied that:

- (a) the lot can be served with satisfactory water supply and sewage disposal systems, and;
- (b) satisfactory access to a street is provided for the lots.

106. Grouping of Buildings and Landscaping

- (1) Each plan of subdivision shall make provision for the grouping of building types and for landscaping in order to enhance the visual aspects of the completed development and to make the most use of existing topography and vegetation.
- (2) Building groupings, once approved by the Authority, shall not be changed without written application to and subsequent approval of the Authority.

PART V - USE ZONES

107. Use Zones

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Regulation 107(3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Authority may in its discretion, determine the standards, requirements and conditions which shall apply.

108. Use Classes

The specific uses to be included in each Use Class set out in the Use Zone Tables in Schedule C shall be determined by the Authority in accordance with the classification and examples set out in Schedule B.

109. Permitted Uses

Subject to these Regulations, the uses that fall within the Permitted Use Classes set out in the appropriate Use Zone Table in Schedule C shall be permitted by the Authority in that Use Zone.

110. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 51 and has considered any objections or representations which may have been received on the matter.

111. Uses Not Permitted

Uses that do not fall within the Permitted Use Classes or Discretionary Use Classes set out in the appropriate Use Zone Tables in Schedule C, shall not be permitted in that Use Zone.

SCHEDULE A

DEFINITIONS

ABANDON: (a) to discontinue use for more than six (6) consecutive months; (b) to cease or suspend developing or maintaining a building or use for a stated period of time.

ACCESS: A way, intended for use by vehicles, pedestrians or animals as a means of going from a road, street or highway to land adjacent to it.

ACCESSORY BUILDING: A detached subordinate building not used for human habitation, located on the same lot as the main building structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the building, land or structure, and shall include:

- (a) in the case of residential uses: domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets, or radio and television antennae;
- (b) in the case of commercial uses: workshops or garages;
- (c) in the case of industrial uses: garages, offices, raised ramps and docks.

ACT: The Urban and Rural Planning Act.

ADVERTISEMENT: Any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction; excluding such things employed wholly as a memorial, or functional advertisement of Councils, or other local authorities, public utilities and public transport undertakers, and including any boarding or similar structure used or adapted for use for the display of advertisements.

AGRICULTURE: Horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of livestock, including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for any other purpose. "Agricultural" shall be construed accordingly.

AMUSEMENT USE: The use of land or buildings equipped for the playing of electronic, mechanical, or other games and amusements including electronic games, pinball games and slot machine arcades and billiard and pool halls.

ANIMAL: A non-human living being with a developed nervous system.

ANIMAL UNIT: Any one of the following animals or groups of animals:

1 bull;

1000 broiler chickens or roosters (1.8 - 2.3 kg each);

1 cow (including calf);

100 female mink (including associated males and kits);

4 goats;

X hogs (based on 453.6 kg = 1 unit);

1 horse (including foal);

125 laying hens;

4 sheep (including lambs);

1 sow or breed sow (including weaners and growers based on 453.6 kg = 1 unit);

X turkeys, ducks, geese (based on 2,268 kg = 1 unit).

APARTMENT BUILDING: A building containing three or more dwelling units, but does not include a row dwelling.

APPEAL BOARD: The appropriate Appeal Board established under the Act.

ARTERIAL ROADWAY: The streets in the Planning Area constituting the main traffic arteries of the area and defined as arterial streets or highways in the Municipal Plan or on the Zoning Map.

ASSEMBLY OCCUPANCY: The occupancy use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink.

AUTO BODY SHOP: A building or a clearly defined space on a lot used for the storage, repair and servicing of motor vehicles including body repair and painting but does not include an automobile service station or an automobile sales establishment.

AUTO SCRAPYARD: A building, warehouse, yard or other place or premise in or on which are stored or kept automobiles, auto parts or any other salvage object intended for resale or delivery of another person.

AUTOMOBILE REPAIR: The general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating.

AUTOMOTIVE VEHICLE SALES or RENTAL ESTABLISHMENT: An establishment having as its main use the storage of vehicles for sale or the storage of vehicles for rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.

AWNING: A movable or immovable roof-like cover that projects from the wall of a building for the purpose of advertising and/or shielding a doorway or window from the elements and is periodically retracted into the face of the building.

BACK LOT: A lot that does not have frontage on an open, public street, or that has less than the required frontage as set out in the Municipal Plan and Zoning Bylaw.

BALCONY: A platform, projecting from the face of a wall of a building, cantilevered or supported by columns or brackets and surrounded by a balustrade or railing.

BASEMENT: (a) that portion of a building partly underground, but having less than one-half its clear height below the average lot grade.

(b) a portion of a building between two floor levels which is partly set underground but which has at least one-half of its height, from finished floor to finished ceiling or to the undersides of the floor joints of the storey next above, as the case may be, above the adjacent average finished grade level adjacent to the exterior walls of the building.

(c) a storey partly above curb level but having at least one-half of its height above the curb level.

BED AND BREAKFAST ESTABLISHMENT: A single unit dwelling in which the resident supplies, for compensation, not more than six (6) bedrooms for the temporary accommodation of travellers.

BOARDING HOUSE: A dwelling in which at least two (2) rooms, but no more than six (6) rooms, are regularly rented to persons other than the immediate family of the owner or tenant.

BUFFER: A parcel or tract of land, with plant material or other landscaping, that is used to separate one use from another to shield or block noise, light or other nuisances.

BUILDING: Every structure, erection, excavation, alteration or improvement whatsoever placed on, over or under land, or attached, anchored or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other like uses, and any part of a building as so defined and any fixtures that form part of a building.

BUILDING ENVELOPE: The volume of space that may be occupied by a building mass.

BUILDING FOOTPRINT: The greatest horizontal area of a building above grade within the outside surface of exterior walls, or within the outside surface of exterior walls and the centre line of firewalls.

BUILDING HEIGHT: The vertical distance, measured in metres, from the established grade to the (a) highest point of the roof surface of a flat roof; (b) deck line of a mansard roof; and (c) mean height level between the eave and the ridge of a gable, hip or gambrel roof. In any case, a building height shall not include mechanical structures, smokestacks, steeples or purely ornamental structures above a roof.

BUILDING LINE: A line established by the Authority to set the horizontal distance between the closest point of a building and the street line.

BUILDING SETBACK: The minimum horizontal distance between the site boundary and the nearest point of the foundation or exterior wall of the building, whichever is the lesser, or another part of the building if specified elsewhere.

CAMPGROUND: means the use of land for the accommodation of travel trailers, recreational vehicles, and/or tents.

CAR DEALERSHIP: see Automobile Vehicles Sales or Rental Establishment.

CAR WASH: see Automobile Washing Establishment.

CEMETERY: The use of land primarily as landscaped open space in the placement of grave sites, and where chapels and accessory buildings associated with a groundskeeper may be incorporated.

CHILD CARE CENTRE: see Day-care centre.

CHURCH: A building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, rectory, manse and day nursery operated by the church.

CLINIC: A building used for medical, dental, surgical or therapeutic treatment of human patients that does not include overnight facilities and does not include a professional office of a doctor located in his or her residence.

COLLECTOR ROADWAY: A street that is designed to link local streets with arterial streets and which is designated as a collector street in the Municipal Plan, or on the Zoning Map.

COMMERCIAL USE: An occupation, employment or enterprise that is carried on for profit by the owner, lessee, or licensee.

CONDITIONAL USE: A use of property, which is permitted within a zone so long as it can be implemented subject to such terms and conditions as may be imposed by the Authority pursuant to the Act.

CONSERVATION:

- (a) The preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public use.
- (b) The wise management of the environment in a way which will maintain, restore, enhance and protect its quality and quantity for sustained benefit to man and the environment.
- (c) The preservation, protection and/or improvement of the components of the natural environment through management and maintenance for both the individual and society's uses, both in the present and in the future.
- (d) The protection and care that prevents destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.

CONVENIENCE STORE: A building which is used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionary and grocery items and a delicatessen or snack bar provided that any eating facility is within a wholly enclosed building.

COTTAGE: A building to accommodate one or more guests for temporary occupancy, containing at least two (2) rooms and is at least partially furnished.

DAY-CARE CENTRE or DAY NURSERY: A building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime period as

defined under the Day Nurseries Act, but does not include a school as defined by the Schools Act.

DEVELOPER: A person, or company, who is responsible for any undertaking that requires a zoning permit, special-use permit or conditional-use permit.

DEVELOPMENT: The carrying out of any building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use, or the intensity of use of any land, buildings, or premise and without limiting the generality of the foregoing, shall specifically include:

- (a) the making of an access onto a highway, road or way;
- (b) the erection of an advertisement or sign;
- (c) the parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, for any period of time;

and shall exclude:

- (d) the carrying out of works for the maintenance, improvement or other alteration or any building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;
- (e) the carrying out by a highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;
- (f) the carrying out by any local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
- (g) the use of any building or land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

DEVELOPMENT SCHEME: A type of plan that becomes part of the zoning for the property. The plan depicts site characteristics and development information for the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangements, public access, street pattern, and other similar features.

DIRECTOR: The Director of Urban and Rural Planning.

DISCRETIONARY USE: A use that is listed within the discretionary use classes established in the use zone tables of the Authority's Development Regulations.

DOUBLE DWELLING: A building containing two dwelling units, placed one above the other, or side by side, but does not include a self-contained dwelling containing a subsidiary apartment.

DWELLING UNIT: A self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household.

EASEMENT: The right to use land, most commonly for access to other property, or as a right-of-way for utility service.

EATING ESTABLISHMENT: A building or part of a building where food is offered for sale or sold to the public for immediate consumption and includes such uses as a restaurant, cafe,

cafeteria, take-out counter, ice-cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand; but does not include a boarding or lodging house.

ENGINEER: A professional engineer employed or retained by the Authority.

FAMILY AND GROUP CARE CENTRE: A dwelling accommodating up to but no more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, the facilities called "Group Homes", "Halfway House", and "Foster Home".

FARM or FARMING OPERATION: A lot, buildings and structures where the primary use is for the production of farm products such as dairy products, livestock, field or forestry crops, or undeveloped land. A farm may also incorporate one single-detached or mobile home dwelling as an accessory use for use by farm help, and structures such as a barn or silo.

FENCE: A barrier closing or bordering a field, yard, etc. usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.

FLOOR AREA: The total area of all floors in a building measured to the outside face of exterior walls.

FRONTAGE: The horizontal distance between side lot lines measured at the building line.

FUNERAL HOME: A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation. Facilities for cremation, such as crematoria, shall be included in this definition.

FRONT YARD DEPTH: The distance between the front lot line of a lot and the front wall of the main building on the lot.

GARAGE: A building erected for the storage of motor vehicles as an ancillary use to a main building on the lot.

GENERAL INDUSTRY: The use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, breaking up, demolishing, or treating any article, commodity or substance. "Industry" shall be construed accordingly.

GENERAL GARAGE: Land or buildings used exclusively for repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil.

HAZARDOUS INDUSTRY: The use of land or buildings for industrial purposes involving the use of materials or processes which because of their inherent characteristics, constitute a special fire, explosion, radiation or other hazard.

HOBBY FARMING: An agricultural operation that is:

- (a) incidental to the principal residential use;
- (b) not carried out for financial gain or reward,
- (c) does not constitute a principal income for the farmer or land owner; and

(d) a maximum acreage of 10% of the total lot area up to a maximum of two (2) hectares.

HOBBY GARDENING: The use of land by the property owner for the non-commercial outdoor cultivation of flowers, fruits, or small plants, and unenclosed by any structure than a fence.

HOME-BASED BUSINESS: An accessory use of a dwelling unit for a business which is secondary and incidental to the primary use of the dwelling as a residence, and does not change the residential character of the building or site.

HOTEL: A tourist establishment that consists of a building containing three (3) or more attached units grouped under one roof and accessible from the interior or partially from the exterior, designed to accommodate the travelling public and may have facilities for serving meals.

INFILL: The placement of new buildings into established built-up areas, resulting in an increase in building stock.

INSPECTOR: Any person appointed and engaged as an Inspector by the Authority or by any federal or provincial authority or the agent thereof.

INSTITUTION: A building or part thereof occupied or used by persons who:

(a) are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted, or;

(b) require special care or treatment because of age, mental or physical limitations or medical conditions.

LAND: Includes land covered by water, and buildings and structures on, over, or under the soil and fixtures that form part of these buildings and structures.

LANDSCAPING: Any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features between them.

LIGHT INDUSTRY: Use of any land or buildings for any general industrial use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance.

LIVESTOCK: Any animal customarily kept by humans for the purpose of providing food, clothing, or work, including but not limited to equine (horses, mules), bovine (cattle), ovine (sheep), caprine (goats), porcine (swine, hogs), and fowl, but excluding bees.

LIVESTOCK STRUCTURE: Any structure utilized for the housing of more than five (5) animal units/livestock that conforms with the conditions contained in Regulation 64 of these Regulations.

LOCAL STREET: A street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan, or on the Zoning Map.

LODGING HOUSE: A dwelling in which at least two (2) rooms, but no more than six (6) rooms, are regularly rented to persons other than the immediate family of the owner or tenant.

LOT: Any plot, tract or parcel of land which can be considered as a unit of land for a particular use or building.

LOT AREA: The total horizontal area within the lot lines of the lot.

LOT COVERAGE: The combined area of all buildings on the lot measured at the level of the lowest floor above the established grade expressed as a percentage of the total area of the lot.

LOT LINE: Any boundary of a lot.

MARINA: A dock or basin, together with associated facilities, that includes slips, moorings, supplies, repairs, and other services that are typically available for recreational boats and other leisure watercraft, including storage, sales and rentals, together with a club house and catering facilities.

MINERAL WORKING: Land or buildings used for the working or extraction of any naturally occurring substance.

MOBILE HOME: A transportable factory-built single family dwelling unit:

- (a) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;
- (b) which is designed to be:
 - (i) transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and;
 - (ii) connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

MOBILE HOME PARK: A mobile home development under single or joint ownership, cared for and controlled by a mobile home park operator where individual mobile home lots are rented or leased with or without mobile home units placed on them and where ownership and responsibility for the maintenance and development of site facilities including underground services, access roads, communal areas, snow clearing and garbage collection, or any of them, are the responsibility of the mobile home park management, and where the mobile home development is classified as a mobile home park by the Authority.

MOBILE HOME SUBDIVISION: A mobile home development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of locating thereon mobile home units under either freehold or leasehold tenure and where the maintenance of streets and services is the responsibility of a municipality or public authority, and where the mobile home development is classified as a mobile home subdivision by the Authority.

MOTEL: A tourist establishment that:

- (a) Consists of one (1) or more than one building containing four (4) or more attached accommodation units accessible from the exterior only;
- (b) May or may not have facilities for serving meals; and
- (c) Is designed to accommodate the travelling public for whom the automobile is the principal means of transportation.

NON-CONFORMING USE: A legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.

