

Town of St. George's Development Regulations for 2019-2029
As approved by Council 2 November 2020

TOWN OF ST. GEORGE'S

DEVELOPMENT REGULATIONS

2019 – 2029

As approved by Council 2 November 2020

Development Regulations/Amendment	
<u>REGISTERED</u>	
Number	<u>4380 - 2021 - 000</u>
Date	<u>MARCH 11, 2021</u>
Signature	<u>[Handwritten Signature]</u>

ADOPTION AND APPROVAL

COUNCIL RESOLUTION TO ADOPT; MCIP CERTIFICATE

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of St. George's adopts the Development Regulations for 2019 to 2029.

Resolved by the Town Council of St. George's on the 6th day of July, 2020.

Signed and sealed this 6th day of January, 2021

Mayor: [Signature]

Clerk: [Signature]

(Council Seal)



Canadian Institute of Planners Certification

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

Member of the Canadian Institute of Planners

(MCIP Seal)



[Signature]
Jens Jensen, P.Eng., MCIP

Date: 21 January 2021 2020

Page left blank to correspond to double sided printing



COUNCIL RESOLUTION TO APPROVE; CLERK'S CERTIFICATE

[resolution of Council to approve the Development Regulations, following completion of the requirements of Sections 18 to 22 inclusive of the Urban and Rural Planning Act, 2000]

Whereas under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of St. George's:

1. adopted the Development Regulations for 2019-2029 on the 6th day of July, 2020.
2. gave notice of the adoption of the said Development Regulations, following special instructions of the Department of Environment, Climate Change and Municipalities related to the COVID19 pandemic, on the Town's municipal website and in hardcopy form, in both cases continually posted from 15 July through 28 August, 2020, the hardcopy at the following places:
 - a) Town Office front door, St. George's
 - b) Central Service Station Bulletin Board, St. George's
 - c) Canada Post Bulletin Board, St. George's
 - d) Chubb's Convenience Bulletin Board, St. George's
 - e) Leading Edge Credit Union Bulletin Board, St. George's
 - f) St. George's Pharmacy/Medical Clinic Bulletin Board, St. George's
3. set the 28th day of August, 2020, at 12:00 noon, to be the deadline time and date for objections and submissions to be received and for the holding of a public hearing to consider objections and submissions.
4. appointed Ms. Deanne M. Penney, B.Comm.,LLB, to be the commissioner to conduct the public hearing.
5. received several objections and submissions by the deadline time and date, and subsequently received a report from the commissioner, who recommended a revision of the Municipal Plan but did not recommend any revision of the Development Regulations.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of St. George's approves the said Development Regulations for 2019-2029 exactly as adopted.

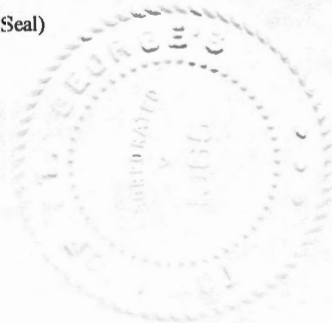
Resolved by the Town Council of St. George's on the 2nd day of November, 2020.

Signed and sealed this 6th day of January, 2021.

Mayor: _____

(Council Seal)

Clerk: _____



Page left blank to correspond to double sided printing



TABLE OF CONTENTS

	<u>Page</u>
SECTION A	
NEWFOUNDLAND REGULATION 3/01, MADE BY MINISTER OF MUNICIPAL AND PROVINCIAL AFFAIRS, 2 JANUARY, 2001	1
SECTION B	
DEVELOPMENT REGULATIONS	
APPLICATION	
1. Short Title.....	12
2. Interpretation.....	12
3. Commencement.....	12
4. Municipal Code and Regulations.....	12
5. Authority.....	12
PART I - GENERAL REGULATIONS	
6. Compliance With Legislation, Regulations and Easements.....	13
7. Permit Required.....	14
8. Permit to be Issued.....	15
9. Permit Not to be Issued in Certain Cases.....	15

10. Discretionary Powers of Authority.....	16
11. Variances.....	16
12. Notice of Variance.....	17
13. Service Levy.....	17
14. Financial Guarantees by Developer.....	18
15. Dedication of Land for Public Use.....	19
16. Reinstatement of Land.....	19
17. Form of Application.....	19
18. Register of Application.....	20
19. Deferment of Application.....	20
20. Approval in Principle.....	20
21. Development Permit.....	21
22. Reasons for Refusing Permit.....	22
23. Notice of Right to Appeal.....	22
24. Appeal Requirements.....	23
25. Appeal Registration.....	23
26. Development Prohibited.....	24
27. Appeal Board.....	24
28. Appeals.....	24
29. Hearing Notice and Meetings.....	26
30. Hearing of Evidence.....	27
31. Return of Appeal Fee.....	27
32. Notice of Application.....	27
33. Right of Entry.....	28
34. Record of Violations.....	28
35. Stop Work Order and Prosecution.....	28
36. Delegation of Powers.....	29

PART II - GENERAL DEVELOPMENT STANDARDS

37. Accesses and Streets	30
38. Accessory Buildings and Uses	31
39. Fences	33
40. Buffer Strips Between Residential and Non-Residential Uses	33
41. Building Height	34
42. Building Line and Setback	34
43. Family and Group Care Centres	35
44. Mineral, Mining and Petroleum Developments	35
45. Agricultural Uses Involving Keeping of Animals	39
46. Archaeological Resources and Heritage Sites	40
47. Lot Area and Size Exceptions	40
48. Fronting on a Public Street	41
49. Non-Conforming Use	42
50. Offensive and Dangerous Uses	44
51. Hazards to Building and the Environment	44
52. Off-Street Parking and Loading Requirements	44
53. Recreational Open Space and Conservation Uses; Trails and the T' Railway	48
54. NALCOR and Wellhead Protected Water Supply Overlay Areas	48
55. Services and Public Utilities	49
56. Service Stations	50
57. Building Near Highways	50
58. Removal of Quarry Materials	51
59. Site Development, Grading and Drainage	52
60. Unsubdivided Land	52
61. Number of Buildings on a Lot; Comprehensive Development	52

PART III - ADVERTISEMENTS

62. Permit Required.....	54
63. Form of Application and Permit.....	54
64. Advertisements Fronting on Public Highway or Street Reservation.....	54
65. Standards of Construction and Location.....	54
66. Removal of Advertisements.....	54
67. Advertisements Exempt from Control.....	55
68. Temporary Signs.....	55
69. Non-Conforming Uses.....	56

PART IV - SUBDIVISION OF LAND

70. Permit Required and Sureties.....	57
71. Services to be Provided.....	57
72. Payment of Service Levies and Other Charges.....	58
73. Issue of Permit Subject to Considerations.....	58
74. Concept and Final Plans.....	59
75. Form of Application.....	59
76. Subdivision Subject to Zoning.....	59
77. Building Lines.....	60
78. Land for Public Open Space.....	60
79. Structure in Street Reservation.....	61
80. Subdivision Design Standards.....	61
81. Engineer to Design Works and Certify Construction Layout.....	64
82. Developer to Pay Engineer's Fees and Charges.....	64
83. Street Works May Be Deferred.....	64
84. Transfer of Streets and Utilities to Authority.....	65

85. Restriction on Sale of Lots 66
86. Grouping of Buildings and Landscaping 66

PART V - USE ZONES

87. Use Zones 67
88. Use Groups, Divisions and Classes 67
89. Permitted Uses 68
90. Discretionary Uses 68
91. Uses Not Permitted 68

SCHEDULES AND ZONING MAPS

SCHEDULE A: Definitions 69
SCHEDULE B: Classification of Uses of Land and Buildings 86
SCHEDULE C: Use Zone Tables 92

Policies and Bylaws Extra to Municipal Plan.....117

Land Use Zoning Maps 1 and 2

Town of St. George's Development Regulations for 2019-2029
As approved by Council 2 November 2020

Page left blank to correspond to double sided printing

SECTION A

NEWFOUNDLAND REGULATION 3/01

Development Regulations

under the

Urban and Rural Planning Act, 2000

(Filed January 2, 2001)

Under the authority of section 36 of the *Urban and Rural Planning Act, 2000*, I make the following regulations.

Dated at St. John's, January 2, 2001.

Joan Marie Aylward

Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

1. Short title

2. Definitions

3. Application

4. Interpretation

5. Notice of right to appeal

6. Appeal requirements

7. Appeal registration

8. Development prohibited

9. Hearing notice and meetings

10. Hearing of evidence

11. Board decision

12. Variances

13. Notice of variance

14. Residential non conformity

15. Notice and hearings on change of use

16. Non-conformance with standards

17. Discontinuance of non-conforming use

18. Delegation of powers

19. Commencement

Short title

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

Definitions

2. In these regulations,

(a) "Act", unless the context indicate 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 antennas,

(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 building 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.

(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, Nfld., 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 appoints 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.

Variations

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.

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 non-conforming 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.

©Earl G. Tucker, Queen's Printer

SECTION B

DEVELOPMENT REGULATIONS APPLICATION

1. Short Title

These Regulations may be cited as the Town of St. George's Development Regulations.

2. Interpretation

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

3. Commencement

These Regulations come into effect throughout the St. George's Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the *Newfoundland and Labrador Gazette*.

4. Municipal Code and Regulations

- (1) The National Building Code including the Plumbing Code, the Fire Code, the Electrical Code, and any other ancillary code apply to the entire Planning Area unless expressly exempted.
- (2) The Authority does not require or perform reviews of engineering, architectural or other design subjects to do with buildings as may be found in the National Building Code and ancillary codes. The Authority does not require or perform building inspection services.

5. Authority

In these Regulations, "Authority" means the Council of the Town of St. George's.

PART I - GENERAL REGULATIONS

6. Compliance With Legislation, Regulations and Easements

- 1) No development shall be carried out within the St. George's Planning Area except in accordance with these Regulations, unless expressly exempted.
- 2) The Ministerial Regulations quoted in Section A shall prevail where there is conflict with Section B, the Town of St. George's Development Regulations.
- 3) The Development Regulations is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the St. George's Planning Area.
- 4) The *Water Resources Act, 2000*, provides for regulation of numerous aspects of management of water resources in the province. Administration of the regulations under the *Act* is by the Water Resources Management Division of the Department of Municipal Affairs and Environment. All development applications including but not limited to the following topics may require approval under the *Water Resources Act 2000* in addition to approval by the Authority under these Development Regulations:
 - a. Development within 15 metres of a waterbody or watercourse and in the shore waters thereof; in particular, several species of flora and fauna in the municipal planning area are listed under the *Endangered Species Act*, and applications for development in or along these waters must be referred to the Wildlife Division of the Department of Fisheries and Land Resources for approval; see Condition 2 in the Use Zone Table for the Environmental Protection (EP) Zone for special requirements concerning development along Flat Bay Brook.
 - b. Discharge of any effluent off the subject property;
 - c. Work in any body of water;
 - d. Infilling of water bodies or diversion of streams (usually not approvable if for residential development);
 - e. Construction of wharves, breakwaters, slipways and boathouses: permits not needed but the guidelines of that title must be followed;

- f. Infilling or dredging associated with marine structures or other works;
 - g. Well drilling and use of private water supplies, including where applicable groundwater supply assessments for proposed subdivisions of five or more lots;
 - h. Any development in the areas shown as the "Wellhead Protected Water Supply Area" overlay, the Wellhead Protection (WP) Zone and the Dribble Brook Protected Water Supply (DBPWS) Zone on the Land Use Zoning Maps.
- 5) A Service NL permit is required for development along a provincial highway (see Regulation 57), including but not limited to fences, trees, vegetation, signs and structures, installation of a private sewage disposal system, or construction of a private water well.
 - 6) Permits from the Department of Natural Resources may be required for any forestry activity including domestic cutting for fuel wood and commercial cutting. This includes the approval of forestry permits.
 - 7) Permits from the Department of Transportation and Works are required for access to a provincial highway.
 - 8) Except as otherwise set out in the Use Zone Tables in Schedule C, temporary use of land is not permitted.
 - 9) Permits or permission for developments may be required from parties to easements across land, including but not limited to easements favouring Council (such as for the water and sewer systems of the Authority), electrical services of NL Hydro, telecommunications companies, drainage features, passage across lands of others, etc. Applicants for development are cautioned to investigate such encumbrances on land which may affect their development, as the Authority does not do so except for developments in the NALCOR corridor (see Regulation 54).

7. Permit Required

No person shall carry out any development within the Planning Area, unless expressly exempted in these Regulations, unless a permit for the development has been issued by the Authority.

8. Permit to be Issued

Subject to Regulations 9 and 10, 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) further to (a), the standards set out in any regulation or policy of the Authority regulating or controlling development, conservation and use of land and buildings and the supply of municipal water, sewer and street services to them;
- (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.

9. Permit Not to be Issued in Certain Cases

- a) Neither a permit nor approval in principle 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.
- b) Where, in the opinion of the Authority, information is required as to the location of boundaries of Zones, overlay area designations, slopes, distances, heights and the like, for the purposes of demonstrating compliance with requirements of the Development Regulations, the Authority may require certification by a professional engineer or land surveyor to determine the required information. No permit shall be issued until satisfactory information is provided.

- c) Where a Crown Lands grant is required to enable a development, Council shall review the policies of the Municipal Plan and the Development Regulations in the course of considering their comments to make to Crown Lands on any proposed development, and shall not recommend or support the grant where they are not satisfied. Where a variance or discretionary approval or other approval pursuant to these Development Regulations or the *Urban and Rural Planning Act, 2000*, is required, such matters shall be considered and disposed satisfactorily on an approval in principle basis (see Regulation 20) before the grant is recommended.

10. Discretionary Powers of Authority

- a) In considering an application for a permit or approval in principle 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, approve with conditions or refuse the application.
- b) 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

11. Variances (*Refer to Minister's Development Regulations, Section 12, January 2, 2001*)

- a) Where an approval or permit cannot be given by the Authority because a proposed development does not comply with development standards set out in the use zone tables in the development regulations, the Authority may, in its discretion, any numeric requirement of the applicable use zone table to a maximum of 10% if, in the Authority's opinion, compliance with the numeric requirements would prejudice the proper

development of the land, building or structure in question or would be contrary to public interest.

- b) The Authority shall not allow a variance from development standards set out in the use zone tables in the 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%, except as provided in Regulation 44.
- c) The Authority shall not permit a variance from development standards where the proposed development would increase the non-conformity of an existing development.

12. Notice of Variance (*Refer to Minister's Development Regulations, Section 13., January 2, 2001*)

Where the Authority is to consider a proposed variance, the Authority shall at the expense of the applicant 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, in advance by at least the time period specified in Regulation 32, prior to the date upon which Council will consider the matter.

13. 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, or where a public work or action of council designed to develop municipal services or expand the capacity of municipal services. See *Municipalities Act*, section 149.
- (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 13(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 benefited by the public works related to all the real property so benefited; 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.

14. 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 14(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 Authority, 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; or,
 - (f) another form of financial guarantee that the Authority may approve.

15. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Regulation 78, the Authority may require the dedication of a percentage of the land area of any subdivision or other development for public use, up to a maximum of 10%, and such land shall be conveyed to the Authority in accordance with the provisions of the Act.

16. 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.

17. Form of Application

- (1) An application for a development permit or approval in principle 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. The Authority may authorize payment of the permit fee only upon approval of the application, and waive the fee if not approved.
- (2) The Authority shall supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application and any information or requirements applicable to the application.

18. 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.

19. 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 18(1), shall be deemed to be refused.

20. Approval in Principle

- (1) The Authority may grant approval in principle for the erection, alteration or conversion of a building or for the subdivision of land (see Regulation 70) if, after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations. Council may attach conditions to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations and the Municipal Plan and any other relevant statutes, regulations or guidelines.
- (2) Notwithstanding an approval in principle, no work shall commence until a development permit and any other necessary permit has been issued by the Authority or others having jurisdiction.
- (3) Where approval in principle is granted under this Regulation, it shall be subject to appeal and subject to the subsequent approval by the Authority of such details as may be listed in the approval in principle, which shall also specify that further

application for approval of these details shall be received not later than two years from the grant of approval in principle.

21. 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 thereunder.
- (2) The Authority may attach to a permit or to approval in principle 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 one year, 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.
- (9) A development permit or conditions attached thereto are subject to appeal.

22. Reasons for Refusing Permit

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

23. Notice of Right to Appeal (*Refer to Minister's Development Regulations, Section 5, January 2, 2001*)

Where the Authority makes a decision that may be appealed under section 42 of the Act, the 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.

24. Appeal Requirements (*Refer to Minister's Development Regulations, Section 6, January 2, 2001*)

- 1) The secretary of the Appeal Board at the Department of Municipal Affairs and Environment, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all Appeal 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 Appeal Board.
- 2) The fee required under section 44 of the Act shall be paid to the Appeal 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.
- 3) The Appeal Board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the Appeal Board.
- 4) Where an appeal of a decision and the required fee is not received by an Appeal 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.

25. Appeal Registration (*Refer to Minister's Development Regulations, Section 7, January 2, 2001*)

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the Appeal Board as referred to in subsections 24(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the Appeal Board shall notify the Authority of the appeal and shall provide to the Authority a copy of the appeal and the documentation related to the appeal.
- (3) Where the Authority has been notified of an appeal that Authority shall within one week of notification 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.

26. Development Prohibited (*Refer to Minister's Development Regulations, Section 8, January 2, 2001*)

- (1) Immediately upon notice of the registration of an appeal the 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 the 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, the Authority shall not carry out work related to the matter being appealed.

27. Appeal Board

Pursuant to Section 40 of the *Urban and Rural Planning Act, 2000*, the Minister may, by order, establish an Appeal Board and shall assign to the Appeal Board a specific area of the province² over which it shall have jurisdiction, as outlined in section 40, of the Act.

28. Appeals

Pursuant to Section 42 of the *Urban and Rural Planning Act, 2000*:

- (1) A person or an 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 a permit to undertake a development;
 - (c) the issuance of a stop work order; and
 - (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, development regulations and amendments and revisions of them is final and not subject to an 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.
- (5) 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 representations 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 that 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.

29. Hearing Notice and Meetings (*Refer to Minister's Development Regulations, Section 9, January 2, 2001*)

- (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 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.

30. Hearing of Evidence (*Refer to Minister's Development Regulations, Section 10, January 2, 2001*)

- (1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under regulation 29(1) or 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 a 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.

31. Return of Appeal Fee

Pursuant to Section 44(3) of the *Urban and Rural Planning Act, 2000*, 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 regulation 24(b) shall be paid to him or her by the Authority.

32. Notice of Application

- (1) When a change in non conforming use is to be considered under Regulation 49, the Authority shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, to all persons whose land is in the immediate vicinity of the land, at least ten days prior to the date upon which Council will consider the matter.
- (2) When a variance is necessary under Regulation 11, and the Authority wishes to consider whether to authorize such a variance from the numeric requirements in

the applicable use zone table, the Authority shall, pursuant to Regulation 12, give written notice of the proposed variance to all persons whose land is in the immediate vicinity of the land, at least ten days prior to the date upon which Council will consider the matter.

- (3) When a proposed development is listed as a discretionary use in Schedule C of the Regulations, and the Authority wishes to consider whether to approve such a discretionary use, the Authority shall give written notice at the expense of the applicant of the proposed development to all persons whose land is in the immediate vicinity of the land, at least ten days prior to the date upon which Council will consider the matter.

33. 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.

34. Record of Violations

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

35. 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 35(1) is guilty of an offence under the provisions of the Act.

- 3) Pursuant to section 102 (5) of the *Urban and Rural Planning Act*, where the person to whom an order is directed does not act in compliance with the order or a part of it, the Authority may take any action that it considers necessary to carry out the order and any costs, expenses or charges incurred by the Authority in doing so are recoverable against that person as a debt owed to the Authority.

36 Delegation of Powers (*Refer to Minister's Development Regulations, Section 18, January 2, 2001*)

An Authority shall, where designating employees to whom a power is to be delegated under subsection 109(2) of the Act, make that designation in writing.

PART II - GENERAL DEVELOPMENT STANDARDS

37. Accesses and Streets

- (1) All developments shall have motor vehicle access to a publicly owned and maintained road or highway. The Authority may waive this requirement for access to land uses associated with agriculture, forestry, sawmilling, mineral workings or other resource or similar uses, where the requirement that a use front onto a public street is unnecessary or undesirable, but such accesses and private lanes associated with such accesses for that purpose shall not be recognized as public streets.
- (2) Access permits to provincial highways are required (see Regulation 6(7) for all developments and Regulation 80 for subdivision design involving frontage on provincial highways).
- (3) The Authority may require applicants to submit traffic engineering studies to ascertain whether proposed developments may produce traffic volumes or heavily loaded vehicles which would deteriorate the condition or diminish the safety of Council streets, and may prescribe conditions pertaining to approvals or may refuse approval if not satisfied.
- (4) Street accesses 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.
- (5) Any access to a provincial highway must be approved by the Province of Newfoundland and Labrador.
- (6) No vehicular access shall be closer than 10 metres to the street line of any street intersection.
- (7) A new public street may not be constructed except in accordance with the design and specifications laid down by the Authority, as stated in Regulation 81(1) whether the street is part of a subdivision or for another purpose.

38. Accessory Buildings and Uses

The following requirements shall apply to development of accessory buildings and land uses (including trees and vegetation) except for fences (see Regulation 39):

- 1) Accessory buildings and uses shall be clearly incidental and complementary to the appearance of the main buildings in character, use and size, and shall be contained on the same lot. A subsidiary dwelling is not categorized as an accessory building for the purpose of these Development Regulations.
- 2) There is no maximum number or floor area applicable to accessory buildings, but the maximum lot coverage specified in the Use Zone Tables in Schedule C shall apply to the sum of all buildings on the lot. Areas occupied by vegetation, trees, open storage and wheelchair ramps or similar aids for mobility are not included in the calculation of lot coverage.
- 3) Yards and separation distances:
 - a. The required side yard for accessory buildings shall be 1.5 metres or the side yard of the existing main building, whichever is the greater, except for a flanking yard in a corner lot where it shall be the required front yard for a main building.
 - b. Except where provided for in the Use Zone Tables in Schedule C and then only for accessory buildings which are accessory to a residential use and are located in a rear yard, the maximum height and number of storeys shall be 4 metres and 1 storey, and for a height more than 4 metres but less than 6 metres shall be 3 metres but still 1 storey.
 - c. Notwithstanding (b), the height of an accessory building which is accessory to a residential use shall not exceed the height of the main building on the lot. In such cases, the height of the accessory building at its peak shall not exceed the height of the main building measured in the ordinary way (see Definitions in Schedule A), and the height of the accessory building shall be measured to its peak or highest point.

- d. Maximum heights or number of storeys are not applicable to buildings which are accessory to non-residential uses, but the maximum height for all buildings as specified in the Use Zone Tables for the applicable Zone shall nevertheless apply.
 - e. The minimum separation between accessory buildings and main buildings shall be 3 metres or the separation required by building codes, whichever is the greater.
 - f. An open or partially enclosed deck attached to a dwelling shall not extend into the minimum required front and side yards and flanking road setback and shall not be closer to the rear lot line than 1 metre. A deck is not included in the calculation of lot coverage. Decks attached to non-residential buildings shall not extend into the required rear yard as specified in the Use Zone Tables for the applicable Zone.
- 4) Accessory buildings shall comply with any building line established pursuant to Regulations 42 or 77 or minimum required front yard requirements and shall not be located in the actual front yard of existing principal or main building(s) where the main building(s) closest to the front lot line is set back from the front lot line a distance in excess of the minimum required front yard or building line, except where otherwise provided in the Use Zone Tables in Schedule C, but in any case said accessory buildings must comply with the building line or minimum required front yard.
 - 5) Except where provided for in the Use Zone Tables in Schedule C, the location and features of an access ramp for a wheelchair or similar aid for mobility shall comply with the requirements of Regulation 38(1), (2), (3) and (4).
 - 6) Except where provided for in the Use Zone Tables in Schedule C, the location and features of open storage of materials, goods and machinery on a lot shall comply with the requirements of Regulation 38(1), (2), (3) and (4).
 - 7) Small scale garden and horticultural uses are deemed to be accessory to any legal use of land.

- 8) The requirements of Regulation 39 (2) (c) concerning sight lines at intersections shall apply to accessory buildings, vegetation and trees.

39. Fences.

- 1) Except as otherwise set out in the Use Zone Tables in Schedule C or in a Fence Regulation adopted under the *Municipalities Act*, the requirements of this Regulation shall apply to all fences located within the Planning Area.
- 2) Fences may be erected in any yard of any lot subject to the following:
 - a. They are located no closer to the centrelines of provincial highways than permitted pursuant to various provincial regulations (see also Regulation 57).
 - b. The material or materials used in the erection and repair of a fence shall only be of a type which meets the approval of the Authority.
 - c. With respect to sight lines, no fence shall be erected with a height of greater than 0.75 metres above the grade of the street line within the triangle formed by two intersecting street lines and a line connecting two points on the two intersecting street lines located 15 metres from the point of intersection of the two streets where one of the streets is a public highway, or 8 metres for intersecting Council streets, in either case where in the opinion of the Authority it impedes sight lines (see also Regulation 57). Also, no fence shall be erected with a height of greater than 0.75 metres above the grade of the street line at the intersection of a driveway and a road where in the opinion of the Authority it impedes sight lines.
 - d. The fences are entirely located on the lot or directly on the lot lines, except where yard requirements specify special setbacks for fences.

40. Buffer Strips Between Residential and Non-residential Uses

- 1) Where any non-residential development permitted in any Use Zone abuts an existing or intended residential development, the owner of the site of the non-residential development shall provide a buffer strip on the site of the non-residential development of not less than ten (10) metres width between the nearest lot lines of the residential

development and the structures and travelled areas such as parking lots and lanes in the non-residential development.

- 2) The buffer shall include the provision of such natural or structural mitigative measure as may be required by the Authority and shall be maintained by the owner or occupier to the satisfaction of the Authority. The Authority must be satisfied that the non-residential development will not cause excessive noise, traffic, nuisance or hazard to adjacent residential uses, and in general will be compatible with the residential area.
- 3) Conversely, where a residential use is to be located adjacent to a non-residential use, the Authority may require the developer of the residential use to provide a suitable buffer of like kind.

41. Building Height

- 1) Development of structures of a height greater than that specified in the Use Zone Tables in Schedule C is permitted, provided that the yard requirements are adjusted as follows:
 - a. The front yard and side yards shall be increased by 2 metres for every 1 metre increase in height above the minimum required height.
 - b. The rear yard shall not be less than the minimum building line setback calculated as described in (a) above plus 6 metres.
- 2) Except where provided for in the Use Zone Tables in Schedule C, the height and yard requirements prescribed in (1) shall apply to flagpoles, water towers, spires, and belfries.

42. Building Line and Setback

- (1) The Authority, by resolution, may establish building lines, measured from the front lot line or the lot line on any flanking street in a corner lot, on an existing or proposed street or service street and may require any new buildings to be located on those building lines, notwithstanding whether such building lines conform to the standards set out in the tables in Schedule C of these Regulations.
- (2) Notwithstanding (1), the Authority may where provided in the Use Zone Tables for approval of building lines for developments to complement setbacks of existing buildings on abutting lots.

43. Family and Group Care Centres

Family and group care centre use is permitted in any residential dwelling division structure 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 appearance 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.