NURSING HOME: A building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons and approved by the appropriate provincial department.

OPEN SPACE: Land that is retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

OUTDOOR STORAGE: The storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.

OWNER: Any person, firm or corporation controlling the property under consideration.

PARKING LOT: An open area of land other than a street or an area within a structure for the parking of vehicles.

PERMITTED USE: A use that is listed within the permitted use classes set out in the use zone tables of the Authority's Development Regulations.

PERSONAL CARE HOME: see Retirement Home.

PIT AND QUARRY WORKING: Carries the same meaning as Mineral Working.

PROHIBITED USE: A use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone.

PUBLIC USE: Any lands, structure or building which is constructed for use by the general public, including but not limited to parks, playgrounds, trails, paths and other recreational and open spaces, scenic and historic sites, publicly funded buildings such as schools, hospitals, libraries, and other public buildings and structures.

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

REAR YARD: A yard extending across the full width of the lot between the rear lot line and the nearest wall of the building on the lot.

REAR YARD DEPTH: The distance between the rear lot line and the rear wall of the main building on the lot.

REPAIR SHOP: see Auto Body Shop.

RESIDENTIAL USE: Any family dwellings permitted under this regulation.

RESTAURANT: A building or part thereof, designed or intended to be used or occupied for the purpose of serving the general public with meals or refreshments for consumption on the premises.

RETIREMENT HOME: A residential facility or part thereof which is not a nursing home or group home, in which, for hire or gain, lodging is supplied in at least ten (10) retirement dwelling units. Meals are supplied for the occupants in a common kitchen and dining facility and other communal facilities, such as nursing care, may be provided. Accommodation shall be intended for the lodging of retired or elderly persons.

ROW DWELLING: Three or more dwelling units at ground level in one building, each unit separated vertically from the others.

SALVAGE YARD: An area of land used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include waste paper, rags, bones, used bicycles, vehicles, tires, metals, or other scrap material or salvage, but shall not include a hazardous waste material storage or disposal site.

SCREENING: The use of landscaping, fences or berms, or a combination thereof, to visually and/or audibly separate areas of use.

SEASONAL RESIDENCE or COTTAGE: A dwelling which is designed or intended for seasonal or recreational use, and is not intended for use as permanent living quarters.

SENIORS' CITIZENS HOME: see Retirement Home.

SERVICE STATION: Any land or building used exclusively for the sale of petroleum products, automotive parts and accessories, minor repairs, washing and polishing of motor vehicles.

SERVICE STREET: A street constructed parallel to or close to another street for the purpose of limiting direct access to that street.

SETBACK: The least horizontal distance permitted between a lot line of a lot and the nearest portion of any building envelope on such lot.

SHOP: A building or part thereof used for retail trade wherein the primary purpose is the selling or offering for sale of goods, wares or merchandise by retail or the selling or offering for sale of retail services but does not include an establishment wherein the primary purpose is the serving of meals or refreshments, an amusement use, a general garage, or a service station.

SHOPPING CENTRE: A group of shops and complementary uses with integrated parking and which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

SIDE YARD WIDTH: The distance between a side lot line and the nearest side wall of any building on the lot.

SHOWROOM: A building or part of a building in which samples or patterns are displayed and in which orders may be taken for goods, wares or merchandise, including vehicles and equipment, for later delivery.

SPECIAL CARE FACILITY: A use for the purposes of providing special and individualized care to elderly, children or disabled, provided the facility complies with applicable legislation, but without limiting the generality of the foregoing, it may include a children's home, nursing home, or home for the aged, but does not include a retirement home or senior citizens' home.

STREET: Any street, road or highway or any other way designed or intended for public use for the passage of vehicles and pedestrians, owned by the Authority or other public agency and maintained at public expense, and is accessible to Fire Department vehicles and equipment.

STREET FRONTAGE: The horizontal distance between the projected side lot lines measured at the curb.

STREET LINE: The edge of a street, road or highway reservation as defined by the authority having jurisdiction.

SUBDIVISION: The dividing of any land, whether in single or joint ownership, into two or more pieces for the purpose of development.

SUBSIDIARY APARTMENT: A separate dwelling unit constructed within and subsidiary to a selfcontained dwelling.

TAKE-OUT FOOD SERVICE: A building in which the primary purpose is the preparation and sale of meals or refreshments for consumption off the premises.

TAVERN: Includes a nightclub and means a building licensed or licensable under the Liquor Control Act wherein meals and food may be served for consumption on the premises and in which entertainment may be provided.

TEMPORARY USE: A use and/or structure permitted to exist for a limited amount of time.

TOURIST ESTABLISHMENT: Any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided.

TRAILER: Any vehicle used for sleeping or eating accommodation of persons and so constructed as to be suitable for being attached to and drawn by a motor vehicle, notwithstanding that such vehicle is jacked-up or its running gear removed.

TRANSPORTATION: The use of land to accommodate larger-scale road- and marine-oriented transportation purposes, such as airfields, railway yards, and docks and harbours.

USE ZONE or ZONE: An area of land including buildings and water designated on the Zoning Map to which the uses, standards and conditions of a particular Use Zone Table in Schedule C of the Regulations relate.

VARIANCE: A departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage, or any other numeric requirement of the applicable Use Zone Table of the Authority's regulations.

WATERCOURSE: Any lake, pond, river, stream or other body of water.

WATERSHED: the surface area contained within a divide above a specific point on a river, stream, creek or other flowing body of water.

WETLAND: Lands on which the ground water table is close to or above the surface or which is saturated with water for a sufficient length of time to favour the wetlands or aquatic processes: hydric soils, hydrophytic vegetation and various forms of biological activities adapted to this environment. In addition to providing valuable habitat for wildlife, wetlands also:

- (a) Enhance water quality due to their ability to filter drinking water supply;
- (b) Abate flood damage by soaking up and holding flood waters
- (c) Ensure adequate water supply for public use, irrigation, and livestock, thanks to the groundwater-recharging functions of wetlands;
- (d) Reduce shoreline erosion and damage as wetland vegetation binds and stabilizes substrates, traps sediments, and reduces wave or current energy; and
- (e) Provide recreational opportunities as wetlands can support boating, fishing, hunting, bird watching and other wildlife viewing.

YARD: An open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in the Regulations.

ZONING MAP: The map or maps attached to and forming part of the Regulations.

SCHEDULE B

CLASSIFICATION OF USES OF LAND AND BUILDINGS

NOTE: The classification of uses set out in the following table is based on the Classification of Typical Occupancies included as Table 3.1.2.A of the **National Building Code of Canada, 2005**. This classification is referred to in Regulation 108 and 109.

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES	1. Assembly Uses for the production and viewing of the performing arts.	(a) Theatre	Motion Picture Theatres T.V. Studios (admitting an audience)
		2. General Assembly Uses	(a) Cultural and Civic
	(b) General Assembly		Community Halls Lodge Halls Dance Halls Gymnasias Auditoria Bowling Alleys
	(c) Educational		Schools Colleges (non-residential)
	(d) Place of Worship		Churches and similar places of worship Church Halls
	(e) Passenger Assembly		Passenger Terminals
	(f) Club and Lodge		Private Clubs and Lodges (non-residential)
	(g) Catering		Restaurants Bars Lounges
	(h) Funeral Home		Funeral Homes and Chapels Crematoria
	(i) Child Care		Day Care Centres
	(j) Amusement		Electronic Games Arcades Pinball Parlours Poolrooms
	3. Arena-type Uses	(a) Indoor Assembly	Arenas Armouries Ice Rinks Indoor Swimming Pools
	4. Open-air Assembly Uses	(a) Outdoor Assembly	Bleachers Grandstands Outdoor Ice Rinks and Swimming Pools Amusement Parks and Fairgrounds Exhibition Grounds Drive-in Theatres
		(b) Campground	Campgrounds Recreation Vehicle & Travel Trailer Campgrounds

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
B. INSTITUTIONAL USES	1. Penal and Correctional Institutional Uses	(a) Penal and Correctional Detention	Jails Penitentiaries Police Stations (with detention quarters) Prisons Psychiatric Hospitals (with detention quarters) Reformatories
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care Facilities	Children's Homes Convalescent Homes Homes for Aged Hospitals Infirmaries Orphanages Psychiatric Hospitals Sanatoria
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings Family & Group Homes
		(b) Double Dwelling	Semi-detached Dwelling Duplex Dwellings Family & Group Homes
		(c) Row Dwelling	Row Houses Town Houses Family & Group Homes
		(d) Apartment Building	Apartments Family & Group Homes
	2. General Residential Uses	(a) Collective Residential	Residential Colleges & Schools University & College Halls of Residence Convents & Monasteries Nursing & Hospital Residences
		(b) Boarding House Residential	Boarding Houses Lodging Houses Bed & Breakfast
		(c) Commercial Residential	Hotels & Motels Hostels Residential Clubs
		(d) Seasonal Residential	Summer Homes & Cabins Hunting & Fishing Cabins Cottages
		(e) Mobile Homes	Mobile Homes
		(f) Personal Care Homes	Retirement Homes Senior Citizens' Homes

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
D. BUSINESS & PERSONAL SERVICE USES	1. Business, Professional, and Personal Service Uses	(a) Office	Offices (including Government Offices) Banks
		(b) Medical & Professional	Medical Offices & Consulting Rooms Dental Offices & Surgeries Legal Offices Similar Professional Offices
		(c) Personal Service	Barbers Hairdressers Beauty Parlours Small Appliance Repairs
		(d) General Service	Self-Service Laundries Dry Cleaners (not using flammable or explosive substances) Small Tool & Appliance Rentals Travel Agents
		(e) Communications	Radio Stations Telephone Exchanges
		(f) Police Station	Fire Stations Police Stations (without detention quarters)
		(g) Taxi Stand	Taxi Stands
		(h) Take-out Food Service	Take-out Food Service
		(i) Veterinary	Veterinary Surgeries
		E. MERCANTILE USES	1. Retail Sale and Display Uses
(b) Shops	Retail Shops Stores & Showrooms Department Stores		
(c) Indoor Market	Market Halls Auction Halls		
(d) Outdoor Market	Market Grounds Animal Markets Produce & Fruit Stands Fish Stalls		
(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops		

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
F. INDUSTRIAL USES	1. Industrial uses involving highly combustible and hazardous substances and processes.	(a) Hazardous Industry	Bulk Storage of hazardous liquids and substances. Chemical Plants Distilleries Feed Mills Lacquer, Mattress, Paint, Varnish & Rubber Factories Spray Painting Lumber Yards
	2. General Industrial Uses involving Limited Hazardous Substances and Processes.	(a) General Industry	Factories Cold Storage Plants Freight Depots General Garages Warehouses Workshops Laboratories Laundries Planing Mills Printing Plants Contractors' Yards
		(b) Service Station	Gasoline Service Stations Gas Bars
		(c) Forest Industry	Planing Mills Sawmills
	3. Light, Non-hazardous or Non-intrusive Industrial Uses.	(a) Light Industry	Light Industry Parking Garages Indoor Storage Warehouses Workshops Home Improvement Stores Equipment Depot

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
G. NON-BUILDING USES	1. Uses not directly related to building	(a) Agriculture	Commercial Farms Hobby Farms Market Gardens & Nurseries
		(b) Forestry	Tree Nurseries Silviculture
		(c) Mineral Working	Quarries Pits Mines Oil Wells
		(d) Recreational Open Space	Playing Fields Sports Grounds Parks Playgrounds
		(e) Conservation	Watersheds Buffer Strips Flood Plains Architectural, Historical & Scenic Sites Steep Slopes Wildlife Sanctuaries Passive Recreation
		(f) Cemetery	Cemeteries Graveyards
		(g) Scrap Yard	Car Wrecking Yards Junk Yards Scrap Dealers
		(h) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators
		(i) Animal	Animal Pounds Kennels Zoos
		(j) Antenna	TV, Radio & Communications Transmitting & Receiving Masts and Antennae
		(k) Transportation	Airfields Railway Yards Docks and Harbours
		(l) Marinas	Marina & Wharves Yacht Club Boating Club

SCHEDULE C

USE ZONE TABLES

This schedule contains tables showing the use classes which may be permitted or which may be treated as discretionary use classes for the purpose of these Regulations. The tables also indicate the required standards of development and may also include conditions affecting some or all of the use classes.

The schedule contains tables for the following Use Zones:

- General Residential (R1)
- Residential Medium Density (R2)
- Residential Mobile Home (MH)
- Residential Seasonal (RS)
- Mixed Development (MD)
- General Commercial (GC)
- Commercial Neighbourhood (CN)
- General Industrial (GI)
- Public (P)
- Public Utility (PU)
- Open Space (OS)
- Rural (RU)
- Mineral Workings (MW)
- Environmental Protection (EP)
- Protected Water Supply (PWS)
- Comprehensive Development Area (CDA)

All Use Zone Tables are to be read in conjunction with the General Provisions for all Use Zones of this Schedule.

GENERAL PROVISIONS FOR ALL USE ZONES

Notwithstanding the provisions of Part II – General Development Standards of these Regulations, the following provisions will apply to all Use Zones within the Burin Municipal Planning Area.

1. Basic Conditions

No permit is issued by the Town until the following basic conditions are met:

- (1) The conditions for the zone and other parts of the Development Regulations are satisfied;
- (2) In the case of a discretionary use, the application has been duly advertised and approved by the Authority – the use is approved, but all other conditions still have to be satisfied;
- (3) Where applicable, relevant Provincial and Federal requirements are satisfied – these referrals are described in greater detail in the ensuing clause.

2. Approvals by Provincial and Federal Government Agencies and Departments – Referrals

Before a permit is issued by the Town for any of the foregoing developments, approvals must be obtained from the various agencies noted below. Note that this listing may not be entirely comprehensive, and so it does not remove the obligation of the applicant to ensure that all relevant approvals have been obtained.

- (1) **General** – for any given development, referrals may have to be made to and approvals obtained from:
 - (a) The Department of Government Services for activities on Crown Lands and development requiring private waste disposal systems;
 - (b) The Department of Environment & Conservation – Environmental Assessment Division and/or Water Resources Management Division for activities deemed to have environmental impacts;
 - (c) The Department of Environment & Conservation, Department of Fisheries and Oceans Canada – Coast Guard and Fish Habitat Division (navigable waters and fish habitat) – for development in certain waterways and within the buffer areas of certain waterways.
- (2) **Advertisements** – see “Highways – Development Near Highways”
- (3) **Agriculture and Farming** – approvals must be obtained from the Forestry and Agrifoods Agency of the Department of Natural Resources for any agricultural use, including farming operations. Except for infill residential development, any *residential development* within 600 metres of a structure containing more than five (5) animal units as defined under Regulation 64 of the Development Regulations must be referred to the Forestry and Agrifoods Agency of the Department. Any *livestock structure (barn)* containing five (5) or more animal units must be located at least 600 metres from a non-farm dwelling under Regulation 64, unless otherwise determined after referral to, and upon recommendation of, the Forestry and Agrifoods Agency of the Department.