44. Mineral, Mining and Petroleum Developments

1) Exploration

- a) In addition to other requirements concerning environmental protection and safety, Council will consider best practices in mineral exploration and petroleum exploration, in consultation with the Mineral Lands Division of the Department of Natural Resources, and include conditions in approving exploration applications.
- b) Conditions may include conditions concerning proximity of activities to existing development, limiting hours of mechanized operations, requirements to restore areas where ground has been disturbed, removal of vehicles, equipment and trash when finished, restoration of roads, trails, vegetation and drainage features, and the like.
- c) The Authority may require a site restoration surety and/or other guarantees of satisfactory compliance.

2) Mineral Workings, Mining and Petroleum Extraction

a) Separation from Adjacent Uses

<u>Area or Feature</u>	<u>Minimum Distance of Mineral Workings, Mines or Petroleum Extraction Structures and Activities from Area or Feature:</u>
Boundaries of the following Zones: Residential (RES) Mixed Development (MD) Dribble Brook Protected Water Supply (DBPWS) Watershed Protection (WP)	300 metres*
From abutting private property, and must have written permission of abutting property owner	15 metres*
Boundaries of any Environmental Protection (EP) Zone	100 metres
Public highways or streets or public trails	90 metres
Waterbody, including the sea or watercourse	50 metres (30 metres if water body is a wetland or ephemeral watercourse)*
<p>Where a minimum required distance was originally observed when choosing the location of a mineral working, mine or petroleum extraction, the said use shall not be discontinued or impeded where the buffer is reduced to less than the required distance due to encroachment of development towards the said use.</p> <p>* These criteria are found in the Standard Terms and Conditions for all quarry permits, leases and subordinate quarry permits issued pursuant to the Quarry Materials Regulations under the Quarry Materials Act (O.C. 96/248). Those not marked * are devised by Council.</p>	

b) The following conditions shall apply to operations:

i. Water Pollution

No mineral working, mine or petroleum extraction or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse (see also applicable requirements of the Wellhead Protection (WP) Use

Zone Table and Regulation 54 concerning the Wellhead Protected Water Supply overlay). Any access road which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with provincial government regulations.

ii. Water Ponding

No mineral working, mine or petroleum extraction shall result in the excavation of areas below the level of the water table nor in any way cause the accumulation of ponding of water in any part of the site. Settling ponds may be permitted with the approval the provincial government.

iii. Erosion Control

No mineral working shall be carried out in a manner so as to cause erosion of adjacent land.

iv. Site Maintenance

The mineral working, mine or petroleum extraction shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.

v. Access Roads

During extended periods of shutdown, access roads shall be ditched or barred to the satisfaction of the Authority.

vi. Stockpiling Cover Material

All stumps, organic material and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5 metres from active disturbed areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.

c) Operating Plant and Associated Processing and Manufacturing

- i. The Authority may permit processing and manufacturing use associated with mineral working, mine or petroleum extraction 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.
- ii. 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 resources.

d) Termination and Site Rehabilitation

Upon completion of the mineral working, mine or petroleum extraction, the following work shall be carried out by the operation:

- i. All buildings, machinery and equipment shall be removed.
- ii. All reconstructed slopes shall be graded to slopes less than 20° or to the slope conforming to that existing prior to the mineral working, mine or petroleum extraction.
- iii. Topsoil and any organic materials shall be respread over the entire disturbed area.
- iv. The access road(s) shall be ditched or barred to the satisfaction of the Authority.
- v. If the mineral working, mine or petroleum extraction 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 reserves.

e) Screening and Fencing

A mineral working, mine or petroleum extraction shall be screened or fenced in the following manner where it is visible from a public street or highway, public park, developed area, or area likely to be developed during the life of the use:

- i. Where tree screens exist between the use and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 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 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Authority may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Authority.

- ii. 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 use from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets and public parks. The berms shall be landscaped to the Authority's satisfaction.
- iii. Where natural topography creates a visual screen between a mineral working, mine or petroleum extraction and adjacent public highways and streets or public parks or other land use (excepting forestry and agriculture), additional screening may not be required.
- iv. The Authority may require the mineral working site, mine or petroleum extraction or parts thereof, to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

45. Agricultural Uses Involving Keeping of Animals

- (1) No structure or land for keeping animals for agricultural purposes involving any number of Animal Units is permitted, unless the structures and land used for outdoor ranges are located in the Rural (RUR) Zone and complies with the following requirements:
 - (a) Where the structure or use of land involves keeping of five or more Animal Units, the structure shall be at least:
 - i. 1 kilometre from the Mixed Development (MD) or Residential (RES) Zone, and,
 - ii. 300 metres from the boundaries of the Wellhead Protection (WP) Zone, the Wellhead Protected Water Supply Area overlay, and the Dribble Brook Protected Water Supply (DBPWS) Zone, and,
 - iii. 300 metres from an existing residence except that a farm residence which may comprise a single dwelling structure and a subsidiary dwelling associated with the agricultural use is permitted.

- iv. 60 metres from the boundary of the property on which it is to be erected.
 - v. 90 metres from the centre line of a street.
- (b) For developments involving five or more Animal Units, the erection of the structure and use of land for agricultural purposes shall be approved by the Department of Fisheries and Land Resources and the Department of Municipal Affairs and Environment, and comply with the *Environmental Farm Practices Guidelines for Livestock and Poultry Producers in Newfoundland and Labrador*.
- (2) No development for residential use shall be permitted within 600 m of a lawfully existing structure designed to contain more than five Animal Units unless the development is first approved by the Department of Fisheries and Land Resources.
 - (3) Where provided in the Use Zone Tables, existing agricultural uses shall be permitted.

46. Archaeological Resources and Heritage Sites

- (1) Any proposal or application for a development that requires ground disturbance shall be reviewed by the Authority to determine whether the site may be a site protected under the *Historic Resources Act* and if so to be referred to the Provincial Archaeology Office for assessment and clearance before any permit is issued or work commences.
- (2) Should any artifacts be discovered during work on any site, work is to stop and the site is to be secured until such an assessment has been conducted and the Authority and the Provincial Archaeology Office have determined what, if any, work may resume and under what conditions.

47. Lot Area and Size Exceptions

- 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 not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.
- 3) Where, at the time of coming into effect of these Regulations, one or more lots already exist in any 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 building(s), provided that the lot coverage and building height(s) are not greater than, and the yards and floor area are not less than, the standards set out in these Regulations.
- 4) Subsidiary apartments in single dwellings shall be considered part of the single dwelling structure for the purpose of calculating lot area, lot coverage, and yards.

48. Fronting on a Public Street; Flag Lots

- a) Except where provided for in Regulation 37(1) or the Use Zone Tables in Schedule C of these Regulations, no building shall be erected and no subdivision shall be approved unless the lot on which it is situated fronts onto a street or forms part of a comprehensive development. A flag lot is deemed to front on a street by virtue of its leg abutting the street.
- b) Development on a flag lot and/or subdivision of land to create a flag lot are permitted provided that the requirements for lot area are satisfied in the main body of the flag lot, and that the minimum interior dimension of the main body of the flag lot is at least the minimum frontage required. The location of all main or accessory buildings on a flag lot shall provide for yards in the main body of the lot of at least the dimensional minimum requirements of the building line setback, side yard widths, and rear yard depths ordinarily required, as if the main body of the flag lot were an ordinary lot where most or the whole width of the lot abuts the street. Whereas the ordinary meanings of side, front

and rear yards are not relevant to a flag lot, any yard in a flag lot can be deemed the front, side or rear yard for this purpose. See the Definition in Schedule B for Flag Lot.

- c) Except as otherwise set out in the Use Zone Tables in Schedule C, the minimum width of the leg which provides access to a street shall be 6 metres at every point along its length, including the length of the leg where the flag lot fronts on a street. Where the full required width cannot be provided in fee simple within the area of the leg of the flag lot, by reason of limited space between lot lines and existing structures or other physical features, all or part of the required leg width may be composed of a perpetual license or easement for vehicular and pedestrian access across the abutting land, in favour of the flag lot. For clarity, the leg may be comprised entirely of a perpetual license or easement for vehicular and pedestrian access across the abutting land. The said license or easement for access across abutting lands shall not be deemed for the purpose of Regulation 47 to be an alienation or conveyance having the effect of reducing the lot area of the abutting lot.

49. Non-Conforming Use (*Refer to Minister's Development Regulations, Section 14, 15, 16, 17, January 2, 2001*)

Pursuant to Section 108 of the *Urban and Rural Planning Act, 2000*:

- (1) Notwithstanding the Municipal Plan, scheme or regulations made under the *Urban and Rural Planning Act, 2000*, the 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 non-conforming 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 3 years after the discontinuance of that use.

- (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 Authority;
 - (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 Authority to a use that is, in the Authority's opinion, more compatible with the plan and regulations applicable to it;
 - (e) may have the existing building extended by approval of the Authority where, in the Authority's opinion, the extension is not more than 50% of the existing building;
 - (f) where the non-conformance is with respect to the standards included in these development regulations, 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;
 - (g) where the building or structure is primarily zoned and used for residential purposes, it may, in accordance with the municipal plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed but the residential building or structure, and where being repaired or rebuilt, must be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

- (4) Before making a decision to vary an existing use of a non-conforming building, structure or development, the Authority, at the applicant's expense, shall give public notice as described in Regulation 32.

50. Offensive and Dangerous Uses

- 1) No building or land shall be used for any purpose which may be dangerous by causing or promoting fires or other hazards or accumulation of materials 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.
- 2) 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.
- 3) Solid waste materials shall not under any circumstances be used as fill for buildings and lots. Wrecked or inoperable vehicles, machinery or equipment of any kind shall not be stored or abandoned where it may be in public view.

51. Hazards to Building and the Environment

The following requirements are intended to prevent or mitigate exposure to hazards of landslides, rock falls, avalanches, flooding, coastal erosion and climate change:

- 1) Council shall require that any proposal for the erection of a structure on a site which is potentially subject to flooding, sea level rise, coastal erosion or any other physical hazard near watercourses and the sea, must be certified by a professional engineer to ensure that development of the site can take place without danger to health or safety, within a one

hundred year time period from the year in which application for the development was made;

- 2) A specific requirement concerning sea level rise and coastal erosion is that new development must be above the current 2 metre contour, and be set back at least 30 metres from the shores of the ocean and any inland water body subject to tidal influence, to provide a buffer against coastal erosion, except that the following are permitted:
 - a. Structures or land uses requiring direct access to salt water, including wharves, breakwaters, slipways and boathouses, and if approved to be in accordance with the Department of Municipal Affairs and Environment's *Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses*;
 - b. Public works, such as water and sewer services and electrical lines;
 - c. Recreational open space class and trails;
 - d. Mineral workings if permitted in the use zone table;
 - e. A lesser setback but in no case less than 15 metres, where the proponent can demonstrate that the building(s) would be founded directly on bedrock rather than on surficial soils, loose rock, or severely fractured bedrock;
 - f. Enlargement or renovation of main building(s) which are located within the required setback from the shore, and accessory buildings which may be developed subject to the ordinarily applicable requirements in the use zone table.
- 3) Any proposal for development of a site having a slope in excess of 20% must be certified by a geotechnical professional engineer as having low risk of landslide, avalanche, and rockfall.
- 4) Further to the above, development must conform to the requirements of the use zone table for the applicable zone.

52. Off-Street Parking and Loading Requirements

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a number 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 or occupancy shall conform to the standards set out in in the "Parking Requirements" column in the table in Schedule B of these Regulations, the Classification of Uses of Land and Buildings.
- (3) Each parking space, except in the case of single or double dwellings, shall be made accessible by means of a durably surfaced aisle at least 4 m in width for one-way travel . Parking required for a development shall be provided on the same lot as the main use; the Authority at its discretion may permit off-lot parking where a registered license or easement to do so in favour of the development and the Authority is recorded against the land on which the off-lot parking is located.
- (4) The parking facilities required by this Regulation shall, except in the case of residential developments in the classes of single dwellings, double dwellings, row dwellings, boarding houses, seasonal dwellings and mobile homes, be arranged so that it is not necessary for any vehicle to reverse onto or from a street, except where specifically exempted by the Authority.
- (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 2.75 m wide by 5.80 m long for perpendicular parking or 7 m long for parallel parking, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas, and any driveway from the street into the parking area and the

aisles in a parking area which give access to parking spaces shall be at least 7.3 m wide;

(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 set out in a) through h) is impractical or undesirable, the Authority may waive part or all of the requirements, or, as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the part or all of the requirement for parking whereby 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.

- (6) 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, and 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. The number of loading spaces to be provided, if any, shall be determined by the Authority.

53. Recreational Open Space and Conservation Uses; Public Trails and the T’Railway

- 1) Nothing in these Regulations shall prevent the designation of conservation or recreational open space areas in any zone provided that such uses are not located in areas which may be hazardous to their use and that they are not operated for commercial purposes.
- 2) Nothing in these Regulations shall prevent the Authority from designating public trails in any part of the municipal planning area, with the consent of the owners of properties which would be involved.
- 3) The Authority will endeavour to prevent intrusion of developments into designated public trails and the T’Railway. Buildings, structures and alteration of elevations of land or vegetation thereon, on any public trail designated by Council, shall not be located or made in such manner as would impede the safety or amenity of public use of the trail.
- 4) Development on the T’Railway property is subject to the approval of the Provincial Parks Division of the Department of Tourism, Culture, Industry and Innovation as well as compliance with the Municipal Plan and the Development Regulations.

54. NALCOR and Wellhead Protected Water Supply Area Overlays

- 1) Any applications for development within the NALCOR Corridor (Statutory Easement 14427), shown on the Land Use Zoning Maps shall be submitted to NALCOR for approval before any permit of the Authority is approved, to ensure that the features of the

development provide for NSP Maritime Link Inc. operation and maintenance of the transmission line.

- 2) The "*Wellhead Protected Water Supply Area, St. Georges Wellfield, Wells Number 1, 2, 3 & 4, WS-G-0876 for the Town of St. Georges*" shown on the Land Use Zoning Maps as the Wellhead Protected Water Supply Overlay is protected pursuant to Section 61 of the *Water Resources Act*. The requirements of that protective regulation shall apply in addition to the requirements of the underlying Zones. Condition 2(b) in the Use Zone Table for the Wellhead Protection Zone shall apply throughout the overlay. The most restrictive of these requirements shall apply.

55. Services and Public Utilities

- 1) 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.
- 2) Development to be serviced with private water supply and/or private sewage disposal systems shall not be approved by the Authority or occupied unless the requisite Certificates of Approval have been approved by the provincial government.
- 3) Further to 2), concerning subdivision of land, the Authority will ensure compliance with the *Groundwater Supply Assessment and Reporting Guidelines* administered by the Water Resources Division of the Department of Municipal Affairs and Environment (at the time of adopting the Development Regulations, those *Guidelines* require such an assessment when five or more new lots are proposed to be created; a groundwater assessment study will not be required for subdivisions less than five lots, each having a minimum 2023 square metre area, unless the area has documented drinking-water quality and/or quantity problems; note that these requirements are subject to change).

56. Service Stations

The following requirements shall apply to 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 7.3 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.

57. Building Near Highways

- 1) The following shall be satisfied and proof provided as per subsection (2) by the applicant before any Authority permit is approved for development near Highway 403 (Flat Bay Road), Highway 461 (St. George's Highway), and the TransCanada Highway (Highway 1), pursuant to the regulations cited:
 - a) Highways 403 and 461: *Building Near Highways Regulations, under the Works, Services and Transportation Act: "A person shall not erect, repair, alter or structurally improve a fence, building or other structure, nor shall he or she plant trees, shrubs or hedges without the prior permission of the minister within 15 metres [for their class of highway] from the centre line of the highway."*
 - b) TransCanada Highway (Highway 1): *Protected Roads Zoning Regulations, under the Urban and Rural Planning Act: the TransCanada Highway (Route 1) is a Class I highway, which is designated as a primary highway by the Department of Works, Services and Transportation or is presently or proposed to be divided by a median strip which shall allow right in and right out access only. The Regulations state that within a municipal boundary, the building control line shall be 100 metres distant, measured perpendicular, from the centre line of the roadway and outside the municipal boundary, but within the planning area boundary, the building control line*

shall be 150 metres distant, measured perpendicular, from the centre line of the roadway. As the TransCanada Highway lies entirely outside the municipal boundary, only the latter requirement (150 metre distant) is applicable.

- c) All highways: *Highway Sign Regulations*, under the *Urban and Rural Planning Act*: for any sign within 400 metres from the centre line of the roadway for locations within the planning area but outside the municipal boundary, and, within 100 metres from the centre line of the roadway where within the municipal boundary.

- 2) Applications for permits pursuant to the above regulations are to be made to the Government Services Centre, Service NL. These requirements are in addition to requirements pursuant to this Municipal Plan and the Development Regulations. Where there is conflict between the provincial government regulations and the Municipal Plan or the Development Regulations, the provincial government regulations shall prevail.

58. Removal of Quarry Materials

- 1) Quarry materials produced as a by-product of an approved development may be removed from the development site. The owner must ensure that notice is given to the provincial government of such activity. Materials removed for site preparation to construct a building, including topsoil, overburden, and rock may be retained or re-used on the development or removed from the site. Quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat.
- 2) The Authority will notify the Department of Natural Resources when the Authority has issued a permit for a development involving excavation of quarry materials.
- 3) Removal of subject materials from a development site is deemed to be an accessory use to the development, but only for the term of the construction activity.
- 4) When the site development has been completed, the area affected shall be suitably landscaped and drained in accordance with a plan approved by the Authority.

- 5) If the site work is expected to be extensive, or found during the course of the work to be extensive, the Authority may require the deposit of a surety in the amount of \$500.00 which shall be returned to the developer upon satisfactory completion of the work.

59. Site Development, Grading and Drainage

- 1) Before approving the development of any site, the Authority shall take into consideration the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving drained water from the site, and related matters.
- 2) The Authority shall ensure that the development is not inappropriate by reason of:
 - a. Precipitating or contributing to a pollution problem in the area, or,
 - b. Causing erosion or sedimentation.
- 3) A permit shall not be required for the ordinary landscaping and vegetation of the surface of the land, but shall be required for excavation or filling and this permit requirement may be satisfied by showing the details on a permit application for structures which are part of the same development.
- 4) The Authority may require a site grading plan to show the works required to ensure adequate drainage of the lot into channels and other storm management works approved by the Authority, and the site grading plan shall be made a condition of the permit.

60. Unsubdivided Land

Development is not permitted on unsubdivided land unless sufficient area is reserved to satisfy the yard and other requirements called for in the Use Zone in which it is located and the yards and applicable requirements shall be retained when the adjacent land is developed.

61. Number of Buildings on a Lot; Comprehensive Development

- 1) No more than one single dwelling or mobile home shall be located on a lot, except for a subsidiary dwelling where permitted in the Use Zone in which it is located, or in a mobile home park or comprehensive development.

- 2) Where provided in the Use Zone Tables in Schedule C for the Zone(s) in which it is located, a comprehensive development may be approved. The uses which may be developed are those uses which are permitted or approvable at Council's discretion in the applicable Zone(s).

PART III – ADVERTISEMENTS

62. Permit Required

Subject to the provisions of Regulation 67, no advertisement (sign) shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Authority.

63. Form of Application and Permit

Applications for permits to erect an advertisement shall be made pursuant to Regulation 17, unless exempted by Regulation 67.

64. Advertisements Fronting on Public Highway or Street Reservation

No advertisement shall be erected fronting on or within, on or over any public highway or street reservation, except where approved by the Authority and the Government Services Centre.

65. Standards of Construction and Location

- a) A sign shall not be erected, posted or placed where in the opinion of the Authority, that sign would be hazardous to road traffic by reason of its siting, illumination or structural condition.
- b) The materials and design of construction thereof shall be to the satisfaction of the Authority.
- c) All signs, including those which may be approved to allow larger advertisement areas or types of signs not listed in Regulation 67, must be tastefully presented (in terms of content—for example, not offending public policy such as promotion of hate speech), legibility and overall graphic design).

66. Removal of Advertisements

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,
- (b) obsolete by virtue of no longer referring to an existing place or event;
- (c) unsightly or otherwise detrimental to the appearance and amenities of the surrounding area.

67. Advertisements Exempt from Control

- 1) The following advertisements may be erected without application to the Authority:
 - a) a posting of a candidate during an election to a public body;
 - b) on a dwelling, one nameplate not exceeding 0.28 m² in area;
 - c) a notice posted by a public authority, including a guide or information sign;
 - d) a sign placed by a telephone, telegraph or electric power company to indicate danger;
 - e) a sign, not exceeding 0.5 square metres, advertising the sale or rental of land;
 - f) a notice board not exceeding 1.5 m² in area and relating to the operations being conducted on the land for resource industry, church, public building or similar use;
 - g) on the principal facades 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; and provided that the overall sign area so created does not exceed 5 square metres.
 - h) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot.
- 2) Areas of signs are applicable to each face of multiple faced signs.
- 3) Except where otherwise provided in the Use Zone Tables, only the types of signs and applicable maximum areas listed in 1) may be developed.

68. Temporary Signs

- 1) A portable sign shall be deemed to be a temporary sign.
- 2) A temporary sign may be permitted in any zone for a period not exceeding 30 consecutive days, provided that the sign does not exceed 4 square metres in area and does not create or aggravate a traffic hazard, such as blocking a sight line and is made of materials, design and colour in keeping with the character and appearance of the area.

69. Non-Conforming Uses

A permit may be approved for advertisements which comply with this Part III notwithstanding that the main use on the lot is non-conforming.

PART IV - SUBDIVISION OF LAND

70. Permit Required and Sureties

- 1) No land in the Planning Area shall be subdivided unless a permit for the development of the subdivision is first obtained from the Authority.
- 2) Notwithstanding the approval of a subdivision by the Authority, a separate permit shall be obtained pursuant to these Development Regulations for each building proposed to be erected in the area of the subdivision, and no such 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 and the building.
- 3) Before an approval in principle or permit is issued for a subdivision requiring the construction and/or upgrading of roads and/or municipal water and/or sewer services, the Authority shall require the deposit of a construction guarantee and surety in a form satisfactory to the Town to ensure the completion of work in accordance with the approval (see also Regulation 14). The requirements for a surety, along with other matters, may be set out in the Subdivision Policy adopted by the Authority and any agreements pursuant to it.

71. Services to be Provided

- 1) 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. Private water supplies and/or private sewage disposal systems shall not be recognized by the Authority unless the requisite Certificate of Approval has been granted by the provincial government authorities.
- 2) Approval of subdivisions involving five or more lots or the addition of unserved lots to existing unserved subdivisions will require that a groundwater assessment be done in accordance with provincial government policy, to ensure that a satisfactory water supply will be available for the anticipated development.

72. 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 13, 14 and 82.

73. 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 Municipal Plan and Regulations affecting the site;
- (d) the land use, physical form and size of buildings anticipated to be developed on the new lots and the character of adjacent developments related the same factors;
- (e) the transportation network and traffic densities affecting the site;
- (f) the relationship of the project to existing or potential sources of nuisance;
- (g) topography, soil and subsoil characteristics of each lot, and the related difficulty or cost of landscaping and access;
- (h) the drainage of the site and potential for affecting drainage of adjacent land;
- (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.

74. Concept and Final Plans

- 1) Where there is a larger subdivision of land and/or subdivision of land entailing the construction of new roads, the Authority must grant an Approval in Principle (see Regulation 20) for a concept plan and the arrangements for construction guarantees and sureties (see Regulation 70(3)) before the developer can proceed to the preparation of construction (final, detailed) drawings and a permit is issued for the subdivision.
- 2) The concept plan shall show the following:
 - a) A legal survey of the land included in the subdivision,
 - b) A detailed description of the types and standards of development and services proposed for the subdivision,
 - c) The layout of roads, lots, open spaces, and other pertinent features of the development,
 - d) The phasing of the development,
 - e) The estimated costs of the works in the development, by phase, as certified by a professional engineer and verified by the Authority's engineer.
- 3) Upon approval of the concept plan, a Final Plan containing the construction (final, detailed) drawings, costings for the design and construction of works, and other information as requested by the Authority, shall be prepared and approved by the Authority and other relevant agencies before construction shall proceed.

75. Form of Application

Application for a permit to develop a subdivision shall be made to the Authority in accordance with Regulation 17.

76. Subdivision Subject to Zoning

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

77. Building Lines

The Authority may establish building lines for any subdivision street and require any new building to be located on such building lines. In the case of any flag lots which would be created in the subdivision, the building lines will not necessarily be parallel to the street line but will reflect the appropriate orientation of buildings and yards in the main body of the flag lot(s).

78. 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 for parkland or other public use, 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 parkland 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 beneficial 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 78(1)(d) above, shall be reserved by the Authority for the purpose of the acquisition or development of land for parkland or other public use.
- 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 parkland or other public use.

- 3) The Authority may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, or across or along the boundary(s) of the area being subdivided or any other area in the Planning Area, or any combination thereof, and this land may, at the choice of the Authority, constitute part of or all of the requirement of land for parkland or other public use under Regulation 78(1).
- 4) Lands required by the Town for storm water management, roads, public services, public utilities, and environmental protection shall be in addition to the requirement for parkland or other public use.

79. Structure in Street Reservation

The placing within any street reservation of any structure (for example, an electrical power, telegraph or telephone pole, fire hydrant, mail box, fire alarm, or 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.

80. 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 10 percent.
- (b) Water mains in central water systems shall to be designed as loops if feasible to avoid dead-ending.
- (c) A cul de sac shall not be permitted unless the Town is satisfied that there is no reasonable alternative to development of the property. Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 metres measured to the front lot lines of lots fronting on the turning circle.

- (d) The maximum length of any cul de sac shall be 300 m in areas except where an emergency vehicle access from the head of the cul de sac to another public street is provided. An emergency vehicle access from another public street to the head of a cul de sac shall be not less than 3 m wide and shall be provided with gates to prevent use as an ordinary street.
- (e) Where subdivision of lots involves frontage on provincial highways or existing Council streets, the design of accesses shall comply with the requirements of the Department of Transportation and Works and Regulation 80, respectively.
- (f) New subdivisions shall have street connections with an existing street or streets. The design of intersections with provincial highways shall comply with the requirements of the Department of Transportation and Works, which shall prevail where there is conflict between those requirements and the requirements in the Development Regulations.
- (g) All street intersections shall be constructed within 5 degrees 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 street block shall be longer than 500 m between street intersections, measured to the intersection of street centrelines for which road reserves to access adjacent lands shall be deemed to form intersections for this purpose.
- (k) Streets in 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 (provincial government highways)	30 m	15 m	1.5 m	1
Local streets (all other streets:	15 m	7 m or more as required by Council	1.5 m	1

- (l) No lot intended for residential purposes shall have a depth exceeding four times the frontage except where topography or unusual dimensions of the lot being subdivided make this impractical.
- (m) Residential lots shall not be permitted which abut a local street at both front and rear lot lines unless the circumstance is beyond the control of the proponent.
- (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, and each lot shall be laid out so as to maximize the usefulness of the land to the eventual occupant, with regard to positioning of buildings, driveways, and outdoor storage and activity areas, and street reserves of regulation width and configuration shall be left to provide connections to future streets on adjacent lands as directed by the Authority.
- (p) No more than two legs or prolongations of flag lots shall abut at the street line.
- (q) A lot to be created for an existing cemetery use or expansion thereof may be of any size and the requirements for access to a public street and for dedication for public open space shall be waived.

81. 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, and shall comply with the current Municipal Water, Sewer and Road Master Construction Specifications promulgated by the Province of Newfoundland and Labrador.
- (2) Upon approval by the Authority of the proposed subdivision, the Engineer shall certify all construction layout on the ground, prior 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. The Engineer may approve such certifications by other engineers.