- (4) **Crown Lands** – approval must be obtained from the Government Service Centre of the Department of Government Services, for the use of Crown Lands.
- (5) **Forestry** – approvals for woodcutting or other forestry related activities must be obtained from the provincial Forestry and Agrifoods Agency of the Department of Natural Resources. Any non-forestry activity in an area identified as productive forest must be approved by the Forest Management Unit.
- (6) **Highways** – Development near Highways - The Province has designated “control lines” alongside each provincially maintained route. These lines extend 400 metres from the highways centerlines. The control area is reduced within municipal boundaries, where the lines instead fall 100 metres from the centerline.

Offsite Promotional Signs falling within the designated control lines of any highway must be referred to an approved, or exempted by, the Government Services Office serving the area.

The Department of Transportation and Works should be notified of any other proposed developments within a highway control area, and must approve any new access off a provincial highway.

- (7) **Mineral Workings, Mining, Mineral Exploration** – approvals and permits must be obtained from the provincial Mines and Energy Branches of the Department of Natural Resources.
- (8) **Protected Watersheds** – development, including trails and similar activities, must be approved by the Water Resources Management Division of the Department of Environment and Conservation.
- (9) **Signs** – see 2f above.
- (10) **Waterways** – Development in Waterways and in Waterway Reservations or Buffers

(a) Any development within a body of water or involving the alteration of a body of water must be approved by or exempted by the following agencies:

- Government Service Centre of the Department of Government Services for Crown Lands and referrals;
- Coast Guard Canada of the Department of Fisheries and Oceans – Navigable Waters Act;
- Fish Habitat Division of the Department of Fisheries and Oceans;
- Water Resources Management Division of the Department of Environment and Conservation.

(b) Any development occurring within fifteen (15) metres of a body of water or the defined high water mark of the body of water must be approved by or exempted by:

- The Government Service Centre of the Department of Government Services for Crown Lands and referrals;

- The Water Resources Management Division of the Department of Environment and Conservation.

3. Accessory Uses Permitted

Where these regulations provide for any land to be used, or building to be erected or used for a purpose, the purpose shall include any accessory use. Such uses shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.

4. Fences

No fence shall be erected, replaced or repaired unless a permit for construction has been issued by the Town.

5. Government Uses

A government (federal, provincial or municipal) owned building or facility may be permitted in any use zone provided that such use conforms with the applicable standards of the Public/Institutional Use Zone.

6. Livestock

Unless the permitted or discretionary use falls under the Agriculture, Animal or Veterinary Use Classes, no livestock or animal unit (as defined in Schedule A) shall be permitted on a given property.

7. Multiple Uses

In any use zone where any land or building is used for more than one use, each use shall be required to meet the provisions of these regulations. Where there is a conflict such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

8. Street Classification

For the purposes of these regulations, streets within the Burin Planning Area are classified as follows:

Collector Roadway	Local Street
Route 220 (provincially-designated north of Harbour View Dr.)	all other streets in Burin are considered local streets
Main Street (municipally-designated south of Harbour View Dr.)	
Winterland Road (provincially-designated between Salt Pond Dr. and Columbia Dr.)	
Harbour View Drive (provincially-designated from Main St. through Port Au Bras)	
Salt Pond Drive (provincially-designated from Main Street south to Lewin’s Cove)	

9. Subdivision Agreement

As a condition of approval for development, Council may require the developer to enter into a subdivision agreement with the Municipality.

10. Subdivision Design Standards

Notwithstanding Section 100, Part IV Subdivision of Land of these regulations, the design and construction of new subdivisions and streets, be they for residential, commercial, or industrial purposes, shall conform to the following:

- (1) Culverts shall not be permitted where curbs, gutters and storm sewers are already provided;
- (2) Site work shall generally be graded at approximately 2% up-slope from the top of the curb;
- (3) A developer shall be in compliance with the approved subdivision design standards and layout so as not to deviate from the intent of the subdivision scheme.

GENERAL PROVISIONS FOR ALL RESIDENTIAL USE ZONES

1. Backlot Development

Where vacant parcels of land exist which have access to a public street and are of sufficient size for a building lot, but which do not have the required frontage on a publicly maintained street, they may be considered on a discretionary basis provided the following conditions are met:

- (1) The maximum setback from a public street shall be 32 metres. The minimum lot area and all other standards shall be the same as for other residential development in this zone;
- (2) Only single dwellings may be permitted;
- (3) Lots must have access to, and street line frontage on, a publicly maintained street;
- (4) The development of the lot would not prevent the use of adjoining lands for future development. Where there is potential for additional development in the area, the lot and access shall be developed in a manner which will accommodate future development. As such, the access to the public street to which the owner must have clear title shall be a minimum width of 15 metres to accommodate future public use;
- (5) Where there is no potential for future development, the access to the public street shall be a minimum of six (6) metres in width and shall be treated as a private driveway;
- (6) The dwelling is separated from, and oriented, in a manner that does not adversely affect the privacy and enjoyment of adjoining properties. Separation distances may be required by the Council as a condition of development, considering such things as slope, tree cover, and soil conditions.

2. Infill Lot

Where a potential serviced infill lot has been identified and that lot meets all of the development standards specified in this Land Use Zone, with the exception of minimum frontage or rear yard depth, the Authority may approve the lot for development with a reduced frontage or rear yard depth, but not both. In such case, the Authority shall determine the minimum frontage requirements or rear yard depth requirement.

Where a lot is considered for development under this condition with either a reduced frontage or rear yard depth requirement, the lot may not be considered for further variance of other development standards as provided by Regulation 30 of the Development Regulations.

3. Subsidiary Apartments

- (1) One subsidiary apartment may be permitted in a single dwelling.
- (2) For the purpose of calculating lot area and yard requirements, the apartment shall be considered part of the single dwelling.
- (3) Two (2) off street parking spaces shall be required for the apartment.
- (4) The minimum floor area required is 40 m² for a one-bedroom subsidiary apartment, plus ten square metres for each additional bedroom.

- (5) For lots without municipal water and sewer services, the Government Service Centre shall determine water and sewage disposal requirements and a permit will be issued subject to its approval.

4. Hobby Gardening

Hobby gardening (as defined in Schedule A) may be permitted within residential zones.

The minimum lot area shall be no less than 2,500 m². However, where a property falls within a Comprehensive Development Area (CDA), hobby gardens shall only be permitted if they are included as part of a comprehensive subdivision development scheme.

5. Comprehensive Plans of Subdivision

Proposed development in areas designated Comprehensive Development Area in the Burin Municipal Plan and which are subsequently rezoned to accommodate residential development, shall be in accordance with the requirements of Part IV of these Regulations, and the standards for development set out in the applicable Residential Use Zone, and subject to the following conditions:

- i) **A Comprehensive plan of subdivision shall be prepared for the entire CDA, showing potential phasing for development;**
- ii) **Environmentally sensitive areas such as wetlands and streams shall be identified in the plans and protected by appropriate undisturbed buffers set out in these Regulations or as may be established by Council; and**
- iii) **Street connections shall utilize identified access points and provide for future street connections.**

[DRA-2013-1](#) and [NL Gazette](#)

GENERAL RESIDENTIAL (R1)

PERMITTED USE CLASSES (See Reg. 109)

Marina (see Condition 9)
Medical & Professional (see Condition 8)
Personal Service (see Condition 8)
Recreational Open Space
Single Dwelling

DISCRETIONARY USE CLASSES(See Regs. 51 & 110)

Antenna
Boarding House Residential (see Conditions 3 and 4)
Child Care (see Condition 3)
Convenience Store (see Conditions 4 and 5)
Mobile Home - up to 5 dwellings (see Condition 10)

*Refer to **Burin Municipal Plan 2010-2020** page 10, Section 4.1: General Land Use Policies; and page 13, Section 4.2.1: Residential Land Use Policies.*

STANDARDS	WHERE PERMITTED			
	Single Dwelling (Municipal Water & Sewer, Piped Sewerage to Sea)	Single Dwelling (Municipal Water & Septic Tank)	Single Dwelling (Well Water & Municipal Sewer or Piped Sewerage to Sea)	Single Dwelling (Well Water & Septic Tank)
Lot area (min)	470 m ²	1,400 m ²	1,400 m ²	1,860 m ²
Floor area (min)	80 m ²			
Frontage (min)	15 m	30 m	30 m	30 m
Building line setback*	7 m minimum* & 32 m maximum			
Side Yard width (min)	1.5 m			
Side Yard width (min) – flanking road	7 m			
Rear Yard depth (min)	9 m			
Lot coverage (max)	33%			
Building Height (max)	8 m			

* except where there is frontage on a Provincial Highway, the minimum building setback shall be seven (7) metres or the average setback of nearby properties, whichever is less. Unless an exemption is granted, where there is frontage on a Provincial Highway, the minimum setback shall be 20 metres from the centre-line of Highway 220 and 15 metres from the centre-line of Highways 221 and 222.

Conditions for Residential (R1) Zone

1. Accessory Buildings and Decks

In addition to Regulation 57, Part II: General Development Standards, all accessory buildings must comply with the requirements of this section:

- (1) Accessory buildings must be similar in appearance to the main building in terms of design, colour and materials;
- (2) Exclusive of cold frames, decks, gazebos, greenhouses, swimming pools and temporary repair shelters, accessory buildings shall have a floor area of no greater than eighty (80) percent of the dwelling lot coverage and a height no greater than 6 metres;
- (3) An open or partially enclosed deck attached to the dwelling or other building shall not extend into the minimum permissible front yard, and shall not be closer to the side or rear lot line than 1.5 metres; and

- (4) The total lot coverage of all buildings (dwellings together with structures included under clause (3) of these Conditions) shall not exceed 33 percent.

2. Archaeological Sites

If an archaeological site or historical artefacts are discovered during construction, development shall stop and the Provincial Archaeology Office (PAO) of the Department of

Tourism, Culture and Recreation shall be consulted. Development shall not proceed until the PAO has evaluated the site.

3. Bed & Breakfast

The Boarding House Residential Use Class shall include Bed & Breakfasts. A Bed & Breakfast shall be permitted as a discretionary use and shall be a single dwelling also used for the purpose of providing temporary room and board for tourists and the travelling public under the following conditions:

- (1) The maximum number of bedrooms for guests shall be six (6);
- (2) The use does not detract from the residential character of the neighbourhood and the building in which the use takes place is similar in exterior finish, design, height, and scale to a private dwelling;
- (3) The use is carried out by a resident of the dwelling unit;
- (4) The building lot shall have a minimum lot area of 600 m² and a minimum frontage of
 - (a) 20 metres;
- (5) A non-illuminated, free-standing sign not exceeding 2.8 m² in area and a fascia sign not exceeding 0.2 m² in area shall be permitted provided that the sign is consistent with the residential character of the area;
- (6) Paved parking shall be provided as required in Schedule D;
- (7) A parking area abutting a residential lot shall be screened by a fence, wall or hedge not less than one (1) metre in height and located a minimum distance of one (1) metre from the edge of the parking area;
- (8) The establishment is licensed under the Tourist Establishment Regulations, 1994, as amended from time to time.

4. Child Care, Convenience Stores & Boarding House Residential

Child care, convenience stores and boarding house residential establishments shall conform to all the requirements for a single dwelling. Minimum lot area shall conform to lot area requirements for a single dwelling provided lot area is sufficient to accommodate the building and meet parking requirements.

5. Convenience Stores

Convenience stores will only be permitted as a discretionary use under the following conditions:

- (1) The retail use shall be subsidiary to the residential character of the area, and shall not affect the residential amenity of adjoining properties; and
- (2) On-site parking shall be provided in accordance with the standards established in Schedule D.

6. Discretionary Use Classes

The Discretionary Use Classes listed in the Use Zone Table may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

7. Environmental Protection

- (1) Before approving development of a site having a slope greater than 15 percent, the Authority shall require 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 land and water bodies receiving run-off from the site, and other similar matters.
- (2) 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.
- (3) 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.

8. Home-Based Business

Medical, professional, and personal service uses, along with crafts and repairs, are permitted in this Zone, provided:

- (1) The use is situated on a residential property and the primary use of the property remains residential;
- (2) The use is entirely enclosed within the dwelling and/or the accessory building and the use does not change the appearance of the dwelling or accessory building;
- (3) The floor area of the Home-Based Business does not exceed fifty (50) percent of the total floor area of the dwelling;
- (4) No outdoor activities or storage associated with the use occurs;
- (5) Activities associated with the use are not hazardous and do not cause significant noise, odour, dust, fumes, traffic or inconvenience, and are not a nuisance to the occupants of adjacent dwellings; and
- (6) Any retail sales are incidental and subsidiary to the approved use.

9. Marinas

A marina shall be permitted in this zone provided that it is compatible with the residential area. A marina can include a wharf and stage with an associated boat haul-out, but it does not include a commercial facility for the repair, maintenance, or servicing of vessels or ancillary commercial uses – whether or not such a facility is operated by a non-profit organization.

10. Mobile Home

A Mobile Home shall comply with the Single Dwelling requirements of this Zone except for minimum floor area.

11. Municipal Services

Development shall be connected to available municipal water and sewer services. Unserviced or partially serviced development shall be subject to the approval of the Department of Government Services.

12. Watercourse Protection

The minimum width of a buffer along a watercourse shall be 15 metres from the edge of the stream, river, pond or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

The only uses that may be permitted in the buffer area of a watercourse are hiking trails, marinas, wharves, and similar uses.

Subject to General Condition 2(j), the Authority or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development.

RESIDENTIAL MEDIUM DENSITY (R2)

PERMITTED USE CLASSES (See Reg. 109)

Double Dwelling
Marina (see Condition 9)
Medical & Professional (see Condition 8)
Personal Service (see Condition 8)
Recreational Open Space
Single Dwelling

DISCRETIONARY USE CLASSES(See Regs. 51 & 110)

Antenna
Apartment Building
Boarding House Residential (see Conditions 3 and 4)
Child Care (see Condition 4)
Convenience Store (see Conditions 4 and 5)
Mobile Home – up to 5 dwellings (see Condition 10)
Place of Worship
Row Dwelling

*Refer to **Burin Municipal Plan 2010-2020** page 10, Section 4.1: General Land Use Policies; and page 13, Section 4.2.1: Residential Land Use Policies.*

STANDARDS	WHERE PERMITTED						
	Single Dwelling*	Double Dwelling*	Row Dwelling*	Apartment Building*			
				1 bed apt.	2 bed apt.	3 bed apt.	4 bed apt.
Lot area (min)	450 m ²	390 m ²	270 m ² (average)	300 m ²	400 m ²	450 m ²	500 m ²
Floor area (min)	80 m ²	80 m ²	65 m ²	50 m ²	60 m ²	70 m ²	80 m ²
Frontage (min)	15 m	10.6 m	8 m (average)	42 m			
Building line setback**	6 m	6 m	6 m	8 m			
Side Yard width (min)	1.5 m	2.5 m	3 m	5 m			
Side Yard width (min) – flanking road	6 m	6 m	6 m	8 m			
Rear Yard depth (min)	9 m	9 m	9 m	14 m			
Lot coverage (max)	33%						
Building Height (max)	8 m	8 m	10 m	10 m			

* per dwelling unit

** except where there is frontage on a Provincial Highway, the minimum building setback shall be six (6) or eight (8) metres as required, or the average setback of nearby properties, whichever is less. Unless an exemption is granted, where there is frontage on a Provincial Highway, the minimum setback shall be 20 metres from the centre-line of Highway 220 and 15 metres from the centre-line of Highways 221 and 222.

Conditions for Residential Medium Density (R2) Zone

1. Accessory Buildings and Decks

In addition to Regulation 57, Part II: General Development Standards, all accessory buildings must comply with the requirements of this section:

- (1) Accessory buildings must be similar in appearance to the main building in terms of design, colour and materials;
- (2) Exclusive of cold frames, decks, gazebos, greenhouses, swimming pools and temporary repair shelters, accessory buildings shall have a floor area of no greater than eighty (80) percent of the dwelling lot coverage and a height no greater than 6 metres;
- (3) An open or partially enclosed deck attached to the dwelling or other building shall not extend into the minimum permissible front yard, and shall not be closer to the side or rear lot line than 1.5 metres; and
- (4) The total lot coverage of all buildings (dwellings together with structures included under clause (3) of these Conditions) shall not exceed 33 percent.

2. Archaeological Sites

If an archaeological site or historical artefacts are discovered during construction, development shall stop and the Provincial Archaeology Office (PAO) of the Department of Tourism, Culture and Recreation shall be consulted. Development shall not proceed until the PAO has evaluated the site.

3. Bed & Breakfast

The Boarding House Residential Use Class shall include Bed & Breakfasts. A Bed & Breakfast shall be permitted as a discretionary use and shall be a single dwelling also used for the purpose of providing temporary room and board for tourists and the travelling public under the following conditions:

- (1) The maximum number of bedrooms for guests shall be six (6);
- (2) The use does not detract from the residential character of the neighbourhood and the building in which the use takes place is similar in exterior finish, design, height, and scale to a private dwelling;
- (3) The use is carried out by a resident of the dwelling unit;
- (4) The building lot shall have a minimum lot area of 600 m² and a minimum frontage of (b) 20 metres;
- (5) A non-illuminated, free-standing sign not exceeding 2.8 m² in area and a fascia sign not exceeding 0.2 m² in area shall be permitted provided that the sign is consistent with the residential character of the area;
- (6) Paved parking shall be provided as required in Schedule D;
- (7) A parking area abutting a residential lot shall be screened by a fence, wall or hedge not less than one (1) metre in height and located a minimum distance of one (1) metre from the edge of the parking area;
- (8) The establishment is licensed under the Tourist Establishment Regulations, 1994, as amended from time to time.

4. Child Care, Convenience Stores & Boarding House Residential

Child care, convenience stores and boarding house residential establishments shall conform to all the requirements for a single dwelling. Minimum lot area shall conform to lot area requirements for a single dwelling provided lot area is sufficient to accommodate the building and meet parking requirements.

5. Convenience Stores

Convenience stores will only be permitted as a discretionary use under the following conditions:

- (1) The retail use shall be subsidiary to the residential character of the area, and shall not affect the residential amenity of adjoining properties; and
- (2) On-site parking shall be provided in accordance with the standards established in Schedule D.

6. Discretionary Use Classes

The Discretionary Use Classes listed in the Use Zone Table may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

7. Environmental Protection

- (1) Before approving development of a site having a slope greater than 15 percent, the Authority shall require 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 land and water bodies receiving run-off from the site, and other similar matters.
- (2) 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
- (3) 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.

8. Home-Based Business

Medical, professional, and personal service uses, along with crafts and repairs, are permitted in this Zone, provided:

- (1) The use is situated on a residential property and the primary use of the property remains residential;
- (2) The use is entirely enclosed within the dwelling and/or the accessory building and the use does not change the appearance of the dwelling or accessory building;
- (3) The floor area of the Home-Based Business does not exceed fifty (50) percent of the total floor area of the dwelling;
- (4) No outdoor activities or storage associated with the use occurs;
- (5) Activities associated with the use are not hazardous and do not cause significant noise, odour, dust, fumes, traffic or inconvenience, and are not a nuisance to the occupants of adjacent dwellings; and
- (6) Any retail sales are incidental and subsidiary to the approved use.

9. Marinas

A marina shall be permitted in this zone provided that it is compatible with the residential area. A marina can include a wharf and stage with an associated boat haul-out, but it does not include a commercial facility for the repair, maintenance, or servicing of vessels or ancillary commercial uses – whether or not such a facility is operated by a non-profit organization.

10. Mobile Home

A Mobile Home shall comply with the Single Dwelling requirements of this Zone except for minimum floor area.

11. Municipal Services

Development shall be connected to available municipal water and sewer services. Unserviced or partially serviced development shall be subject to the approval of the Department of Government Services.

12. Watercourse Protection

The minimum width of a buffer along a watercourse shall be 15 metres from the edge of the stream, river, pond or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

The only uses that may be permitted in the buffer area of a watercourse are hiking trails, marinas, wharves, and similar uses.

Subject to General Condition 2(j), the Authority or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development.

13. Development in CDA VII

In addition to the requirements of Condition 5, General Provisions for all Residential Use Zones, the following condition shall apply to development of Comprehensive Development Area VII:

- i) Development plans should include a mix of residential options/densities (single dwelling units, multi-unit buildings such as townhouses, duplexes, small apartment buildings, assisted living accommodations for seniors).**

[DRA-2013-1](#) and [NL Gazette](#)

RESIDENTIAL MOBILE HOME (MH)

PERMITTED USE CLASSES (See Reg. 109)

- Marina (see Condition 3)
- Mobile Home
- Recreational Open Space

DISCRETIONARY USE CLASSES(See Regs. 51 & 110)

N/A

Refer to *Burin Municipal Plan 2010-2020* page 10, Section 4.1: General Land Use Policies; and page 13, Section 4.2.1: Residential Land Use Policies.

STANDARDS	
Mobile Home Lot Area (min)	360 m ²
Mobile Home Lot Frontage (min)	12.2 m
Building Line Setback (min)	6 m
Side Yard width (min)	1.2 m & 3.7 m
Rear Yard depth (min)	2.6 m
Lot Coverage (max)	33%

Conditions for Residential Mobile Home (MH) Zone

1. Accessory Buildings

In addition to Regulation 57, Part II: General Development Standards, all accessory buildings must comply with the requirements of this section:

- (1) Accessory buildings must be similar in appearance to the main building in terms of design, colour and materials;
- (2) Accessory buildings will be permitted subject to a maximum lot coverage of 15% of the lot area or 56 square metres, whichever is less, and a maximum height of 4 metres;
- (3) An accessory building will only be permitted in the rear yard of the mobile home. It shall be no closer than three (3) metres to another building and one (1) metre from any property line.

2. Attached Structures

An attached structure to a mobile home may be permitted subject to the following conditions:

- (1) No attached structure shall have a floor area greater than ten (10) percent of the area of the lot upon which the mobile home is located or 70 square metres, whichever is the lesser;

- (2) The minimum lot clearances outlined in the Use Zone Table shall apply to an attached structure; and
- (3) Every attached structure shall be designed to be architecturally similar in appearance to the mobile home.

3. Marinas

A marina shall be permitted in this zone provided that it is compatible with the residential area. A marina can include a wharf and stage with an associated boat haul-out, but it does not include a commercial facility for the repair, maintenance or servicing of vessels or ancillary commercial uses – whether or not such a facility is operated by a non-profit organization.

4. Mobile Home Park Development Standards

- (1) A perimeter buffer of 7.6 metres consisting of natural vegetation shall be maintained along all boundaries of the mobile home park. No mobile home or accessory building shall be located within this buffer.
- (2) The maximum density of the mobile home park shall be 16 mobile homes per gross hectare.
- (3) No more than one mobile home shall be placed on each mobile home lot.
- (4) Vacant lots shall be maintained so not to become derelict or otherwise deteriorate.

5. Mobile Home Lot Development Standards

Development of each mobile home lot shall conform to the following standards:

- (1) A mobile home lot must be provided with a mobile home stand capable of supporting the maximum anticipated load of the mobile home throughout all seasons of the year without settlement or other movement;
- (2) A mobile home stand must be designed to fit the dimensions of the particular home positioned on the mobile home stand and must be paved or provided with some other hard surface;
- (3) A mobile home stand shall be required to be supported and secured by foundation walls, piers, posts or other means, carried to a depth sufficient to prevent movement by frost and sufficient to support the anticipated load at such points on its chassis frame as required;
- (4) Anchors in the form of eyelets embedded in concrete, screw augers or arrow head anchors, or alternative devices acceptable to the Authority must be provided at all corners of the mobile home stand and at additional points where necessary to secure the mobile home against the forces exerted by wind or other naturally occurring forces;
- (5) Anchors or devices must be connected to each anchor point of the mobile home chassis frame by a cable or other device approved by the Authority;
- (6) Anchors and connections must be made capable of withstanding a tension of at least 2,180 kilograms;

- (7) A mobile home shall be placed on an approved mobile home lot, and in a manner allowing it to be placed and removed from the lot without interfering with other lots;
- (8) Mobile homes will be blocked with approved materials so that there will be a minimum clearance of 0.6 metres from the underside of the steel beam frame to the ground. The maximum clearance will be 1.2 metres from the underside of the frame to the ground; and
- (9) When a mobile home is in the correct position and secured in place, the open space beneath it will be skirted with a minimum 1.25 centimetre plywood or equivalent, secured to a minimum five (5) centimetre by five (5) centimetre framing on 60 centimetre centres. The skirting must be acceptable to the Authority and have an accessible, removable panel to give access to service connections.

6. Municipal Services

- (1) A mobile home park shall be fully serviced with water and sewer connected to the municipal water and sewer system. The cost of installing water and sewer and connecting them to the municipal water and sewer system and their on-going maintenance shall be the responsibility of the developer. Each mobile home shall be serviced with water and sewer.
- (2) The development and maintenance of site facilities including underground services, communal areas and garbage collection are the responsibility of the mobile home park developer and/or operator.

7. Outdoor Living Area

A mobile home shall have a minimum of 40 square metres for an outdoor living area. This area will be located at the rear or side (or combination of both) of the mobile home. The purpose of the living area is to provide an area for privacy, recreation and amenity.

8. Road Standards

- (1) Development of a mobile home park shall conform to the Subdivision Design Standards laid out in Part IV, Sections 100, 101 and 102 of these Regulations.
- (2) The development and maintenance of access roads and snow clearance are the responsibility of the mobile home park developer and/or operator.

9. Watercourse Protection

The minimum width of a buffer along a watercourse shall be 15 metres from the edge of the stream, river, pond, or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

The only uses that may be permitted in the buffer area of a watercourse are hiking trails, marinas, wharves, and similar uses.

Subject to General Condition 2(j), the Authority or the Provincial Government may subject development with the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development.

RESIDENTIAL SEASONAL (RS)

PERMITTED USE CLASSES (See Reg. 109)

Marina (see Condition 5)

Recreational Open Space

Seasonal Residential (see Condition 2 and 4)

DISCRETIONARY USE CLASSES (See Regs. 51 & 110)

Agriculture

Antenna

Forestry

Refer to **Burin Municipal Plan 2010-2020** page 10 Section 4.1: General Land Use Policies; and page 13, Section 4.2.1: Residential Land Use Policies.

Conditions for the Residential Season (RS) Zone

1. Accessory Buildings and Decks

In addition to Regulation 57, Part II: General Development Standards, all accessory buildings must comply with the requirements of this section:

- (1) Accessory buildings must be similar in appearance to the main building in terms of design, colour and materials;
- (2) Exclusive of cold frames, decks, gazebos, greenhouses, swimming pools and temporary repair shelters, accessory buildings shall have a floor area of no greater than eighty (80) percent of the dwelling lot coverage or 70 square metres, whichever is the lesser, and a height no greater than 6 metres;
- (3) An open or partially enclosed deck attached to the dwelling or other building shall not extend into the minimum permissible front yard, and shall not be closer to the side or rear lot line than 1.5 metres; and
- (4) The total lot coverage of all buildings (dwellings together with structures included under clause (3) of these Conditions) shall not exceed 33 percent.

2. Cottage Plans

There is a cottage planning area located at Freshwater Pond. Any future cottage development in this area will be done under an approved cottage plan. Applications for other types of development within this area should be referred to the Land Management Division of the Department of Environment and Conservation.

3. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the

Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

4. Lot Area & Other Standards

Lot area shall be determined by the Department of Government Services and shall be sufficient to accommodate the long-term functioning of an on-site septic disposal system and a private well.

All other standards must meet provincial requirements established under an approved cottage plan.

5. Marinas

A marina shall be permitted in this zone provided that it is compatible with the residential area. A marina can include a wharf and stage with an associated boat haul-out, but it does not include commercial facility for the repair, maintenance or servicing of vessels or ancillary commercial uses – whether or not such a facility is operated by a non-profit organization.

6. Productive Forest

On lands deemed to be Productive Forest, the Authority shall consult with the Forestry and Agrifoods Agency of the Department of Natural Resources before approving any development. In general, in an area identified as Productive Forest, uses shall be restricted to forestry. The Authority may permit a seasonal residential dwelling only after approval is received by the Department of Forest Resources and Agrifoods.

7. Watercourse Protection

The minimum width of a buffer along a watercourse shall be fifteen (15) metres from the edge of the stream, river, pond or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

The only uses that may be permitted in the buffer area of a watercourse are hiking trails, marinas, wharves, and similar uses.

Subject to General Condition 2(j), the Authority or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development.

General Commercial (GC)

PERMITTED USE CLASSES (See Reg. 109)

- All Use Classes in Assembly Uses Group (see Condition 8)
- All Use Classes in the Business and Personal Service Uses Group
- All Use Classes in the Institutional Uses Group
- All Use Classes in the Mercantile Uses Group
- Antenna
- Apartment Building
- Commercial Residential
- Light Industry
- Single Dwelling
- Transportation

DISCRETIONARY USE CLASSES(See Regs. 51 & 110)

- Club & Lodge (see Condition 8)
- General Industry
- Place of Amusement (see Condition 8)

*Refer to **Burin Municipal Plan 2010-2020** page 10, Section 4.1: General Land Use Policies; and page 15, Section 4.2.2: Commercial Land Use Policies.*

Conditions for the General Commercial (GC) Zone

1. Development Standards

The development standards for this zone shall be as follows:

- (1) Minimum Lot Area: the minimum lot area shall be determined in discussion with the Authority and shall conform to the average lot area of nearby properties.
- (2) Minimum Frontage: the minimum frontage shall be determined in discussion with the Authority and shall conform to the average frontage of nearby properties.
- (3) Minimum Building Line Setback: except where there is frontage on a Provincial Highway, the minimum building setback shall be four (4) metres or the average setback of nearby properties, whichever is greater. Unless an exemption is granted, where there is frontage on a Provincial Highway, the minimum setback shall be the greater of four (4) metres, the average setback of nearby properties, or 20 metres from the centre-line of Highway 220 and 15 metres from the centerline of Highways 221 and 222.
- (4) Minimum Side Yard Width: 5 metres (except where buildings are built with adjoining party walls)
- (5) Minimum Rear Yard Depth: 5 metres
- (6) Maximum Height: 15 metres

2. Access

The number of accesses to the street from non-residential uses shall be limited by, and designed to the satisfaction of, the Authority, having regard to the safety and efficiency of the street for both vehicles and pedestrians.