82. Developer to Pay Engineer's Fees and Charges

The developer shall pay to the Authority or directly to the Engineer, at the choice of the Authority, all the Engineer's fees and charges for the preparation of designs and specifications and for the layout and supervision of construction, or for the Engineer to review such work by others; such fees and charges being calculated in accordance with the Schedule of Fees recommended by the Association of Professional Engineers of Newfoundland, or equivalent, and in effect at the time the work is carried out.

83. Street Works May Be Deferred

- 1) 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 guarantees and sureties satisfactory to the Authority in

accordance with the policies of the Authority before approval of his application, an amount estimated by the Authority's Engineer as reasonably sufficient to cover the cost of construction and installation of the works, including a contingency allowance.

- 2) 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 carry out 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.

84. 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.

85. 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 the lot can be served with satisfactory water supply and sewage disposal systems, and satisfactory access to a street is provided for the lots.

86. Grouping of Buildings and Landscaping

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. 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

87. Use Zones

- 1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Land Use Zoning Maps 1 and 2, attached to and forming part of these Regulations.
- 2) Subject to Regulation 87(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.
- 4) Pursuant to Policy 6.2.17 in the Municipal Plan, proposed developments which straddle or are very close to a Zone boundary may be considered in accordance with the policies and requirements of either Zone, provided the proposed development does not negatively impact the amenity and quiet enjoyment of areas in the Residential (RES) Zone and respects the intent of other policies in this Municipal Plan. Notwithstanding the foregoing, the boundaries of areas established by provincial government regulations for the protected surface and groundwater supply areas and the NALCOR corridor are fixed and are not subject to any deviation from their legal descriptions.

88. Use Groups, Divisions and Classes

The specific uses to be included in each Use Group, Division and 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. The examples do not constitute the whole range of possibilities which may be found in their respective classes.

89. Permitted Uses

- (1) Subject to these Regulations, the uses that fall within the Permitted Use Groups, Divisions, and Classes set out in the appropriate Use Zone Table in Schedule C shall be permitted by the Authority in that Use Zone.
- (2) Where the permitted use is expressed by the title of a "Group" shown in Schedule B, all of the uses in the divisions and classes of uses under that title shall be permitted, and likewise where the permitted use is expressed by the title of a "Division" shown in Schedule B, all of the uses in the classes of uses under that title shall be permitted.

90. Discretionary Uses

- (1) 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 32 and has considered any objections or representations which may have been received on the matter.
- (2) Where the discretionary use is expressed by the title of a "Group" shown in Schedule B, all of the uses in the divisions and classes of uses under that title may be permitted, and likewise where the discretionary use is expressed by the title of a "Division" shown in Schedule B, all of the uses in the classes of uses under that title may be permitted, subject to the provisions of subsection (1).

91. 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

ACCESS: 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. *(Refer to Minister's Development Regulations, January 2, 2001)*

ACCESSORY BUILDING:

- (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 antennas,
- (iii) for commercial uses, workshops or garages, and
- (iv) for industrial uses, garages, offices, raised ramps and docks.

(Refer to Minister's Development Regulations, January 2, 2001)

ACCESSORY USE: A use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use. *(Refer to Minister's Development Regulations, January 2, 2001)*

ACT: The Urban and Rural Planning Act, 2000.

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, crop growing, seed growing, dairy farming, the breeding or rearing of livestock, including an animal 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, market gardens and nursery grounds and the use of lands for woodlands where that use is ancillary to the farming of land for another 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 UNIT: Any one of the following animals or groups of animals, wherein for species not listed and for general calculation, one animal unit is equivalent to 454 kg live weight:

- 1 bull;
- 1 dairy cow;
- 2 heifers;
- 2 beef cattle;
- 5 calves, veal or otherwise;
- 1 sow in farrow to finish operation;
- 3 sows in other than farrow to finish operations;
- 6 hogs;
- 3 boars;
- 150 female mink (including associated males and kits);
- 200 rabbits;
- 40 foxes (including litters);
- 7 goats;
- 1 horse (including foals);
- 8 sheep (ewes);
- 16 sheep (lambs);
- 252 laying hens;
- 350 pullets;
- 70 broiler turkeys;
- 60 heavy turkeys;
- 40 heavy tom turkeys;
- 500 broiler chickens or roosters;

ANTENNA: an electrical device that converts electric currents into propagating electric and magnetic fields in the form of waves (i.e. radio waves or electromagnetic waves) and vice versa (Reference: Safety Code 6: Health Canada's Radiofrequency Exposure Guidelines). For the purpose of this Development Regulation, "antenna" has the same meaning as "antenna system", which is a structure located outside of the walls and roofs of building structures or attached to them, supporting equipment for the said purpose, comprising a mast or tower which is either self supporting, attached to a building or another structure, or stayed with anchored guy wires, or some combination thereof, wherein antennas which are shorter than 15 metres in height are classed as "short", those taller as "tall".

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

APPLICANT: A person who has applied to an Authority for an approval or permit to carry out a development.

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

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

AUTHORITY: The Town Council of St. George's.

BOARDING HOUSE: A dwelling in which at least 2 rooms are regularly rented to persons other than the immediate family of the owner or tenant.

BED AND BREAKFAST: An owner-occupied or owner-managed establishment for paid temporary accommodation for up to 16 overnight guests that may include a dining room for the use of overnight guests and their invitees. The establishment must be registered with and receive a rating from Canada Select and must also be approved by the provincial government ministry charged with tourism matters as a Bed and Breakfast operation.

BOAT SHED or BOAT HOUSE or STAGE or WHARF: a building or structure located on land or in the water, at the edge of a water body, and used to house or berth boats and to store related gear and equipment.

BOAT HOUSE: see Boat Shed

BUILDING:

As defined in the *Urban and Rural Planning Act 2000*, means:

- (i) a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land,
- (ii) mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses,
- (iii) a part of and fixtures on buildings referred to in subparagraphs (i) and (ii), and
- (iv) an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in subparagraphs (i) to (iii).

BUILDING HEIGHT:

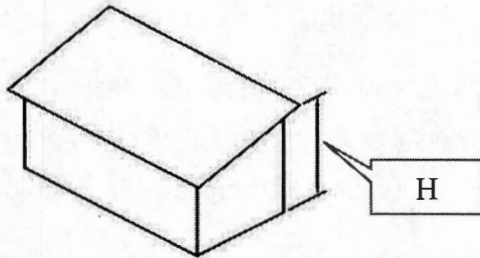
The vertical distance, measured in metres from the established grade to the

- (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;

(Refer to Minister's Development Regulations, January 2, 2001)

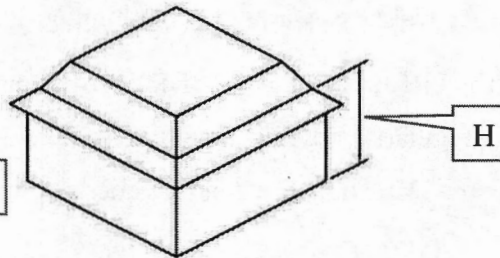
Note: informal illustrations are shown below to assist with interpretation of building height H.

(i) The highest point of the roof surface of a flat roof



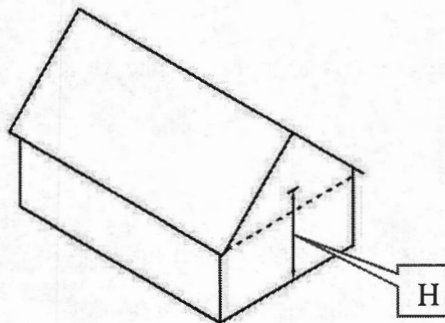
Flat Roof

(ii) The deck line of a mansard roof

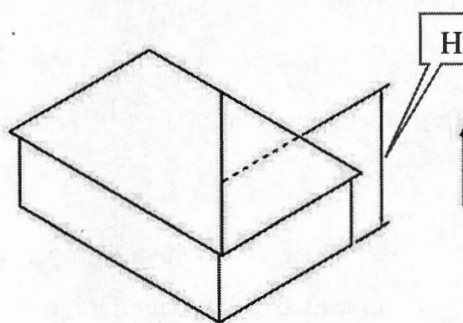


Mansard Roof

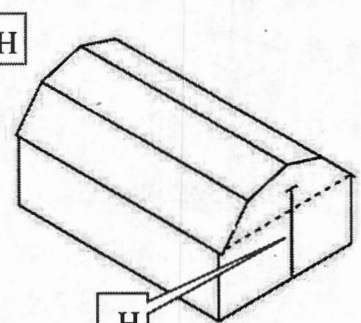
(iii) The mean height level between eave and ridge of a gable, hip or gambrel roof:



Gable Roof



Simple Hip Roof



Gambrel Roof

and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof

BUILDING LINE: 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. (*Refer to Minister's Development Regulations, January 2, 2001*)

BUILDING LINE SETBACK: see Front Yard Depth.

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

CONVENIENCE STORE: A small retail store that carries limited lines of goods, such as a partial line of groceries, housewares, and clothing; gifts; and speciality items.

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.

DEVELOPMENT: As defined in the *Urban and Rural Planning Act 2000*, the carrying out of 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 premises and the

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

and excludes the

- (d) 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 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 a 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 street or other land for that purpose; and

- (g) the use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.

DEVELOPMENT REGULATIONS: Regulations made under sections 34 to 38 of the *Urban and Rural Planning Act 2000*.

DISCRETIONARY USE: A use that is listed within the discretionary use classes established in the use zone tables of an Authority's development regulations. (*Refer to Minister's Development Regulations, January 2, 2001*)

DIRECTOR: The Director of Urban and Rural Planning or successor official.

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

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

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

ESTABLISHED GRADE:

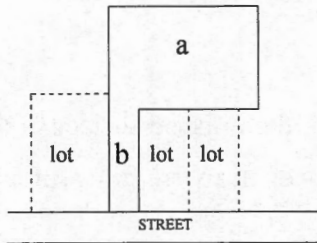
- a) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
- b) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment. (*Refer to Minister's Development Regulations, January 2, 2001*)

FAMILY AND GROUP HOME: 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, facilities called "Family and Group Care Centres", "Group Homes", "Halfway Houses", and "Foster Homes" and is classified in the Classification Table in Schedule B as "Family and Group Homes".

FLAG LOT: A lot characterized by a shape in which the lot's main body of land is located some distance from a street, typically lying behind other lots located along the street line, and in which the main body of the lot is joined to the street by a narrower leg or prolongation which abuts the street and provides access to the main body of the flag lot; an easement or right of way across another lot so as to gain access to a street does not create a flag lot.

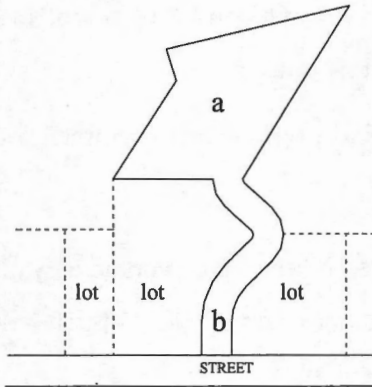
A flag lot is so named because its shape in a simple rectangular configuration resembles a flag on a pole, where the main body of the lot is separated from the street and access to the street is along the part of the lot, or by way of an easement or licence in part or in whole across abutting land, having the narrow pole shape (the street lies at the foot of the pole).

RECTANGULAR SHAPE



a: main body of the flag lot

IRREGULAR SHAPE



b: leg or prolongation of the flag lot to provide access to a street

The "pole" or narrow leg or prolongation lying between the main body of the lot and the street may be of any configuration, not necessarily of uniform width; the minimum width and composition thereof are stated the Use Zone Tables. See the illustration to the left.

FLOOR AREA: The total area of all floors in a building measured to the outside face of exterior walls. (Refer to Minister's Development Regulations, January 2, 2001)

FRONTAGE: The horizontal distance between side lot lines measured at the building line. (Refer to Minister's Development Regulations, January 2, 2001)

FRONT YARD DEPTH: The distance between the front lot line of a lot and the front wall of the main building on the lot. This has the same meaning as "building line setback" as used in the use zone tables.

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 or other motive fuel.

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.

HOME BUSINESS: A secondary use of a dwelling and/or its accessory buildings by at least one of the residents of the dwelling to conduct a gainful occupation or business activity.

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: *As defined in the Urban and Rural Planning Act 2000*, 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.

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.

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 2 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. *(Refer to Minister's Development Regulations, January 2, 2001)*

LOT AREA: The total horizontal area within the lot lines of the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

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. *(Refer to Minister's Development Regulations, January 2, 2001)*

MARINA: A dock or basin together with associated facilities where slips, moorings, supplies, repairs, and other services that are typically available for boats and other watercraft, including storage, sales and rentals, with or without a club house and catering facilities. It can also include a fishing stage or shed associated with a dock or wharf.

MINERAL EXPLORATION: the search for and sampling of minerals or quarry materials where the activity or activities involved meet the definition of "development" under the Urban and Rural Planning Act. "Mineral" and "quarry material" for the purpose of interpreting the definition of mineral exploration (development) are as defined in the provincial Mineral Act and Quarry Materials Act, 1998, respectively. Mineral exploration does not include mining or mineral working (e.g., quarrying). Activities which meet the definition of mineral exploration (development) are to be contrasted with mineral exploration activities that do not meet the definition of development, examples of which typically include traditional prospecting,

geochemical sampling surveys (of rock, soil, sediment, water, or vegetation), ground-based and airborne geophysical surveys, and the cutting of survey lines.

MINERAL WORKING: an operation consisting of one or more of the following activities: the digging for, excavation, and removal of quarry materials (i.e., quarrying) (may involve blasting), the removal of quarry materials previously excavated, the removal of quarry materials previously deposited on site, the stockpiling of quarry materials, the processing of quarry materials (e.g., crushing, screening, washing), the production of civil construction materials which use quarry materials in their natural form (e.g., asphalt, concrete), the re-processing of quarry materials including from reclaimed civil construction materials (e.g., reclaimed asphalt, concrete), the production of soil by blending organic materials with quarry materials, or the treatment or remediation of soil. "Quarry material" for the purpose of interpreting the definition of mineral working is as defined in the provincial Quarry Materials Act, 1998. Mineral working does not include mining but may include mineral exploration (development) as a secondary activity. Mineral working does not include the excavation and removal of quarry materials as a by-product of an approved development.

MINING: an operation involving the extraction of a mineral for sale and for which a mining lease is required under the provincial Mineral Act administered by the Department of Natural Resources. "Mineral" for the purpose of interpreting the definition of mining is as defined under the Mineral Act. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the Mineral Act dimension stone (i.e., stone used for building facades, gravestones, etc.) is considered a mineral in Newfoundland but a quarry material in Labrador.

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, with or without the wheels left attached, 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. Water supply and/or sewage disposal may be provided by use of private water supply and/or private sewage disposal systems where permissible.

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 water supply and sewage disposal, 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. Water supply and/or sewage disposal may be provided by connection to exterior public utilities approved by the Authority or by use of private water supply and/or private sewage disposal systems where permissible.

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. Water supply and/or sewage disposal may be provided by connection to exterior public utilities approved by the Authority or by use of private water supply and/or private sewage disposal systems where permissible.

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. (*Refer to Minister's Development Regulations, January 2, 2001*)

OWNER: means a person or an organization of persons owning or having the legal right to use the land under consideration. (*Refer to Minister's Development Regulations, January 2, 2001*)

PARKING AREA: means an open area containing parking spaces and any interior aisles and lanes necessary for parking and movement of motor vehicles.

PARKING SPACE: means a space exclusive of any driveways or interior aisles or lanes, upon which one motor vehicle may be parked .

PETROLEUM EXPLORATION AND EXTRACTION: separate land use classes involving the exploration and extraction, respectively, of petroleum resources and for which the requisite permits have been issued by the Department of Natural Resources.

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. (*Refer to Minister's Development Regulations, January 2, 2001*)

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

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. (*Refer to Minister's Development Regulations, January 2, 2001*)

REAR YARD DEPTH: means the distance between the rear lot line and the rear wall of the main building on the lot. (*Refer to Minister's Development Regulations, January 2, 2001*)

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.

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

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

SERVICE STATION: Any land or building used exclusively for the sale of petroleum products or other motive fuels, 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.

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.

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.

SIDE YARD DEPTH: means the distance between a side lot line and the nearest side wall of any building on the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

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. *(Refer to Minister's Development Regulations, January 2, 2001)*

SINGLE DWELLING: A building containing one dwelling unit, which may include a subsidiary apartment built within the structure, but for the purpose of the Development Regulations does not include a subsidiary dwelling where the main building on a lot is a single

dwelling and the subsidiary dwelling (where permitted) can be developed only where a single dwelling exists as the main use on the lot.

STAGE: see Boat Shed

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. (*Refer to Minister's Development Regulations, January 2, 2001*)

STREET LINE: means the the edge of a street reservation as defined by the Authority having jurisdiction. (*Refer to Minister's Development Regulations, January 2, 2001*)

SUBDIVISION: As defined in the Urban and Rural Planning Act 2000, 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 as an accessory use to the main use of a single dwelling.

SUBSIDIARY DWELLING: A separate dwelling unit as a land use class in the Residential group (see Schedule B) constructed separately from a single dwelling class use which is the main use on a lot and where the two dwellings are located on the same lot.

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.

TOWN: means the Authority.

USE: means a building or activity situated on a lot or a development permitted on a lot. (*Refer to Minister's Development Regulations, January 2, 2001*)

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.

(Refer to Minister's Development Regulations, January 2, 2001)

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. *(Refer to Minister's Development Regulations, January 2, 2001)*

WETLAND: an area which is saturated by surface or ground water sufficient to support, and which under normal circumstances supports a prevalence of vegetation typically adapted for life in the saturated soil conditions, and includes swamps, marshes, bogs, fens and similar areas.

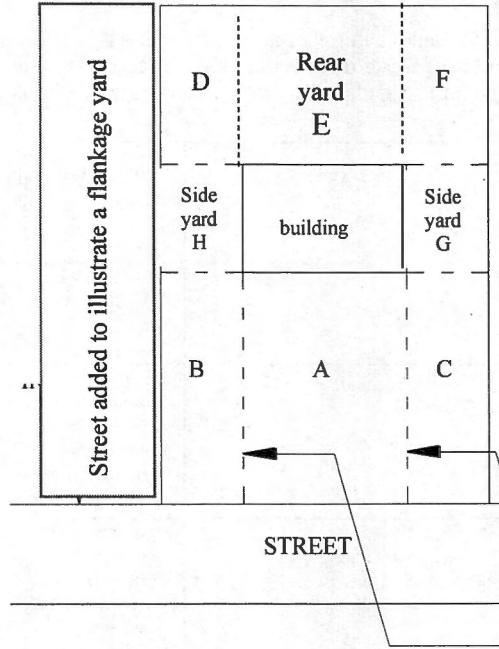
WHARF: see Boat Shed

WIND ENERGY SYSTEM or WIND TURBINE: means a mechanical system for the conversion of wind energy to useful electrical or mechanical energy; a typical wind energy system consists of a tower or mast supporting a rotating apparatus including a rotor, generator and mechanical drives, and ancillary devices related to the control and maintenance of the system. A tower supported wind turbine is self-supporting whereas a mast is stayed with guy wires; for the purpose of these Regulations, the words "tower" and "mast" are used interchangeably. A wind turbine wherein the tower is shorter than 15 metres in height is classed as "short", those taller as "tall".

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 these Regulations. Yard types are front yards, side yards, rear yards and flankage yards, as illustrated on the next page.

ZONING MAP: The map or maps attached to and forming part of the Authority's regulations. *(Refer to Minister's Development Regulations, January 2, 2001)*

SIMPLE RECTANGULAR LOT



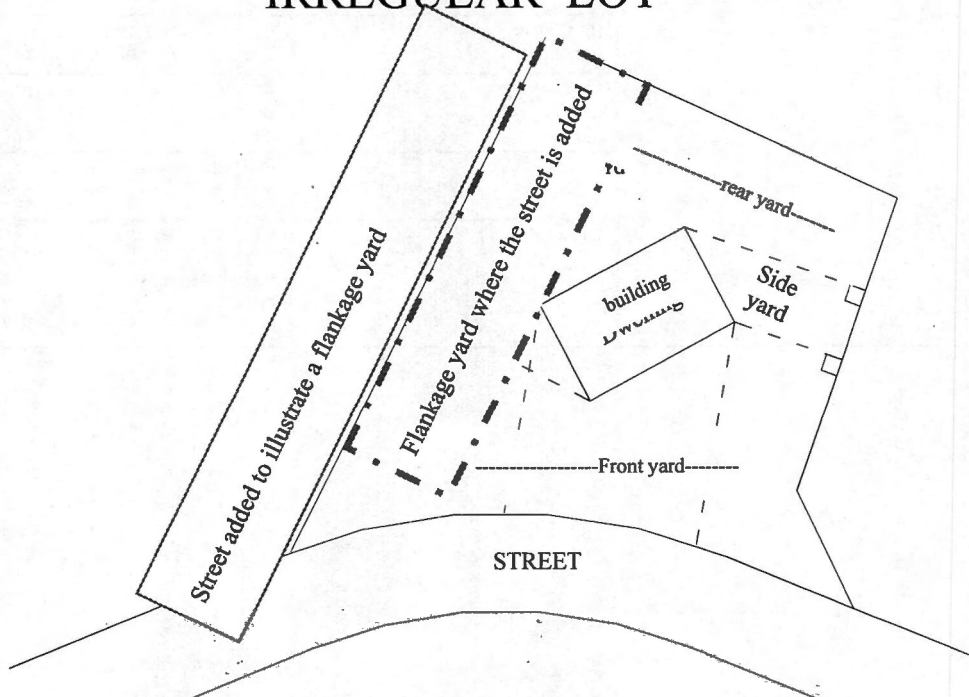
In the simple case, without the street added to the left, the rear yard is the addition of areas D, E and F and the front yard is A, B and C.

Adding the street to the left creates a corner lot which then creates a flankage yard on what otherwise would have been a side yard and parts of the front and rear yards.

The flankage yard with the street added is the addition of areas B, H and D in the simple rectangular lot.

The arrows point to extensions of the side yard lines in a simple rectangular lot. In an irregular lot, the interpretation of the meaning of yards can be complex, such as the illustration below showing the position of a flankage yard when the street to the left is added.

IRREGULAR LOT



SCHEDULE B: CLASSIFICATION OF USES OF LAND AND BUILDINGS

The classification of uses set out in the following table is largely based on the Classification of Typical Occupancies included as Table 3.1.2.A of the **National Building Code of Canada, 1980**, modified to suit terms used in the Municipal Plan and the Development Regulations. This classification is referred to in Regulation 88.

GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES) to be completed
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.	1 space for every five seats or if no seats, 1 space for each 50 square metres of floor area devoted to public occupancy
		2. General Assembly Uses	(a) Cultural and Civic	
	(b) General Assembly-halls and active exercise uses		Community Halls Lodge Halls Dance Halls Gymnasias Auditoria Bowling Alleys	
	(c) Educational		Schools Colleges (non-residential)	Lesser of 2 spaces for each classroom or 25 students
	(d) Child Care	Day Care Centres		
	(e) Place of Worship	Churches and similar places of worship. Church Halls	1 space for every five seats or if no seats, 1 space for each 100 square metres of floor area devoted to public occupancy	
	(f) Passenger Assembly	Passenger Terminals		
	(g) Club and Lodge	Private Clubs and Lodges (non-residential)		
	(h) Catering	Restaurants Bars Taverns		
	(i) Funeral Home	Funeral Homes and Chapels		
	(j) Amusement	Electronic Games Arcades Pinball Parlours Poolrooms		

Town of St. George's Development Regulations for 2019-2029
 As approved by Council 2 November 2020

GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES)
A. ASSEMBLY USES (continued)	3. Arena-type Uses	(a) Indoor Assembly	Arenas Armouries Ice Rinks Indoor Swimming Pools	1 space for every five seats or if no seats, 1 space for each 100 square metres of floor area devoted to public occupancy, or more as determined by the Authority for uses featuring large outdoor spaces
	4. Open-air Assembly Uses	(a) Outdoor Assembly	Bleachers Grandstands Outdoor Ice Rinks and Swimming Pools Amusement Parks and Fair-grounds Exhibition Grounds Drive-in Theatres	
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	1 space for every 2 beds or clientele spaces
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care	Children's Homes Convalescent Homes Homes for Aged Hospitals Infirmarys Orphanages Psychiatric Hospitals Sanatoria	
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings Family and Group Homes	2 spaces for each dwelling unit (2 for single dwelling plus 1 for subsidiary apartment plus 2 additional for a subsidiary dwelling)
		Subsidiary dwelling	Additional single detached dwelling erected upon the same lot as a main single dwelling.	
		(b) Double Dwelling	Semi-detached Dwelling Duplex Dwellings Family and Group Homes	

Town of St. George's Development Regulations for 2019-2029
 As approved by Council 2 November 2020

GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES)
C. RESIDENTIAL USES (continued)	1. Residential Dwelling Uses (continued)	(c) Row Dwelling	Row Houses Town Houses Family and Group Homes	2 spaces for each dwelling unit
		(d) Apartment Building	Apartments Family and Group Homes	
	2. General Residential Uses	(a) Collective Residential	Residential Colleges and Schools University and College Halls of Residence Convents and Monasteries Nurses and Hospital Residences	2 spaces for the landlord's or superintendent's dwelling in the same building if any, plus 1 for each rental bed
		(b) Boarding House Residential	Boarding Houses Lodging Houses Bed and Breakfasts	
		(c) Commercial Residential	Hotels and Motels Hostels Residential Clubs	
		(d) Seasonal Residential	Summer Homes and Cabins Hunting and Fishing Cabins	1 space for each cabin or per spot in campgrounds or RV parks
		(e) Campgrounds	Campgrounds Recreational Vehicle Parks	
		(f) Mobile Home	Mobile Homes other than in mobile home parks	See single dwelling
		(g) Mobile Home Park	Mobile home parks	See single dwelling
	D. BUSINESS and PERSONAL SERVICE USES	1. Business, Professional, and Personal Service Uses	(a) Office	Offices (including Government Offices) Banks
(b) Medical and Professional			Medical Offices and Consulting Rooms Dental Offices and Surgeries Legal Offices Travel agents Similar Professional Offices	
(c) Personal Service			Barbers and hairdressers Beauty Parlours Small Appliance Repairs	

Town of St. George's Development Regulations for 2019-2029
 As approved by Council 2 November 2020

GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES)
D. BUSINESS AND PERSONAL SERVICE USES (continued)	1. Business, Professional and Personal Service Uses (continued)	(d) General Service	Self-service Laundries Dry Cleaners (not using flammable or explosive substances) Small Tool and Appliance Rentals	1 space for each 20 square metres of floor area, or more as determined by the Authority for uses featuring large outdoor spaces
		(e) Communications	Radio Stations Telephone Exchanges	
		(f) Protection	Police Stations without detention quarters Fire stations Ambulance stations Search and rescue buildings	
		(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) Shop	Retail Shops and Stores and Showrooms Department Stores			
(c) Indoor Market	Market Halls Auction Halls			
(d) Outdoor Market	Market Grounds Animal Markets Produce and Fruit Stalls Fish Stalls			
(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops			

GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES)
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, and Rubber Factories Spray Painting	1 space for each 100 square metres of floor area, or more as determined by the Authority for uses featuring large outdoor spaces
	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	
	3. Light, Non-hazardous or Non-intrusive Industrial Uses.	(a) Light Industry	Light Industry Parking Garages Indoor Storage Warehouses Workshops	
G. NON-BUILDING USES	1. Uses not directly related to building	(a) Agriculture	Commercial Farms Hobby Farms Market Gardens and Nurseries	As directed by the Authority
		(b) Forestry	Tree Nurseries Silviculture Domestic cutting for fuel wood	
		(c) Mineral Exploration and Mineral Working	Separate classes of uses as defined in Schedule A.	
		(d) Mining	As defined in Schedule A.	