3. Accessory Buildings and Decks - Residential

In addition to Regulation 57, Part II: General Development Standards, all accessory buildings must comply with the requirements of this section:

- (1) Accessory buildings must be similar in appearance to the main building in terms of design, colour and materials;
- (2) Exclusive of cold frames, decks, gazebos, greenhouses, swimming pools and temporary repair shelters, accessory buildings shall have a lot coverage no greater than 7% up to a maximum of 56 square metres and a height of no more than 6 metres;
- (3) An open or partially enclosed deck attached to the dwelling or other building shall not extend into the minimum permissible front yard, and shall not be closer to the side or rear lot line than 1.5 metres; and
- (4) The total lot coverage of all buildings (dwellings together with structures included under clause (3) of these Conditions) shall not exceed 33 percent.

4. Advertisements Relating to Onsite Uses

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

- (1) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area; and
- (2) No advertisement shall exceed five (5) square metres in area.

5. Advertisements Relating to Offsite Uses (see also General Condition 2(f))

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (1) Each advertisement shall not exceed three (3) square metres in area;
- (2) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate; and
- (3) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of

street junctions, the location of nearby buildings, and the preservation of the amenities of the surrounding area.

6. Archaeological Sites

If an archaeological site or historical artefacts are discovered during construction, development shall stop and the Provincial Archaeology Office (PAO) of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the PAO has evaluated the site.

7. Buffer

Where any proposed non-residential use abuts a residential zone or an existing dwelling unit, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential zone or dwelling. The buffer shall include the provision of grass strips, hedges, trees or shrubs or structural barriers as may be required by the Authority, and shall be maintained by the owner or occupier to the satisfaction of the Authority.

8. Club, Lodge or Place of Amusement – Discretionary Use

A club, lodge, or place of amusement within 100 metres of a residential use in a Residential or Mixed Development Zone is a discretionary use.

9. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the

Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses. In particular, the Authority shall be satisfied that a discretionary use:

- (1) Will not have a negative effect on adjacent residential uses because of noise, smoke, dust, vibrations or unsightly appearance;
- (2) Will not generate vehicle traffic to a volume that will affect residential amenity; and
- (3) Will not cause unacceptable nuisance or hazard to adjacent residential uses.

10. Environmental Protection

- (1) Before approving development of a site having a slope greater than fifteen (15) percent, the Authority shall require submissions 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 land and bodies of water receiving run-off from the site, and other similar matters.
- (2) 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.

- (3) 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.

11. Landscaping and Surfacing

Non-residential lots shall be landscaped or provided with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

12. Municipal Services

Development shall be connected to available municipal water and sewer services. Unserviced or partially serviced development shall be approved by the Department of Government Services.

13. Open Storage

The Authority may permit open storage of materials and goods, provided the following conditions are met:

- (1) Open storage shall not be located in the front yard or in any required setback or buffer areas;
- (2) Open storage shall be enclosed by a wall or fence not less than two (2) metres in height constructed of uniform materials approved by the Authority; and
- (3) Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

14. Parking and Loading

Adequate parking, as prescribed in Schedule D, and loading facilities shall be provided on the site of non-residential uses for all employees; vehicles used in or associated with the activity carried out on the site; and for vehicles of customers, clients, or other persons who visit the establishment.

15. Residential Uses

Residential uses shall be limited to apartments over commercial premises, caretaker's dwellings and single dwellings on lots of inadequate size to accommodate commercial, institutional or industrial uses.

16. Watercourse Protection

The minimum width of a buffer along a watercourse shall be fifteen (15) metres from the edge of the stream, river, pond, or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

The only uses that may be permitted in the buffer area of a watercourse are hiking trails, marinas, wharves, and similar uses.

Subject to General Condition 2(j), the Authority or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development.

Commercial Neighbourhood (CN)

PERMITTED USE CLASSES (See Reg. 109)

- Convenience Store
- Medical & Professional (see Condition 10)
- Professional Service Uses (see Condition 10)
- Single Dwelling
- Subsidiary Apartment

DISCRETIONARY USE CLASSES(See Regs. 51 & 110)

- All Use Classes in Business & Personal Service Use Group
- Antenna
- Apartment Building
- Light Industry
- Shop
- Theatre

*Refer to **Burin Municipal Plan 2010-2020** page 10, Section 4.1: General Land Use Policies; and page 15, Section 4.2.2: Commercial Land Use Policies.*

Conditions for the Commercial Neighbourhood (CN) Zone

1. Development Standards

The development standards for this zone shall be as follows:

- (1) Minimum Lot Area: the minimum lot area shall be determined in discussion with the Authority and shall conform to the average lot area of nearby properties.
- (2) Minimum Frontage: the minimum frontage shall be determined in discussion with the Authority and shall conform to the average frontage of nearby properties.
- (3) Minimum Building Line Setback: except where there is frontage on a Provincial Highway, the minimum building setback shall be eight (8) metres or the average setback of nearby properties, whichever is greater. Unless an exemption is granted, where there is frontage on a Provincial Highway, the minimum setback shall be the greater of eight (8) metres, the average setback of nearby properties, or 20 metres from the centre-line of Highway 220 and 15 metres from the centerline of Highways 221 and 222.
- (4) Minimum Side Yard Width: 5 metres (except where buildings are built with adjoining party walls)
- (5) Minimum Rear Yard Depth: 5 metres
- (6) Maximum Height: 15 metres

2. Access

The number of accesses to the street from non-residential uses shall be limited by, and designed to the satisfaction of, the Authority, having regard to the safety and efficiency of the street for both vehicles and pedestrians.

3. Accessory Buildings and Decks

In addition to Regulation 57, Part II: General Development Standards, all accessory buildings must comply with the requirements of this section:

- (1) Accessory buildings must be similar in appearance to the main building in terms of design, colour and materials;
- (2) Exclusive of cold frames, decks, gazebos, greenhouses, swimming pools and temporary repair shelters, accessory buildings shall have a floor area of no greater than eighty (80) percent of the dwelling lot coverage and a height no greater than 6 metres;
- (3) An open or partially enclosed deck attached to the dwelling or other building shall not extend into the minimum permissible front yard, and shall not be closer to the side or rear lot line than 1.5 metres; and
- (4) The total lot coverage of all buildings (dwellings together with structures included under clause (3) of these Conditions) shall not exceed 33 percent.

4. Advertisements Relating to Onsite Uses

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

- (1) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area; and
- (2) No advertisement shall exceed five (5) square metres in area.

5. Advertisements Relating to Offsite Uses (see also General Condition 2(f))

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (1) Each advertisement shall not exceed three (3) square metres in area;
- (2) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate; and

- (3) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings, and the preservation of the amenities of the surrounding area.

6. Archaeological Sites

If an archaeological site or historical artefacts are discovered during construction, development shall stop and the Provincial Archaeology Office (PAO) of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the PAO has evaluated the site.

7. Buffer

Where any proposed non-residential use abuts a residential zone or an existing dwelling unit, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential zone or dwelling. The buffer shall include the provision of grass strips, hedges, trees or shrubs or structural barriers as may be required by the Authority, and shall be maintained by the owner or occupier to the satisfaction of the Authority.

8. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the

Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses. In particular, the Authority shall be satisfied that a discretionary use:

- (1) Will not have a negative effect on adjacent residential uses because of noise, smoke, dust, vibrations or unsightly appearance;
- (2) Will not generate vehicle traffic to a volume that will affect residential amenity; and
- (3) Will not cause unacceptable nuisance or hazard to adjacent residential uses.

9. Environmental Protection

- (1) Before approving development of a site having a slope greater than fifteen (15) percent, the Authority shall require submissions 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 land and bodies of water receiving run-off from the site, and other similar matters.
- (2) 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.
- (3) 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.

10. Home-Based Business

Medical, professional, and personal service uses, along with crafts and repairs, are permitted in this zone, provided:

- (1) the use is situated on a residential property and the primary use of the property remains residential;
- (2) the use is entirely enclosed within the dwelling and/or the accessory building and the use does not change the appearance of the dwelling or accessory building;
- (3) the floor area of the Home-Based Business does not exceed fifty (50) percent of the total floor area of the dwelling;
- (4) no outdoor activities or storage associated with the use occurs;
- (5) activities associated with the use are not hazardous and do not cause significant noise, odour, dust, fumes, traffic or inconvenience, and are not a nuisance to the occupants of adjacent dwellings; and
- (6) any retail sales are incidental and subsidiary to the approved use.

11. Landscaping and Surfacing

Non-residential lots shall be landscaped or provided with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

12. Municipal Services

Development shall be connected to available municipal water and sewer services. Unserviced or partially serviced development shall be approved by the Department of Government Services.

13. Open Storage

Except for a Home Business, the Authority may permit open storage of materials and goods, provided the following conditions are met:

- (1) Open storage shall not be located in the front yard or in any required setback or buffer areas;
- (2) Open storage shall be enclosed by a wall or fence not less than two (2) metres in height constructed of uniform materials approved by the Authority; and
- (3) Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

14. Parking and Loading

Adequate parking, as prescribed in Schedule D, and loading facilities shall be provided on the site of non-residential uses for all employees; vehicles used in or associated with the activity carried out on the site; and for vehicles of customers, clients, or other persons who visit the establishment.

15. Watercourse Protection

The minimum width of a buffer along a watercourse shall be fifteen (15) metres from the edge of the stream, river, pond, or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

The only uses that may be permitted in the buffer area of a watercourse are hiking trails, marinas, wharves, and similar uses.

Subject to General Condition 2(j), the Authority or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development.

MIXED DEVELOPMENT (MD)

PERMITTED USE CLASSES (See Reg. 109)

Apartment Building
Double Dwelling
Marina (see Condition 12)
Medical & Professional (see Condition 10)
Personal Service (see Condition 10)
Recreational Open Space
Row Dwelling
Single Dwelling
Subsidiary Apartment

DISCRETIONARY USE CLASSES(See Regs. 51 & 110)

All Use Classes in the Business or Personal Services Use Group
All Use Classes in the Mercantile Use Group (except for Shopping Centres)
Antenna
Boarding House Residential (see Condition 6)
Catering
Cemetery
Child Care
Commercial Residential
Cultural & Civic
Educational
Light Industry
Marina (see Condition 13)
Mobile Home
Personal Care Homes
Place of Worship
Service Station

*Refer to **Burin Municipal Plan 2010-2020** page 10, Section 4.1: General Land Use Policies;
and page 16, Section*

STANDARDS	WHERE PERMITTED			
	Residential Uses*** (Full Municipal Services or Municipal Water & Piped Sewerage)	Residential Uses*** (Private Water Supply &/or Septic Tank Waste Disposal System)	Commercial & Other Uses (New Lots)	Commercial & Other Uses (Existing Lots)
Lot area (min)	the minimum lot area shall be determined in discussion with the Authority and shall conform to the average lot area of nearby properties.			The development or redevelopment of an existing property for commercial and other purposes may occur in accordance with the standards prevailing within the area – that is, setbacks, yard standards, heights, frontage, and density.
Floor Area (min)	The minimum floor area shall be determined in discussion with the Authority.			
Frontage (min)	15 m	30 m	30 m	
Building Line Setback (min)	3 m*	8 m**	8 m**	
Side Yard Width (min)	1.5 m	5 m	5 m	
Rear Yard Depth (min)	4 m	10 m	5 m	
Lot Coverage (max)	33%	33%	33%	
Building Height (max)	8 m	10 m	10 m	

* except where there is frontage on a Provincial Highway, the minimum building setback shall be three (3) metres or the average setback of nearby properties, whichever is less. Unless an exemption is granted, where there is frontage on a Provincial Highway, the minimum setback shall be 20 metres from the centre-line of Highway 220 and 15 metres from the centre-line of Highways 221 and 222.

** except where there is frontage on a Provincial Highway, the minimum building setback shall be eight (8) metres or the average setback of nearby properties, whichever is less. Unless an exemption is granted, where there is frontage on a Provincial Highway, the minimum setback shall be 20 metres from the centre-line of Highway 220 and 15 metres from the centre-line of Highways 221 and 222.

*** the listed standards for Residential Uses are for Single Dwellings. Standards for other permitted Residential Uses (Apartment Buildings, Double Dwellings, Row Dwellings) shall conform to the standards set out in the Residential Medium Density (R2) Zone.

Conditions for the Mixed Development (MD) Zone

1. Access

The number of accesses to the street from non-residential uses shall be limited by, and designed to the satisfaction of, the Authority, having regard to the safety and efficiency of the street for both vehicles and pedestrians.

2. Accessory Buildings and Decks

In addition to Regulation 57, Part II: General Development Standards, all accessory buildings must comply with the requirements of this section:

- (1) Accessory buildings must be similar in appearance to the main building in terms of design, colour and materials;
- (2) Exclusive of cold frames, decks, gazebos, greenhouses, swimming pools and temporary repair shelters, accessory buildings shall have a floor area of no greater than eighty (80) percent of the dwelling lot coverage and a height no greater than 6 metres;
- (3) An open or partially enclosed deck attached to the dwelling or other building shall not extend into the minimum permissible front yard, and shall not be closer to the side or rear lot line than 1.5 metres; and
- (4) The total lot coverage of all buildings (dwellings together with structures included under clause (3) of these Conditions) shall not exceed 33 percent.

3. Advertisements Relating to Onsite Uses

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

- (1) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area; and
- (2) No advertisement shall exceed five (5) square metres in area.

4. Advertisements Relating to Offsite Uses (see also General Condition 2(f))

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (1) Each advertisement shall not exceed three (3) square metres in area;
- (2) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate; and
- (3) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings, and the preservation of the amenities of the surrounding area.

5. Archaeological Sites

If an archaeological site or historical artefacts are discovered during construction, development shall stop and the Provincial Archaeology Office (PAO) of the Department of

Tourism, Culture and Recreation consulted. Development shall not proceed until the PAO has evaluated the site.