Town of St. George's Development Regulations for 2019-2029
 As approved by Council 2 November 2020

GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES)
G. NON-BUILDING USES (continued)	1. Uses not directly related to building. (continued)	(e) Petroleum Exploration and Petroleum Extraction	As defined in Schedule A, comprising separate land uses of exploration and extraction.	As directed by the Authority
		(f) Recreational Open Space	Playing Fields Sports Grounds Parks Playgrounds Trails	
		(g) Conservation	Watersheds Buffer Strips Flood Plains Wildlife Sanctuaries	
		(h) Cemetery	Cemeteries Graveyards	
		(i) Scrap Yard	Car Wrecking Yards Junk Yards Scrap Dealers	
		(j) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators	
		(k) Animal	Animal Pounds Kennels Zoos	
		(l) Antenna or Wind Turbine	TV, Radio and Communications Transmitting and Receiving Masts Antennas Wind turbines	
		(m) Transportation	Airfields Railway Yards Docks and Harbours Boathouses Fishing stages Marinas	

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, for which the abbreviations are as noted:

Mixed Development.....	MD
Residential.....	RES
Industrial	IND
Wellhead Protection.....	WP
Dribble Brook Protected Water Supply	DBPWS
Environmental Protection	EP
Natural Area of Provincial Interest	NAPI
Public Utility.....	PU
Rural.....	RUR

Overlay areas: see Regulation 54 for requirements that apply in addition to those of the underlying Zone.

USE ZONE TABLE

ZONE TITLE	MIXED DEVELOPMENT (MD)	(ST. GEORGE'S)
PERMITTED USES		
<ul style="list-style-type: none">a) Assembly group uses except for the Amusement class and Bars and lounges in the Catering classb) Residential group uses except for the Mobile Home Park, Campground, and Seasonal Residential classes (a lot may accommodate one single dwelling, including an accessory subsidiary apartment constructed within it and/or an accessory family and group home use constructed within it, plus a subsidiary dwelling; note that the mobile home class and subsidiary dwelling class are separate land use classes)c) Medical Treatment and Special Care classd) Business and Personal Service Uses group except for the Taxi Stand and Take-Out Food Service classese) Mercantile Uses classf) Recreational open space class including trailsg) Conservation classh) Existing cemeteries and expansions thereofi) Forestry class, including domestic cutting for fuel woodj) Existing agricultural usesk) Gardening and horticultural activity		

DISCRETIONARY USES (see Regulation 10 concerning Discretionary Powers of Authority)

- a) Home businesses
- b) Amusement class
- c) Bars and lounges in the Catering class
- d) Take-Out Food Service class
- e) Taxi Stand class
- f) Service Station class
- g) General Industry and Light Industry classes but only uses requiring direct access to Flat Bay
- h) Transportation class
- i) Antenna or Wind Turbine class, but only those defined as "short"
- j) Cemetery class
- k) Mineral exploration class
- l) Petroleum exploration class

CONDITIONS

1. Discretionary Uses

The discretionary use classes listed 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. The process for consideration and approval of a discretionary use is described in Regulation 32(3).

2. Residential Development Standards

The development standards table for residential group developments in this zone shall be as stated in the development standards table for the Residential (RES) Zone.

3. Non-Residential Group Development Standards

Development standards for developments other than of the Residential group are:

- a) Minimum lot area: 200 square metres or the lot area sufficient to satisfy provincial government requirements for use of private water supply and/or sewage disposal systems, where applicable.

- | | |
|--|-----------|
| b) Minimum building line setback * (may be reduced at the discretion of the Authority to the prevailing building line setbacks in the area): | 6 metres |
| c) Minimum side yard width, except where buildings are built with adjoining party walls (flanking yards same as minimum building line setback) * | 2 metres |
| d) Minimum Rear yard Depth * | 9 metres |
| e) Maximum Height* | 15 metres |
| f) Minimum Frontage | 15 metres |
| g) Maximum lot coverage except in a comprehensive development (See Regulation 61) | 33% |

*Except for wind turbines and antennas—see Condition 5.

4. Services

New development shall be connected to the municipal water and sewer services, where respectively available, by the time of occupancy. Otherwise, development shall be serviced with private water supply and/or private sewage disposal systems in accordance with Certificates of Approval of the provincial government. See Regulation 6(4)(g) and Regulation 55(3) concerning groundwater assessments for proposed subdivisions of five or more lots.

5. Wind Turbines and Antennas

In addition to other requirements, the maximum height of the tower of a wind turbine or an antenna shall be 15 metres. The minimum setback of the towers of such structures from all lot lines shall be 10 metres plus (in the case of wind turbines) the length of one rotor blade, for safety reasons related to ice shedding from the blades. In addition, guy wires and anchors of antennas and wind turbines must be on the same lot as the tower.

6. Accessory Buildings, Sight Lines and Open Storage

- a) Accessory buildings to be located in the actual front yard of a lot may be approved, provided that the main building complies with the minimum required front yard or a required building line and where the appearance would be in keeping with the general appearance of the area. The accessory buildings must nevertheless be set back to at least the required building line or minimum front yard.

- b) Access ramps for wheelchairs or similar aids for mobility may be approved at any location on a lot, and featuring any appearance, yard or lot coverage, provided that there is no practical alternative location and the installation does not create a safety hazard for pedestrians or vehicles.
- c) Any sight line as described in Regulations 38 and 39 may be approved, provided that careful assessment of added risks to pedestrian and vehicle traffic which may result from relaxation of the requirements of the said Regulations shows that the added risks are minimal. In the course of consideration, Council may consult with traffic engineers and the provincial ministries whose portfolios encompass public highways and public safety.
- d) Any location or features of open storage of materials, goods and machinery may be approved provided that the appearance is compatible with the area and provided that such development is not located in the front yard of the lot unless there is no practical alternative location, and in any case that the open storage area must be fenced or otherwise screened from view or landscaped in lieu of full screening.

7. Amusement Class and Take-out Food Service Class Developments

- a) Amusement class uses located within the municipal boundary must in addition be approved as "Places of Entertainment" by Council pursuant to section 199 of the *Municipalities Act*.
- b) Amusement class uses and Take-out Food Service class uses shall be located on lots which do not abut, or lay across a street from, any lot used for Residential group uses.

8. Landscaping and Lighting

- a) Open areas shall be landscaped and/or hard surfaced to the satisfaction of the Authority.
- b) Outdoor lighting shall be subdued and in keeping with attractive design and highway safety practices in order to maintain a good quality appearance and traffic safety in the area. Exterior lighting shall be directed away from adjacent properties or roads, and the light source shall not be higher than 6 metres above established grade.

9. Heights of Structures

- a) Any height of flagpoles, water towers, spires, belfries, and chimneys may be approved, provided that the appearance is compatible with the area and that there is no practical alternative location and that the installation does not create a safety hazard for pedestrians or vehicles.
- b) Any heights or number of storeys of accessory buildings which are accessory to a residential use and are located in a rear yard, may be approved provided that the rear yard of any such accessory building is at least 4 metres and the appearance is compatible with the area. The requirement of Regulation 38(3)(c) shall nevertheless apply.

10. Comprehensive Development

- a) A comprehensive development may be approved pursuant to Regulation 61(2) provided its features are compatible with adjacent developments and that any dwellings are designed to provide both privacy and reasonable access to natural daylight.
- b) Comprehensive developments must be located within the municipal boundary and serviced with municipal central water and sewer services, and must have access to a publicly owned and maintained road but may include both public and private roads.
- c) The uses which may be developed are those uses which are permitted or approvable at Council's discretion in the applicable Zone.
- d) The usual requirements in these Development Regulations are applicable but where necessary to good, acceptable design they may be modified or waived.

11. Width of Flag Lot Legs

Council may at its discretion approve lesser widths of the legs of flag lots, which would otherwise not be approvable, where concerns about off-street parking, pedestrian and vehicle safety at the leg's intersection with the public street and feasibility of use of the leg for access are satisfactorily addressed.

12. Temporary Uses

- a) Temporary uses involving the placement of a motor vehicle or travel trailer or equipment for itinerant or unusual short term activities or events such as community festivals may be approved subject to adequate arrangements for supply of potable water, disposal of sewage and solid waste, safety of vehicle and pedestrian traffic, security, and other matters relevant to the specific development. See Regulation 6(8).
- b) The term of temporary uses shall be included in the conditions of approval, but not exceed three months of continuous occupancy except for compassionate or emergency situations, for which specific terms of time shall be agreed between the Council and the party involved.

13. Building Lines to Complement Abutting Developments

A front yard which may not otherwise be approvable shall nevertheless be approved to allow a development at a setback which complements the setbacks of existing buildings on abutting lots, provided that the appearance of the development is complementary to abutting uses and the general amenity of the area.

14. Signs (Advertisements)

Council may approve larger advertisement areas or types of signs than as listed in Regulation 67, but such signs must nevertheless be tastefully presented (in terms of content—for example, not offending public policy such as promotion of hate speech), legibility and overall graphic design, properly situated, structurally robust, and well maintained and comply with Regulation 57 concerning development of signs near certain provincial highways, which shall prevail.

15. Development in Wellhead Protected Water Supply Area Overlay

Some parts of the Mixed Development (MD) Zone lie within the Wellhead Protected Water Supply Area as described in Section 6.1.10 in the Municipal Plan and Regulation 54. Accordingly, any development of any type proposed to take

place within that overlay is subject to the approval of a Development Activity permit from the Water Resources Division of the Department of Municipal Affairs and Environment, in addition to the policies and requirements of the Municipal Plan and these Development Regulations.

USE ZONE TABLE

ZONE TITLE	RESIDENTIAL	(RES)	(ST. GEORGE'S)
PERMITTED USES			
<ol style="list-style-type: none"> 1) Single dwelling class (note that the Mobile Home, Mobile Home Park, and subsidiary dwellings are separate land use classes and are listed as discretionary uses) including the following accessory uses which may be constructed within it: <ol style="list-style-type: none"> a. subsidiary apartment b. family and group home uses 2) Double dwelling class, which includes family and group home uses 3) Child care class 4) Recreational open space class including trails 5) Conservation class 6) Existing cemeteries and expansions thereof 7) Forestry class, including domestic cutting for fuel wood 8) Existing agricultural uses 9) Gardening and horticultural activity 			
DISCRETIONARY USES			
<ol style="list-style-type: none"> 1) All other Residential group uses including subsidiary dwelling class in conjunction with a single dwelling on the same lot (the single dwelling structure may include an accessory subsidiary apartment and/or an accessory family and group home use within the single dwelling; note that the mobile home class, mobile home park class, and subsidiary dwelling class are separate land use classes); 2) Assembly group uses except for the Amusement class and bars and lounges in the Catering class 3) Convenience store class 4) Cemetery class 5) Transportation class, only for wharves, docks, fishing stages, boat houses and the like 6) Medical Treatment and Special Care class 7) Antenna or Wind Turbine class, but only those defined as "short" 8) Agricultural uses involving keeping of a small number of animals 9) Mineral exploration class 10) Petroleum exploration class 			
See Regulation 10 concerning the Discretionary Powers of Authority.			

STANDARDS	WHERE PERMITTED			
	Single Dwelling, Mobile Home + all other main uses not named	Double Dwelling	Row Dwelling	APARTMENT BUILDING
Floor area: minimum (sq.m.) -single dwellings -subsidiary dwellings	- 70 24	70 *	60 *	55 *
Lot area (sq.m) minimum for fully serviced lots. Prov. Regulations apply to semi or unserviced lots See Reg. 47 for possible infilling adjustment	600	600	300 *	300 *
Minimum length of all main walls in single dwelling and subsidiary dwellings (m)	4.8	4.8	4.8	10
Frontage (m) minimum for fully serviced lots. Prov. Regulations apply to semi or unserviced lots. See Reg. 47 for possible infilling adjustment	20	20	10 * plus required side yards	36
Building Line Setback (m) (minimum) ** for fully serviced lots for semi or unserviced lots See Regulation 42 for complementary setbacks	6 8	6 8	8 8	8 8
Side yard Width (m) ** for fully serviced lots for semi or unserviced lots (Flankage yard minimum: same as building line setback)	1.5 4	1.5 4	2 4	5 6
Rear yard Depth (m) (minimum) ** for fully serviced lots for semi or unserviced lots For mobile homes	9 15 Subtract 4 m	9 15 -	9 15 -	9 15 -
Lot Coverage all buildings combined (%) (maximum)	33	33	33	33
Height (m) (maximum) **	8	8	10	15

Table continues on the next page.

STANDARDS continued

* Per dwelling unit.

**Except for wind turbines and antennas – see Condition 7.

** Where permitted, development in the docks and wharves class, including boat sheds, boathouses and stages, may be built to any lot line which corresponds to the high water mark. Requirements for other yards shall continue to apply.

CONDITIONS

1. 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. The process for consideration and approval of a discretionary use is described in Regulation 32(3).

2. Mobile Homes and Mobile Home Parks

- a) Mobile home developments shall meet the same standards and conditions as specified for single dwellings except that the minimum rear yard depth shall be reduced as shown in the Standards table. Exterior finishes and features shall be of a type found in conventional single dwelling construction in the community.

Informal note for the reader's convenience: since mobile homes are often thought of in Imperial measure: a mobile home 4.8 metres wide must therefore be a minimum of about 15 metres in length to meet the requirement that the minimum floor area be 70 square metres. In Imperial measure, that corresponds to a simple rectangular structure 16 feet wide by 50 feet long, which has a floor area of 720 square feet, the size of a 24 foot by 30 foot building footprint. A mobile home 50 feet long needs to protrude deeper into the rear yard so as comply with the required building line setback, hence the lesser rear yard requirement.

- b) Development of mobile home parks as defined in Schedule A shall be subject to the same standards and conditions as for residential subdivisions, and shall be subject to site plan

approval as described in the Municipal Plan and a development agreement between the operator and the Authority concerning the matters stated in the definition in Schedule A, including the management and maintenance of the streets and water and sewer services which are privately owned and operated in such developments.

3. Campgrounds

A site plan approval is required for a campground development, which shall address servicing, access to highways and streets, and management of the facility, in addition to careful attention to aesthetics, compatibility with surrounding land uses, security, and other terms in a development agreement between the owner and the Authority.

4. Convenience Stores

A convenience store may be permitted under the following conditions:

- a) The store will form part of or be attached to a self-contained dwelling unit or stand on a separate lot,
- b) The appearance and operation of the store will not materially detract from the surrounding area,
- c) The floor area is not greater than 80 square metres,
- d) Off street parking for at least five automobiles is provided for customer use,
- e) There is no exterior lighting except for low intensity illumination of parking area and entrance; signs shall not be directly illuminated.
- f) The store fronts on a provincial highway or Main Street.

5. Single Dwelling and Subsidiary Dwellings; Phasing of Construction

- a) The Authority will permit single dwellings and subsidiary dwellings to be able to accommodate "tiny home" style main single dwellings and subsidiary dwellings having less than the minimum required floor area, in conjunction with a site plan approval as described in Section 7.2 of the Municipal Plan. The site plan must show the way in which the configuration of later construction phases will eventually result in a compliant dwelling floor area without encroaching on any required yards or failing to meet other requirements such as off-street parking.
- b) Development of the single dwelling must precede or be concurrent with the development of a subsidiary dwelling. The addition of a subsidiary dwelling subsequent to the development of a single dwelling which is not yet fully constructed

in accordance with its site plan to its minimum floor area, must comply with the same requirement, ie: to show how the phases of development of both will eventually result in a compliant dwelling floor area of each without encroaching on any required yards or failing to meet other requirements such as off-street parking.

- c) The yard requirements applicable to accessory buildings, as stated in Regulation 38, shall apply to subsidiary dwellings.
- d) Home businesses are permitted in the main single dwelling and the subsidiary dwelling in any phase.
- e) Subsidiary apartments will not be permitted in the main single dwelling structure until its floor area satisfies the minimum requirement for single dwellings.
- f) Subsidiary apartments are not permitted in subsidiary dwellings.
- g) The minimum required length of main walls shall be achieved in the construction of the first phase of a phased development and in the eventual footprint of each phase of later construction.
- h) Variances concerning any numerical requirement may be considered concurrently and incorporated in the site plans.
- i) There is no compulsion to expand beyond the approved initial phase of construction. Development of future phases in accordance with the approved site plans shall not require further Council approvals concerning phased development.

6. Home Businesses

Home businesses may be approved at Council's discretion in a dwelling provided that:

- a) The business is clearly subsidiary or subordinate to the residential use and does not detract from the residential character of the neighbourhood.
- b) The business does not alter the residential appearance or require external modification of the dwelling unit.
- c) Activities associated with the business shall be carried on inside the dwelling unit or inside a building or buildings separate from the dwelling unit but on the same lot, except that outdoor areas may be used in conjunction with a child care

facility.

- d) The dwelling unit part of the structure including any subsidiary apartment must continue to meet the dwelling unit minimum floor area requirement.
- e) Light Industry and General Service home business uses shall be limited to production of foodstuffs including prepared meals for consumption off the property; production or repair of hand-made articles such as small mechanisms, clothing and arts and crafts; and, repair or adjustment of small equipment such as appliances, small engines, computers, and mechanical devices, and, incidental retail sales of goods or services related to the principal activity of the home business.
- f) The business is operated by a resident(s) of the dwelling unit.
- g) There is no open storage of vehicles, equipment, goods or materials on the lot, other than for off-street parking.
- h) The business shall not generate traffic, storm water flows, sewage flows or water use in excess of what is normal in the residential area and can be accommodated by the existing municipal road, water and sewer services.
- i) Activities associated with the business are not hazardous and do not cause noticeable noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- j) In addition to the advertisements (signage) permitted as described in Part III, advertisements each not exceeding 0.28 square metres in area may be attached to each building in which the home business is conducted. No direct illumination of the sign will be permitted.
- k) The Authority may require fencing, screening and separation or a combination of the two to protect the amenity of adjacent uses.
- l) The residential lot has sufficient area to accommodate the parking requirements of both the dwelling unit and the home business, calculated as one space per 20 square metres of floor space occupied by the home business.
- m) No change in type, class or extent of the business shall be permitted except in accordance with a permit issued at the discretion of the Authority.

7. Application of Certain Conditions in Mixed Development (MD) Zone

In addition to other requirements and Conditions, Conditions 4 through 14 inclusive applicable to the Mixed Development (MD) Zone shall also apply in the Residential (RES) Zone.

8. Development in Wellhead Protected Water Supply Area Overlay

Some parts of the Residential (RES) Zone lie within the Wellhead Protected Water Supply Area as described in Section 6.1.10 in the Municipal Plan and Regulation 54. Accordingly, any development of any type proposed to take place within that overlay is subject to the approval of a Development Activity permit from the Water Resources Division of the Department of Municipal Affairs and Environment, in addition to the policies and requirements of the Municipal Plan and these Development Regulations.

USE ZONE TABLE

ZONE TITLE	INDUSTRIAL (IND)	(ST. GEORGE'S)
<p>PERMITTED USES</p> <ul style="list-style-type: none"> a) Transportation class b) Industrial group except for the Hazardous Industry class c) Office class d) Passenger Assembly class e) Antenna or Wind Turbine class, but only those defined as "short" f) Mineral Exploration class g) Petroleum Exploration class h) Forestry uses, including domestic cutting for fuel wood i) Gardening and horticultural activity j) Recreational Open Space class k) Conservation class 		
<p>DISCRETIONARY USES</p> <ul style="list-style-type: none"> a) The Hazardous Industry class <p>See Regulation 10 concerning the Discretionary Powers of Authority.</p>		

CONDITIONS

1. 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.

2. Development Standards:

- a) **Minimum lot area:** lot area to be sufficient to satisfy provincial government requirements for use of private water supply and/or sewage disposal systems, or 500 square metres if the lot is serviced with municipal water and sewer service.
- b) **Minimum Building Line Setback *** 20 metres
- c) **Minimum side yard width**, except where buildings are built with adjoining party walls * 5 metres
- d) **Minimum Rear yard Depth *** 20 metres
- e) **Maximum Height*** 20 metres
- f) **Minimum Frontage** 30 metres

*Except for wind turbines and antennas—see Condition 4.

3. Buffering of Residential Areas

See Regulation 40.

4. Wind Turbines and Antennas

In addition to other requirements, the maximum height of the tower of a wind turbine or an antenna shall be 15 metres. The minimum setback of the towers of such structures from all lot lines shall be 10 metres plus (in the case of wind turbines) the length of one rotor blade, for safety reasons related to ice shedding from the blades. In addition, guy wires and anchors of antennas and wind turbines must be on the same lot as the tower.

USE ZONE TABLE

ZONE TITLE	WELLHEAD PROTECTION (WP)	(ST. GEORGE'S)
1.	The permitted uses are strictly limited to conservation class uses and uses related to the management of the lands and the municipal water utility works.	
2.	Uses permitted at Council's discretion include only those in the forestry class, and only in conjunction with an approved, professionally prepared forestry management plan approved by the provincial government.	
See Regulation 10 concerning the Discretionary Powers of Authority.		

1. 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.

2. Development Standards:

- a. Any development in the Wellhead Protection (WP) Zone must be referred to the provincial government for approval before the Authority may approve an application.
- b. Within the Wellhead Protection (WP) Zone, use of the following chemicals and activities are prohibited except where the Minister of Municipal Affairs and the Environment has expressly approved such use or activity and the said Minister is satisfied that such use or activity will not cause deterioration of the quality of the water supply over the long term and that measures satisfactory to the Minister have been undertaken to prevent leaks or contamination from tanks and other storage facilities into the aquifers of the wells.
 - i. Petroleum fuels in excess of 25 L
 - ii. Petroleum solvents in excess of 10 L
 - iii. Chlorinated solvents in excess of 10 L
 - iv. Pesticides and preservatives in excess of 10 L
 - v. New sewerage systems
 - vi. Manure storage
 - vii. Manure application

- viii. Mining and aggregate removal
- ix. Inorganic fertilizer (no bulk storage)
- x. Forestry (salvage cutting permitted)
- xi. Sawmill operations
- xii. Groundwater extraction (no private wells)
- xiii. Groundwater heat pumps
- xiv. Road salt (no bulk storage)
- xv. Waste disposal

c. Tanks and other material containment facilities shall be inspected at least once a year by their owners to ensure their soundness in accordance with the standards established by the provincial government.

USE ZONE TABLE

<p>ZONE TITLE DRIBBLE BROOK PROTECTED WATER SUPPLY (PDBWS) (ST. GEORGE'S)</p>
<ol style="list-style-type: none">1. The permitted uses are limited to Conservation class uses and uses related to the management of the lands and the municipal water utility works.2. Uses permitted at Council's discretion are:<ol style="list-style-type: none">a) Recreation and Open Space classes, including trailsb) Forestry class (which includes domestic cutting for fuel wood), but only in conjunction with a professionally prepared site and/or trails plan or forestry management plan, respectively, approved by the provincial government and the Council.

CONDITIONS

1. **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, and provided that all requisite approvals of provincial and federal governments are secured prior to Council's approvals of applications.

2 **Development Standards and Conditions for Permitted and Discretionary Uses**

Any development must be approved by the provincial ministries and Council, including but not limited to those charged with water resources and environmental matters.

USE ZONE TABLE

ZONE TITLE	PUBLIC UTILITY (PU)	(ST. GEORGE'S)
PERMITTED USES		
a) Buildings and open storage used by Council for public works purposes, including a sewage treatment plant and associated works b) Recreation and Open Space class including trails c) Outdoor Assembly d) Agricultural class uses not involving keeping of animals, such as a community garden e) Conservation class uses f) Uses related to the general management of the lands		
DISCRETIONARY USES		
There are no discretionary uses.		

USE ZONE TABLE

ZONE TITLE: NATURAL AREA OF PROVINCIAL INTEREST (NAPI) (ST. GEORGE'S)
PERMITTED USES <ol style="list-style-type: none">1. Conservation class2. Mineral exploration class3. Petroleum exploration class4. Any other uses approved by the provincial government in keeping with the stated objective for the area.
DISCRETIONARY USES <p>There are no discretionary uses.</p>

CONDITIONS

1. Development Approval

Any development must be approved by the provincial government, including but not limited to the ministry charged with management and protection of significant "natural areas".

USE ZONE TABLE

ZONE TITLE	ENVIRONMENTAL PROTECTION (EP)	(ST. GEORGE'S)
PERMITTED USES		
<ol style="list-style-type: none"> 1. Conservation class 2. Modest expansion or improvement of existing structures and private lanes giving access to them 		
DISCRETIONARY USES		
<ol style="list-style-type: none"> a) Recreational open space class including trails b) Structures related to use of water resources c) Uses requiring direct access to a body of water, such as docks and wharves and hydraulic structures 		
See Regulation 10 concerning the Discretionary Powers of Authority.		

CONDITIONS

1. 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.

2. General Condition

Uses which may be approved subject to Council's discretion include only those which can be demonstrated to not conflict with the policies of the Municipal Plan and the stipulations of the provincial government regulations concerning development in shore waters, wetlands and riparian areas, which give the highest priority to the protection and enhancement of the environment and water resources.

3. Development in Certain Areas

- 1) See Regulation 54 for requirements applicable to overlay areas, which specify requirements in addition to those of the underlying Zone.

- 2) The boundary of the Environmental Protection (EP) Zone along Flat Bay Brook is deemed to follow the upland verge of the intervalles along the Brook or 50 metres from the centre of the Brook, whichever is greater, except where it passes through the Natural Area of Provincial Interest (NAPI) Zone.

USE ZONE TABLE

ZONE TITLE	RURAL (RUR)	(ST. GEORGE'S)
<p>PERMITTED USES</p> <p>a) Agriculture class, including gardening and horticultural activity b) Forestry class, including domestic cutting for fuel wood c) Conservation class d) Existing mineral exploration class e) Existing mineral workings class f) Existing cemeteries</p>		
<p>DISCRETIONARY USES</p> <p>All other uses.</p>		

CONDITIONS

1. Permitted and Discretionary Use Classes

The permitted and discretionary use classes listed in this table may be permitted at the provided that they are in keeping with the policies of the Municipal Plan and the requirements of the Development Regulations.

2. Residential Development Standards

The development standards and conditions for residential group developments in this zone, shall be the same as those in the Residential (RES) Zone.

3. Non-Residential Development Standards

The development standards and conditions for non-residential group developments in this zone shall be the same as those in the Mixed Development (MD) Zone.

4. Development in "Overlay" Areas

See Regulation 54 for requirements applicable to overlay areas, which specify requirements in addition to those of the underlying Zone.

Policies and Bylaws Extra to Municipal Plan

The Town may have already or may in future, adopt other policies or bylaws as enabled by other legislation, some of which relate to certain aspects of development and land use. The administration and enforcement of those other policies or bylaws do not arise from the Municipal Plan nor the Development Regulations. The legal effect of such policies and bylaws is not affected by being included or excluded here. Amendment or repeal of those policies, or the introduction of new policies of like kind, do not involve amendment of the Municipal Plan or the Development Regulations. See Section 6.2.17 in the Municipal Plan.