6. Bed & Breakfast

The Boarding House Residential Use Class shall include Bed & Breakfasts. A Bed & Breakfast shall be permitted as a discretionary use and shall be a single dwelling also used for the purpose of providing temporary room and board for tourists and the travelling public under the following conditions:

- (1) The maximum number of bedrooms for guests shall be six (6);
- (2) The use does not detract from the residential character of the neighbourhood and the building in which the use takes place is similar in exterior finish, design, height, and scale to a private dwelling;
- (3) The use is carried out by a resident of the dwelling unit;
- (4) The building lot shall have a minimum lot area of 600 m² and a minimum frontage of 20 metres;
- (5) A non-illuminated, free-standing sign not exceeding 2.8 m² in area and a fascia sign not exceeding 0.2 m² in area shall be permitted provided that the sign is consistent with the residential character of the area;
- (6) (6) Paved parking shall be provided as required in Schedule D;
- (7) A parking area abutting a residential lot shall be screened by a fence, wall or hedge not less than one (1) metre in height and located a minimum distance of one (1) metre from the edge of the parking area;
- (8) The establishment is licensed under the Tourist Establishment Regulations, 1994, as amended from time to time.

7. Buffer

Where any proposed non-residential use abuts a residential zone or an existing dwelling unit, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential zone or dwelling. The buffer shall include the provision of grass strips, hedges, trees or shrubs or structural barriers as may be required by the Authority, and shall be maintained by the owner or occupier to the satisfaction of the Authority.

8. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the

Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses. In particular, the Authority shall be satisfied that a discretionary use:

- (1) Will not have a negative effect on adjacent residential uses because of noise, smoke, dust, vibrations or unsightly appearance;
- (2) Will not generate vehicle traffic to a volume that will affect residential amenity; and

- (3) Will not cause unacceptable nuisance or hazard to adjacent residential uses.

9. Environmental Protection

- (1) Before approving development of a site having a slope greater than fifteen (15) percent, the Authority shall require submissions 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 o adjacent development and land and bodies of water receiving run-off from the site, and other similar matters.
- (2) 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.
- (3) 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.

10. Home-Based Business

Medical, professional and personal service uses, along with crafts and repairs, are permitted in this Zone on a residential property, provided:

- (1) The use is situated on a residential property and the primary use of the property remains residential;
- (2) The use is entirely enclosed within the dwelling and/or the accessory building and the use does not change the appearance of the dwelling or accessory building;
- (3) The floor area of the Home-Based Business does not exceed fifty (50) percent of the total floor area of the dwelling;
- (4) No outdoor activities or storage associated with the use occurs;
- (5) Activities associated with the use are not hazardous and do not cause significant noise, odour, dust, fumes, traffic or inconvenience, and are not a nuisance to the occupants of adjacent dwellings; and
- (6) Any retail sales are incidental and subsidiary to the approved use.

11. Landscaping and Surfacing

Non-residential lots shall be landscaped or provided with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

12. Marinas – Permitted Uses

A marina shall be permitted in this zone provided that it is compatible with the residential area. A marina can include a wharf and stage with an associated boat haul-out, but it does not include a commercial facility for the repair, maintenance or servicing of vessels or ancillary commercial uses – whether or not such a facility is operated by a non-profit organization.

13. Marinas – Discretionary Uses

All or part of a marina as set out under Schedules A and B of these Regulations may be permitted as a discretionary use, provided that it is compatible with nearby residential uses, services, and accesses are adequate for the use, and provided that, if necessary, suitable buffers and/or screening between this use and nearby residential uses is provided.

14. Municipal Services

Development shall be connected to available municipal water and sewer services. Unserviced or partially serviced development shall be approved by the Department of Government Services.

15. Open Storage

Excepting a Home-Based Business, the Authority may permit open storage of materials and goods, provided the following conditions are met:

- (1) Open storage shall not occupy more than fifty (50) percent of the site area and shall not be located in the front yard or in any required setback or buffer areas;
- (2) Open storage shall be enclosed by a wall or fence not less than two (2) metres in height constructed of uniform materials approved by the Authority; and
- (3) Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

16. Parking and Loading

Adequate parking, as prescribed in Schedule D, and loading facilities shall be provided on the site of non-residential uses for all employees; vehicles used in or associated with the activity carried out on the site; and for vehicles of customers, clients, or other persons who visit the establishment.

However, in an existing built-up area, the Authority may modify the parking requirement if it is satisfied that there is no negative impact on nearby uses.

17. Watercourse Protection

The minimum width of a buffer along a watercourse shall be fifteen (15) metres from the edge of the stream, river, pond, or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

The only uses that may be permitted in the buffer area of a watercourse are hiking trails, marinas, wharves, and similar uses.

Subject to General Condition 2(j), the Authority or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development.

GENERAL INDUSTRIAL (GI)

PERMITTED USE CLASSES (See Reg. 109)

- Antenna
- Light Industry

DISCRETIONARY USE CLASSES(See Regs. 51 & 110)

- All Use Classes in Business & Personal Service Use Group
- Catering
- Child Care
- General Industry
- Passenger Assembly
- Recreational Open Space
- Service Station
- Shop
- Transportation

*Refer to **Burin Municipal Plan 2010-2020** page 10, Section 4.1: General Land Use Policies; and page 17, Section 4.2.4: Industrial Land Use Policies.*

Conditions for the General Industrial (GI) Zone

1. Development Standards

The development standards for this zone shall be as follows:

- (1) Minimum Lot Area: the minimum lot area shall be determined in discussion with the Authority and shall conform to the average lot area of nearby properties.
- (2) Minimum Building Line Setback: except where there is frontage on a Provincial Highway, the minimum building setback shall be ten (10) metres. Unless an exemption is granted, where there is frontage on a Provincial Highway, the minimum setback shall be the greater of ten (10) metres or 20 metres from the centre-line of Highway 220 and 15 metres from the centre-line of Highways 221 and 222.
- (3) Minimum Side Yard Width: 5 metres
- (4) Minimum Rear Yard Depth: 15 metres
- (5) Maximum Height: 15 metres
- (6) Minimum Frontage: 35 metres
- (7) Maximum Lot Coverage: 33%

2. Advertisements Relating to Onsite Uses

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

- (1) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area; and
- (2) No advertisement shall exceed five (5) square metres in area.

3. Advertisements Relating to Offsite Uses (see also General Condition 2(f))

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (1) Each advertisement shall not exceed three (3) square metres in area;
- (2) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate; and
- (3) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings, and the preservation of the amenities of the surrounding area.

4. Archaeological Sites

If an archaeological site or historical artefacts are discovered during construction, development shall stop and the Provincial Archaeology Office (PAO) of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the PAO has evaluated the site.

5. Buffer

Where any proposed non-residential use abuts a residential zone or an existing dwelling unit, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential zone or dwelling. The buffer shall include the provision of grass strips, hedges, trees or shrubs or structural barriers as may be required by the Authority, and shall be maintained by the owner or occupier to the satisfaction of the Authority.

6. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the

Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

7. Environmental Protection

- (1) Before approving development of a site having a slope greater than fifteen (15) percent, the Authority shall require submissions 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 o adjacent development and land and bodies of water receiving run-off from the site, and other similar matters.
- (2) 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.
- (3) 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.

8. Landscaping and Surfacing

Non-residential lots shall be landscaped or provided with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

9. Municipal Services

Development shall be connected to available municipal water and sewer services. Unserviced or partially serviced development shall be approved by the Department of Government Services.

10. Open Storage

Except for a Home Business, the Authority may permit open storage of materials and goods, provided the following conditions are met:

- (1) Open storage shall not be located in the front yard or in any required setback or buffer areas;
- (2) Open storage shall be enclosed by a wall or fence not less than two (2) metres in height constructed of uniform materials approved by the Authority; and
- (3) Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

11. Parking and Loading

Adequate parking, as prescribed in Schedule D, and loading facilities shall be provided on the site of non-residential uses for all employees; vehicles used in or associated with the activity carried out on the site; and for vehicles of customers, clients, or other persons who visit the establishment.

12. Storage of Flammable Liquids

All uses and structures for the onsite bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as the Authority may require in order to prevent damage to adjacent uses by fire, explosion or spillage of flammable liquids.

13. Watercourse Protection

The minimum width of a buffer along a watercourse shall be fifteen (15) metres from the edge of the stream, river, pond, or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

The only uses that may be permitted in the buffer area of a watercourse are hiking trails, marinas, wharves, and similar uses.

Subject to General Condition 2(j), the Authority or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development.

PUBLIC (P)

PERMITTED USE CLASSES (See Reg. 109)

Apartment Building
Collective Residential
Educational
Funeral Home
General Assembly
Indoor Assembly
Light Industry
Medical & Professional
Medical Treatment & Special Care
Office
Outdoor Assembly
Recreational Open Space

DISCRETIONARY USE CLASSES(See Regs. 51 & 110)

Antenna
Catering
Club & Lodge
Convenience Store

*Refer to **Burin Municipal Plan 2010-2020** page 10, Section 4.1: General Land Use Policies; and page 17, Section 4.2.5: Public Land Use Policies.*

Conditions for the Public (P) Zone

1. Development Standards

The development standards for this zone shall be as follows:

- (1) Minimum Lot Area: the minimum lot area shall be determined in discussion with the Authority and shall conform to the average lot area of nearby properties.
- (2) Minimum Frontage: the minimum frontage shall be determined in discussion with the Authority and shall conform to the average frontage of nearby properties.
- (3) Minimum Building Line Setback: except where there is frontage on a Provincial Highway, the minimum building setback shall be ten (10) metres. Unless an exemption is granted, where there is frontage on a Provincial Highway, the minimum setback shall be the greater of ten (10) metres or twenty (20) metres from the centre-line of Highway 220 and fifteen (15) metres from the centre-line of Highways 221 and 222.
- (4) Minimum Side Yard Width: 5 metres
- (5) Minimum Rear Yard Depth: 15 metres

(6) Maximum Height: 15 metres

2. Advertisements Relating to Onsite Uses

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

- (1) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area; and
- (2) No advertisement shall exceed five (5) square metres in area.

3. Advertisements Relating to Offsite Uses (see also General Condition 2(f))

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (1) Each advertisement shall not exceed three (3) square metres in area;
- (2) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate; and
- (3) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings, and the preservation of the amenities of the surrounding area.

4. Archaeological Sites

If an archaeological site or historical artefacts are discovered during construction, development shall stop and the Provincial Archaeology Office (PAO) of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the PAO has evaluated the site.

5. Buffer

Where any proposed non-residential use abuts a residential zone or an existing dwelling unit, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential zone or dwelling. The buffer shall include the provision of grass strips, hedges, trees or shrubs or structural barriers as may be required by the Authority, and shall be maintained by the owner or occupier to the satisfaction of the Authority.

6. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the

Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

7. Environmental Protection

- (1) Before approving development of a site having a slope greater than fifteen (15) percent, the Authority shall require submissions 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 o adjacent development and land and bodies of water receiving run-off from the site, and other similar matters.
- (2) 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.
- (3) 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.

8. Landscaping and Surfacing

Non-residential lots shall be landscaped or provided with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

9. Municipal Services

Development shall be connected to available municipal water and sewer services. Unserviced or partially serviced development shall be approved by the Department of Government Services.

10. Parking and Loading

Adequate parking, as prescribed in Schedule D, and loading facilities shall be provided on the site of non-residential uses for all employees; vehicles used in or associated with the activity carried out on the site; and for vehicles of customers, clients, or other persons who visit the establishment.

11. Watercourse Protection

The minimum width of a buffer along a watercourse shall be fifteen (15) metres from the edge of the stream, river, pond, or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

The only uses that may be permitted in the buffer area of a watercourse are hiking trails, marinas, wharves, and similar uses.

Subject to General Condition 2(j), the Authority or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development.

PUBLIC UTILITY (PU)

PERMITTED USE CLASSES (See Reg. 109)

N/A

DISCRETIONARY USE CLASSES(See Regs. 51 & 110)

Antenna
General Industry (see Condition 6)

*Refer to **Burin Municipal Plan 2010-2020** page 10, Section 4.1: General Land Use Policies; and page 18, Section 4.2.6: Public Utility Land Use Policies.*

Conditions for the Public Utility (PU) Zone

1. Advertisements Relating to Onsite Uses

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

- (1) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area; and
- (2) No advertisement shall exceed five (5) square metres in area.

2. Advertisements Relating to Offsite Uses (see also General Condition 2(f))

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (1) Each advertisement shall not exceed three (3) square metres in area;
- (2) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate; and
- (3) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings, and the preservation of the amenities of the surrounding area.

3. Archaeological Sites

If an archaeological site or historical artefacts are discovered during construction, development shall stop and the Provincial Archaeology Office (PAO) of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the PAO has evaluated the site.

4. Buffer

Where any proposed non-residential use abuts a residential zone or an existing dwelling unit, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential zone or dwelling. The buffer shall include the provision of grass strips, hedges, trees or shrubs or structural barriers as may be required by the Authority, and shall be maintained by the owner or occupier to the satisfaction of the Authority.

5. Environmental Protection

- (1) Before approving development of a site having a slope greater than fifteen (15) percent, the Authority shall require submissions 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 land and bodies of water receiving run-off from the site, and other similar matters.
- (2) 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.
- (3) 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.

6. General Industry

The only General Industry uses permitted in this Zone are those pertaining to public utilities – such as water supply and sewerage, sewage treatment, the transmission of electricity, and similar uses.

7. Landscaping and Surfacing

Non-residential lots shall be landscaped or provided with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

8. Parking and Loading

Adequate parking, as prescribed in Schedule D, and loading facilities shall be provided on the site of non-residential uses for all employees; vehicles used in or associated with the activity carried out on the site; and for vehicles of customers, clients, or other persons who visit the establishment.

9. Watercourse Protection

The minimum width of a buffer along a watercourse shall be fifteen (15) metres from the edge of the stream, river, pond, or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

The only uses that may be permitted in the buffer area of a watercourse are hiking trails, marinas, wharves, and similar uses.

Subject to General Condition 2(j), the Authority or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development.

OPEN SPACE (OS)

PERMITTED USE CLASSES (See Reg. 109)

Recreational Open Space

DISCRETIONARY USE CLASSES(See Regs. 51 & 110)

- Antenna
- Campground (see Condition 3)
- Cemeteries
- General Assembly
- Indoor Assembly
- Marinas (see Condition 6)
- Mineral Working (see Condition 7)
- Outdoor Assembly

*Refer to **Burin Municipal Plan 2010-2020** page 10, Section 4.1: General Land Use Policies; and page 19, Section 4.2.7: Open Space Land Use Policies.*

Conditions for the Open Space (OS) Zone

1. Archaeological Sites

If an archaeological site or historical artefacts are discovered during construction, development shall stop and the Provincial Archaeology Office (PAO) of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the PAO has evaluated the site.

2. Buffer

Where any proposed non-residential use abuts a residential zone or an existing dwelling unit, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential zone or dwelling. The buffer shall include the provision of grass strips, hedges, trees or shrubs or structural barriers as may be required by the Authority, and shall be maintained by the owner or occupier to the satisfaction of the Authority.

3. Campground

- (1) A campground may only be permitted as a discretionary use provided a plan of the development is submitted in a format satisfactory to Council, showing and specifying:
 - (a) camping sites – location and sizes;
 - (b) roads and accesses;
 - (c) parking areas;
 - (d) accessory uses, such as laundry facilities, storage areas, showers, snack-bar, and convenience stores and the caretaker residence, and any building or facility accessory to the campground facility;
 - (e) water supply and waste disposal services;

- (f) landscaping;
 - (g) buffers and screening between the campground and existing and future residential development;
 - (h) the land to be developed on legal survey prepared by a Newfoundland Land Surveyor;
 - (i) where deemed necessary by the Town, a phasing plan of the campground.
- (2) Commercial uses, washroom facilities, laundromats and similar facilities, and parking areas and recreational areas shall not be located adjacent to residential areas and shall only be accessed by the internal road network of the campground;
- (3) All sites shall only be accessed by the internal road network of the campground;
- (4) A vegetated buffer and/or a suitable screen fence as approved by Council may be provided where the development is adjacent to a public road and/or a present or future residential neighbourhood;
- (5) Where deemed necessary by the Town, a deposit sufficient to cover the cost of the buffer and screening shall be deposited with the Town, and then subsequently returned by the Town upon satisfactory completion of the work or used by the Town to complete the work in accordance with the approved plan;
- (6) The permit for a campground shall specify the maximum number of units and sites – in the form of tents, recreational vehicles, and so forth – that may be accommodated on the site at any one time. This number shall not be exceeded; and
- (7) Any expansion or alteration to a campground shall be subject to review by Council and, except for repairs and maintenance, shall be treated as a discretionary use application.

4. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

5. Environmental Protection

- (1) Before approving development of a site having a slope greater than fifteen (15) percent, the Authority shall require submissions 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 land and bodies of water receiving run-off from the site, and other similar matters.
- (2) 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.

(3) 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.

6. Marinas

All or part of a marina as set out under Schedules A and B of these Regulations may be permitted as a discretionary use, provided that it is compatible with nearby residential uses, services, and accesses are adequate for the use, and provided that, if necessary, suitable buffers and/or screening between this use and nearby residential uses is provided.

7. Mineral Exploration

The only activity or use under the Mineral Working class that may be approved is Mineral Exploration, and this is subject to the following conditions:

- (1) the developer shall submit a detailed plan of exploration, which includes all access roads and drill sites, buffers around environmentally-sensitive areas and recreational areas, together with a site remediation plan prepared by a professional landscape architect;
- (2) the developer shall deposit with the Town a sum of money (not a performance bond) in the form of a certified cheque or cash – sufficient to cover the cost of the remediation, which shall be returned upon satisfaction of the terms of the permit and the remediation plan;
- (3) no exploration activity involving drilling or any structures or heavy equipment shall be permitted closer than 300 metres to a residential development or residential or mixed development zone;
- (4) no activity related to mineral exploration shall be permitted in or adjacent to environmentally sensitive areas, and/or in areas set aside for open space recreational use – such as trails, lookouts, an parks;
- (5) all other government permits shall be obtained from the Department of Mines and Energy, Environment and Labour, Government Services and Lands, and others as needed – and the Authority shall from time to time request that inspections be carried out by the relevant departments and that the results of these inspections be filed with the Authority; and
- (6) retention of the permit for mineral exploration shall be conditional upon satisfactory compliance with Town and Provincial requirements.

8. Watercourse Protection

The minimum width of a buffer along a watercourse shall be fifteen (15) metres from the edge of the stream, river, pond or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

The only uses that may be permitted in the buffer area of a watercourse are hiking trails, marinas, wharves, and similar uses.

Subject to General Condition 2(j), the Authority or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development.

RURAL (RU)

PERMITTED USE CLASSES (See Reg. 109)

Agriculture
Forestry
Marina (see Condition 7)
Recreational Open Space
Seasonal Residential (see Condition 11)

DISCRETIONARY USE CLASSES(See Regs. 51 & 110)

Animal
Antenna
Cemeteries
General Industry (see Condition 6)
Mineral Working (see Condition 8)
Seasonal Residential (see Condition 10)
Single Dwelling
Veterinary

Refer to **Burin Municipal Plan 2010-2020** page 10, Section 4.1: General Land Use Policies; and page 19, Section 4.2.8: Resource Land Use Policies.

Conditions for the Rural (RU) Zone

1. Advertisements Relating to Onsite Uses

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

- (1) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area; and
- (2) No advertisement shall exceed five (5) square metres in area.

2. Advertisements Relating to Offsite Uses (see also General Condition 2(f))

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (1) Each advertisement shall not exceed three (3) square metres in area;

- (2) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate; and
- (3) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings, and the preservation of the amenities of the surrounding area.

3. Archaeological Sites

If an archaeological site or historical artefacts are discovered during construction, development shall stop and the Provincial Archaeology Office (PAO) of the Department of

Tourism, Culture and Recreation consulted. Development shall not proceed until the PAO has evaluated the site.

4. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the

Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

5. Environmental Protection

- (1) Before approving development of a site having a slope greater than fifteen (15) percent, the Authority shall require submissions 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 o adjacent development and land and bodies of water receiving run-off from the site, and other similar matters.
- (2) 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.
- (3) 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.

6. General Industry

- (1) General industry is not permitted as a discretionary use on Burin, Pardy and Shallow Islands.
- (2) General industry shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses, or to those unsuitable to sites adjacent to urban uses. Examples of the latter are industrial uses involving hazardous substances such as bulk fuel storage; requiring large lots; or featuring outdoor activities such as heavy equipment storage or maintenance.

- (3) Unless the Authority is satisfied that the general industry use will not create a nuisance and will not adversely affect the amenity of the surrounding area, the Authority shall require the provision of buffering by the developer to the satisfaction of the Authority.

7. Marinas

All or part of a marina as set out under Schedules A and B of these Regulations may be permitted as a discretionary use, provided that it is compatible with nearby residential uses, services, and accesses are adequate for the use, and provided that, if necessary, suitable buffers and/or screening between this use and nearby residential uses is provided.

8. Mineral Exploration

The only activity or use under the Mineral Working class that may be approved is Mineral Exploration, and this is subject to the following conditions:

- (1) No mineral working or exploration is permitted on Burin, Shalloway, and Pardy Islands;
- (2) The developer shall submit a detailed plan of exploration, which includes all access roads and drill sites, buffers around environmentally-sensitive areas and recreational areas, together with a site remediation plan prepared by a professional landscape architect;
- (3) The developer shall deposit with the Town a sum of money (not a performance bond) in the form of a certified cheque or cash – sufficient to cover the cost of the remediation, which shall be returned upon satisfaction of the terms of the permit and the remediation plan;
- (4) No exploration activity involving drilling or any structures or heavy equipment shall be permitted closer than 300 metres to a residential development or residential or mixed development zone;
- (5) No activity related to mineral exploration shall be permitted in or adjacent to environmentally sensitive areas, and/or in areas set aside for open space recreational use – such as trails, lookouts, and parks;
- (6) All other government permits shall be obtained from the Department of Natural Resources, Environment and Conservation, Government Services, and others as needed – and the Authority shall from time to time request that inspections be carried out by the relevant departments and that the results of these inspections be filed with the Authority; and
- (7) Retention of the permit for mineral exploration shall be conditional upon satisfactory compliance with Town and Provincial requirements.

9. Productive Forest

On lands deemed Productive Forest, the Authority shall consult with the Forestry and

Agrifoods Agency of the Department of Natural Resources before approving any development. In areas identified as Productive Forest, uses shall be restricted to forestry and forestry-related industrial uses.

10. Seasonal Residential

Seasonal residential single dwellings may be permitted as a discretionary use provided that the Authority is satisfied that:

- (1) such use will not conflict with the use of nearby parcels of land for resource development;
- (2) the seasonal residential use conforms to the same standards as listed in the Residential Seasonal (RS) Zone;
- (3) there is suitable access and waste disposal service; and
- (4) The seasonal residence or cottage will not be used as a year-round place of residence.

11. Seasonal Residential – Burin, Shalloway, and Pardy Islands

Notwithstanding Condition 9, Seasonal Residential is a permitted use on the Burin, Shalloway, and Pardy Islands, provided that the Authority is satisfied that such use will not conflict with the use of nearby parcels of land for resource development, and provided that there is suitable access and waste disposal service.

12. Single Dwelling

Single dwellings may be permitted only as an accessory structure to a permitted or an approved discretionary use after two years of operation.

13. Watercourse Protection

The minimum width of a buffer along a watercourse shall be fifteen (15) metres from the edge of the stream, river, pond or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

The only uses that may be permitted in the buffer area of a watercourse are hiking trails, marinas, wharves, and similar uses.

Subject to General Condition 2(j), the Authority or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development.

MINERAL WORKING (MW)

PERMITTED USE CLASSES (See Reg. 109)

Mineral Workings

DISCRETIONARY USE CLASSES(See Regs. 51 & 110)

Agriculture
Antenna
Forestry
Recreational Open Space

Refer to **Burin Municipal Plan 2010-2020** page 10, Section 4.1: General Land Use Policies; and page 19, Section 4.2.8: Resource Land Use Policies.

Conditions for the Mineral Workings (MW) Zone

1. Advertisements Relating to Onsite Uses

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

- (1) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area; and
- (2) No advertisement shall exceed five (5) square metres in area.

2. Advertisements Relating to Offsite Uses (see also General Condition 2(f))

The conditions to be applied to the erection of display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (1) Each advertisement shall not exceed three (3) square metres in area;
- (2) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate; and
- (3) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings, and the preservation of the amenities of the surrounding area.

3. Archaeological Sites

If an archaeological site or historical artefacts are discovered during construction, development shall stop and the Provincial Archaeology Office (PAO) of the Department of

Tourism, Culture and Recreation consulted. Development shall not proceed until the PAO has evaluated the site.

4. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

5. Mineral Working

All applications for any mineral working shall be subject to review and approval by the Department of Natural Resources. Approval from the Minister of Environment and

Conservation must be received before the mineral workings proceeds in or adjacent to the buffer of a watercourse.

(1) **Separation from Adjacent Uses:** Unless the Authority is satisfied that the mineral working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature:

Adjacent/Nearby Uses	Minimum Distance of Pit or Quarry Working
Existing or proposed Residential Development:	300 m (where no blasting involved) 1000 m (where blasting involved)
Any other developed area or area likely to be developed during the life of the pit or quarry working	150 m
Public Highway or Street	50 m
Protected Road	90 m
Body of Water/Watercourse	50 m

(2) **Screening:** A mineral working shall be screened in the following manner where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use:

- (a) Where tree screens exist between the mineral working and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in thirty (30) metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain thirty (30) metres in forested appearance. Where vegetation dies or is removed from the thirty (30) metre strip, the Authority may require new trees of a minimum height of one (1) metre to be planted to fill in the areas affected to the satisfaction of the Authority or, at the discretion of the Authority, section 2b of this Condition must be undertaken.
- (b) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the mineral working from adjacent uses (except forestry

and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Authority's satisfaction.

- (c) Where natural topography creates a visual screen between mineral workings and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
 - (d) Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required in (a), (b), or (c) above, the Authority may refuse to permit the use or associated activity.
- (3) **Fencing:** The Authority may require the mineral working site or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than two (2) metres in height.
- (4) **Water Pollution:** No mineral workings or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any body of water or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Environment and Conservation.
- (5) **Water Ponding:** No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any body of water or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Environment and Conservation.
- (6) **Erosion Control:** No mineral working shall be carried out in a manner so as to cause erosion of adjacent land.
- (7) **Site Maintenance:** The mineral working shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.
- (8) **Access Roads:** During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of the Authority.
- (9) **Stockpiling, Cover Material:** All stumps, organic material and topsoil, including the rusty-coloured and iron-stained layer, shall be stripped and stockpiled at least five (5) metres from active quarry or stockpile areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.
- (10) **Operating Plant & Associated Processing and Manufacturing:**
- (a) The Authority may permit processing and manufacturing uses associated with mineral workings provided that, in the opinion of the Authority, the use does not create a nuisance, nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.
 - (b) All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of aggregate resources.

- (c) The Authority may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.
- (11) **Termination and Site Rehabilitation:**
- (a) Upon completion of the mineral working, the following work shall be carried out by the operation:
 - (i) All buildings, machinery and equipment shall be removed.
 - (ii) All pit and quarry slopes shall be graded to slopes less than 20 degrees, or to the slope conforming to that existing prior to the mineral working.
 - (iii) Topsoil and any organic materials shall be re-spread over the entire quarried area.
 - (iv) The access road to the working shall be ditched or barred to the satisfaction of the Authority.
 - (b) If the mineral working contains reserves of material sufficient to support further extraction operations, the Authority may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

ENVIRONMENTAL PROTECTION (EP)

PERMITTED USE CLASSES (See Reg. 109)

Conservation

DISCRETIONARY USE CLASSES (See Regs. 51 & 110)

Agriculture

Antenna

Forestry

Marinas

Mineral Workings (see Condition 4)

Recreational Open Space

Transportation (see Condition 5)

*Refer to **Burin Municipal Plan 2010-2020** page 10, Section 4.1: General Land Use Policies; and page 19, Section 4.2.8: Resource Land Use Policies.*

Conditions for the Environmental Protection (EP) Zone

1. Archaeological Sites

If an archaeological site or historical artefacts are discovered during construction, development shall stop and the Provincial Archaeology Office (PAO) of the Department of

Tourism, Culture and Recreation consulted. Development shall not proceed until the PAO has evaluated the site.

2. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the

Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

3. Forestry

Cutting and harvesting of trees is permitted by selective cutting means.

4. Mineral Exploration

The only activity or use under the Mineral Working class that may be approved is Mineral Exploration, and this is subject to the following conditions:

- (1) the developer shall submit a detailed plan of exploration, which includes all access roads and drill sites, buffers around environmentally-sensitive areas and recreational areas, together with a site remediation plan prepared by a professional landscape architect;

- (2) the developer shall deposit with the Town a sum of money (not a performance bond) in the form of a certified cheque or cash – sufficient to cover the cost of the remediation, which shall be returned upon satisfaction of the terms of the permit and the remediation plan;
- (3) no exploration activity involving drilling or any structures or heavy equipment shall be permitted closer than 300 metres to a residential development or residential or mixed development zone;
- (4) no activity related to mineral exploration shall be permitted in or adjacent to environmentally sensitive areas, and/or in areas set aside for open space recreational use – such as trails, lookouts, an parks;
- (5) all other government permits shall be obtained from the Department of Natural Resources, Environment and Conservation, Government Services, and others as needed – and the Authority shall from time to time request that inspections be carried out by the relevant departments and that the results of these inspections be filed with the Authority; and
- (6) retention of the permit for mineral exploration shall be conditional upon satisfactory compliance with Town and Provincial requirements.

5. Transportation

Transportation uses within this zone are limited to harbour-related structures and uses.

6. Watercourse Protection

The minimum width of a buffer along a watercourse shall be fifteen (15) metres from the edge of the stream, river, pond or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

The only uses that may be permitted in the buffer area of a watercourse are hiking trails, marinas, wharves, and similar uses.

Subject to General Condition 2(j), the Authority or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development.

PROTECTED WATER SUPPLY (PWS)

PERMITTED USE CLASSES (See Reg. 109)

Conservation

DISCRETIONARY USE CLASSES(See Regs. 51 & 110)

Agriculture

Mineral Working

*Refer to **Burin Municipal Plan 2010-2020** page 10, Section 4.1: General Land Use Policies; and page 23, Section 4.2.9: Protected Water Supply Land Use Policies.*

Conditions for the Protected Water Supply (PWS) Zone

1. General Conditions and Referrals

In addition to any other approvals or requirements by the Authority, all development in this zone shall be subject to the approval of the Minister of Environment.

Conditions 1, 2, 3, 4 and 5 are based upon Department of Environment and Conservation

Policy Directive W.R. 95-01 – Water Resources Management Division, slightly modified.

- (1) Existing resource development and other activities will be allowed to continue unless it is established that these are impairing water quality or have potential to impair water quality.
- (2) The Minister of Environment may require proponents of existing activities, which have potential to impair water quality, to obtain his/her approval.
- (3) No development shall be carried out in a designated area except in accordance with this policy.
- (4) No person shall carry out any development in a designated area without obtaining prior approval in writing from the Minister.

2. Activities Not Permitted in a Designated Area

Although they may be associated with anyone of the Permitted or Discretionary Uses, the following activities shall not be permitted in the Protected Water Supply:

- (1) Placing, depositing or discharging, or permitting the placing, depositing or discharging into a body of water any sewage, refuse, chemicals, municipal and industrial wastes, or any other material which impairs or has potential to impair water quality;
- (2) Using an intake pond, lake or specified buffer zones for any activity detrimental to water quality, and not permitted in the Environment Act;

- (3) Using ice covered water body for transporting logs or wood, riding skidoos/motor vehicles/all terrain vehicles, leading of animals, or any other activity, including littering, which impairs or has potential to impair water quality;
- (4) Using or operating existing facilities in such a manner which impairs or has potential to impair water quality;
- (5) Storage and disposal of pesticides and manure, application of manure and chemicals in specified buffer zones, extensive land clearing, and peat land drainage without adequate treatment;
- (6) Clear cutting of forest in sensitive areas, establishment of camps and camp facilities, storage of chemicals, application of pesticides, drainage of peat land for afforestation, and application of toxic fire retardants;
- (7) Activities, operations or facilities associated with aggregate extraction and mineral exploration such as work camps, vehicle parking and maintenance facilities, washing of aggregates, asphalt plants, discharge or deposit of waste material into a body of water, and significant disturbance to land for mineral exploration purposes;
- (8) Application of herbicides in the right-of-way and use of chemically treated utility poles and other related structures;
- (9) Aquaculture development and associated activities having potential to impair water quality; and
- (10) Any other storage or disposal facilities that the Minister of Environment considers environmentally unacceptable.

3. Activities Regulated in a Designated Area

Subject to the other provisions of these Regulations, in this zone no person shall undertake any of the following activities without obtaining prior written approval from the Minister of Environment and a permit from the Authority:

- (1) Expansion and upgrading of the existing activities, operations or facilities;
- (2) (2) Land clearing or drainage, construction of access roads, servicing of lands for subsequent use, or extension and upgrading of existing buildings or facilities;
- (3) Installation of storm or sanitary sewer pipelines for transmission of water for hydroelectric generation, agriculture uses, or any other purposes;
- (4) Construction of roads, bridges, culverts, and other stream crossings, and installation of power and telecommunication transmission lines;
- (5) Modification to intake structures, pumphouses, reservoirs, etc. will require approval under the Environment Act; an

- (6) Any other development or activity which, in the opinion of the Minister of Environment, has caused impairment or has potential to impair water quality.

4. Approval Process

- (1) The proponent shall submit a detailed development plan along with maps, drawings and specifications and other information as required by the Authority and the Minister of Environment for approval.
- (2) The Minister of Environment may, on the recommendation of his/her officials, issue a certificate of approval for the proposed development on such terms and conditions as the Minister considers necessary to protect water quality.
- (3) The proponent shall obtain separate approvals from the Minister under the Environment Act, for all permanent or temporary stream crossings or for alteration to bodies of water that may be necessary to carry out the approved development.
- (4) The proponent shall also obtain licences, permits or approvals under other Acts and Regulations, including the Development Regulations as required prior to commencing the approved work.
- (5) The proponent of the approved development shall notify the Authority or the person responsible for the operation and maintenance of the waterworks by providing a copy of the approval issued under this policy before commencing the work.
- (6) The proponent shall maintain adequate liaison and consultation with the person or authority responsible for the operation and maintenance of the waterworks during the implementation and operation of the approved work.
- (7) The Minister of Environment and Conservation may require the inspection of the approved development from time to time by his/her officials to ensure that the development is carried out in an environmentally acceptable manner and the proponent is complying with the terms and conditions of the approval.
- (8) The Minister of Environment and Conservation may require a proponent to monitor water quality according to a monitoring program approved by the Minister in order to evaluate the impact of the approved development on public water supply.

5. Buffer Zones

The proponents shall provide the following widths of buffer zones along and around water bodies from the high water mark in a designated area:

Water Body	Width of Buffer Zones
Intake Pond or Lake	150 m (min)
River Intake	150 m (min) for a distance of 1 km upstream 100 m (min) for a distance of 1 km downstream
Main River Channel	75 m (min)
Major Tributaries, Lakes or Ponds	50 m (min)
Other Water Bodies	30 m (min)

No development activity shall be permitted in buffer zones except those which are intended to promote vegetation.

COMPREHENSIVE DEVELOPMENT AREA (CDA)

PERMITTED USE CLASSES (See Reg. 109)

N/A

DISCRETIONARY USE CLASSES(See Regs. 51 & 110)

Single Dwelling

Refer to **Burin Municipal Plan 2010-2020** page 10, Section 4.1: General Land Use Policies; and page 23, Section 4.2.10: Comprehensive Development Area Land Use Policies.

Condition for the Comprehensive Development Area (CDA) Zone

1. Comprehensive Development Scheme

Before any development is permitted, a Comprehensive Development Scheme will be prepared under the *Urban and Rural Planning Act* and the Burin Municipal Plan 2010-2020.

Policies applicable to these schemes are laid out in the Burin Municipal Plan 2010-2020, Section 4.2.10 Comprehensive Development Area Land Use Policies.

2. Archaeological Sites

If an archaeological site or historical artefacts are discovered during construction, development shall stop and the Provincial Archaeology Office (PAO) of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the PAO has evaluated the site.

3. Development Scheme Requirement

Prior to any major development occurring, a Development Scheme under the Municipal Plan and the Urban and Rural Planning Act must be adopted and approved.

4. Discretionary Use Single Dwelling

A Single Dwelling may only be approved if it will not negatively affect the proposed or likely development of the Comprehensive Development Area by impinging upon a proposed access or in some other fashion. A single dwelling may only be permitted along existing public roads, subject to the requirements of the Residential (R1) Zone.

5. Hobby Gardens

Hobby gardens shall be permitted within a Comprehensive Development Area (CDA) only if they are included as part of a Comprehensive Development Scheme.

SCHEDULE D

OFF-STREET PARKING REQUIREMENTS

1. The off-street parking requirements for uses in the various use classes set out in Schedule B shall be as set out in the following table.
2. In the case of developments including uses in more than one use class, these standards shall be regarded as cumulative.
3. Adequate off-street provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the education, passenger assembly, child care, medical treatment and special care, commercial-residential and take-out food service use classes.

G R O U P	D I V I S I O N	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
A	1	(a) Theatre	One (1) space for every five (5) seats
	2	(a) Cultural & Civic	One (1) space for every fifty (50) square metres of gross floor areas
		(b) General Assembly	One (1) space for every ten (10) square metres of gross floor area
		(c) Educational	Schools – two (2) spaces for every classroom Further education – one (1) space for every five (5) persons using the facilities (students, faculty and staff)
		(d) Place of Worship	One (1) space for every five (5) seats
		(e) Passenger Assembly	As specified by the Authority
		(f) Club and Lodge	One (1) space for every three (3) persons that may be accommodated at one time
		(g) Catering	One (1) space for every three (3) customers that may be accommodated at one time
		(h) Funeral Home	One (1) space for every ten (10) square metres of gross floor area
		(i) Child Care	One (1) space for every twenty (20) square metres of gross floor area
		(j) Amusement	One (1) space for every ten (10) square metres of gross floor area
		3	(a) Indoor Assembly
	4	(a) Outdoor Assembly	As specified by the Authority
B	1	(a) Penal and Correctional Detention	As specified by the Authority
	2	(a) Medical Treatment and Special Care	One (1) space for every two (2) patients
C	1	(a) Single Dwelling	Two (2) spaces for every dwelling unit
		(b) Double Dwelling	Two (2) spaces for every dwelling unit
		(c) Row Dwelling	Two (2) spaces for every dwelling unit
		(d) Apartment Building	Three (3) spaces for every two (2) dwelling units
	2	(a) Collective Residential	As specified by the Authority
		(b) Commercial Residential	One (1) space for every guest room
		(c) Seasonal Residential	One (1) space for every residential unit

G R O U P	D I V I S I O N	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
		(d) Mobile Home	Two (2) spaces for every dwelling unit
D	1	(a) Office	One (1) space for every twenty (20) square metres of gross floor area
		(b) Medical and Professional	One (1) space for every twenty (20) square metres of gross floor area
		(c) Personal Service	One (1) space for every twenty (20) square metres of gross floor area
		(d) General Service	One (1) space for every twenty (20) square metres of gross floor area
		(e) Communications	As specified by the Authority
		(f) Police Station	As specified by the Authority
		(g) Taxi Stand	As specified by the Authority
		(h) Take-out Food Service	One (1) space for every twenty (20) square metres of gross floor area
		(i) Veterinary	One (1) space for every twenty (20) square metres of gross floor area
E	1	(a) Shopping Centre	One (1) space for every fifteen (15) square metres of gross floor area
		(b) Shop	One (1) space for every twenty (20) square metres of gross floor area
		(c) Indoor Market	As specified by the Authority
		(d) Outdoor Market	As specified by the Authority
		(e) Convenience Stores	One (1) space for every twenty (20) square metres of gross floor area
F	1	(a) Hazardous Industry	One (1) space for every employee
	2	(a) General Industry	One (1) space for every employee
		(b) Service Station	One (1) space for every twenty (20) square metres of gross floor area
	3	(a) Light Industry	One (1) space for every employee

TABLE SHOWING RELATIONSHIP BETWEEN THE CLASSIFICATION OF USES AND THE USE ZONE TABLES

The following table does not form part of the Town of Burin Land Use Zoning, Subdivision and Advertisement Regulations. It is included for convenience to provide a quick reference to ascertain which uses are permitted in the various zones. In this table a P indicates that use classes are permitted in the Use Zone listed at the top of the table. A D indicates that the use class is allowed only as a discretionary use in the Use Zone. No symbol indicates that the uses are not permitted within the Use Zone.

	General Residential (R1)	Residential Medium Density (R2)	Residential Mobile Home (MH)	Residential Seasonal (RS)	Mixed Development (MD)	General Commercial (GC)	Commercial Neighbourhood (CN)	General Industrial (GI)	Public (P)	Public Utility (PU)	Open Space (OS)	Rural (RU)	Mineral Workings (MW)	Environmental Protection (EP)	Protected Water Supply (PWS)	Comprehensive Development Area (CDA)
GROUP A: ASSEMBLY USES																
Theatre						P		D								
Cultural & Civic					D	P										
General Assembly						P			P		D					
Educational					D	P			P							
Place of Worship		D			D	P										
Passenger Assembly						P		D								
Club & Lodge						P	D		D							
Catering					D	P		D	D							
Funeral Home						P			P							
Child Care	D	D			D	P		D								
Amusement						P	D									
Indoor Assembly						P			P		D					
Outdoor Assembly						P			P		D					
Campground											D					

	General Residential (R1)	Residential Medium Density (R2)	Residential Mobile Home (MH)	Residential Seasonal (RS)	Mixed Development (MD)	General Commercial (GC)	Commercial Neighborhood (CN)	General Industrial (GI)	Public (P)	Public Utility (PU)	Open Space (OS)	Rural (RU)	Mineral Workings (MW)	Environmental Protection (EP)	Protected Water Supply (PWS)	Comprehensive Development Area (CDA)	
GROUP B: INSTITUTIONAL USES																	
Penal & Correctional Detention						P											
Medical Treatment & Special Care						P			P								
GROUP C: RESIDENTIAL USES																	
Single Dwelling	P	P			P	P	P						D				D
Double Dwelling		P			P												
Row Dwelling		D			P												
Apartment Building		D			P	P	D		P								
Collective Residential									P								
Boarding House Residential	D	D			D												
Commercial Residential					D	P											
Seasonal Residential			P										P/D				
Mobile Homes	D	D	P		D												
Personal Care Homes					D												
GROUP D: BUSINESS & PERSONAL SERVICE USES																	
Office					D	P	D	D	P								
Medical & Professional	P	P			P	P	P	D	P								
Personal Service	P	P			P	P	P	D									
General Service					D	P	D	D									
Communications					D	P	D	D									
Police Station					D	P	D	D									
Taxi Stand					D	P	D	D									
Take-out Food Service					D	P	D	D									
Veterinary					D	P	D	D					D				

	General Residential (R1)	Residential Medium Density (R2)	Residential Mobile Home (MH)	Residential Seasonal (RS)	Mixed Development (MD)	General Commercial (GC)	Commercial Neighbourhood (CN)	General Industrial (GI)	Public (P)	Public Utility (PU)	Open Space (OS)	Rural (RU)	Mineral Workings (MW)	Environmental Protection (EP)	Protected Water Supply (PWS)	Comprehensive Development Area (CDA)
GROUP E: MERCANTILE USES																
Shopping Centre						P										
Shops					D	P	D	D								
Indoor Market					D	P										
Outdoor Market					D	P										
Convenience Store	D	D			D	P	P		D							
GROUP F: INDUSTRIAL USES																
Hazardous Industry																
General Industry						D		D		D		D				
Service Station					D			D								
Forest Industry																
Light Industry					D	P	D	P	P							
GROUP G: NON-BUILDING USES																
Agriculture				D								P	D	D	D	
Forestry				D								P	D	D		
Mineral Working											D	D	P	D	D	
Recreational Open Space	P	P	P	P	P			D	P		P	P	D	D		
Conservation														P	P	
Cemetery					D						D	D				
Scrap Yard																
Solid Waste																
Animal												D				
Antenna	D	D		D	D	P	D	P	D	D	D	D	D	D		
Transportation						P		D							D	
Marinas	P	P	P	P	P						D	D		D		