

TOWN of ST. GEORGE'S

MUNICIPAL PLAN

2019-2029



As approved by Council 2 November 2020

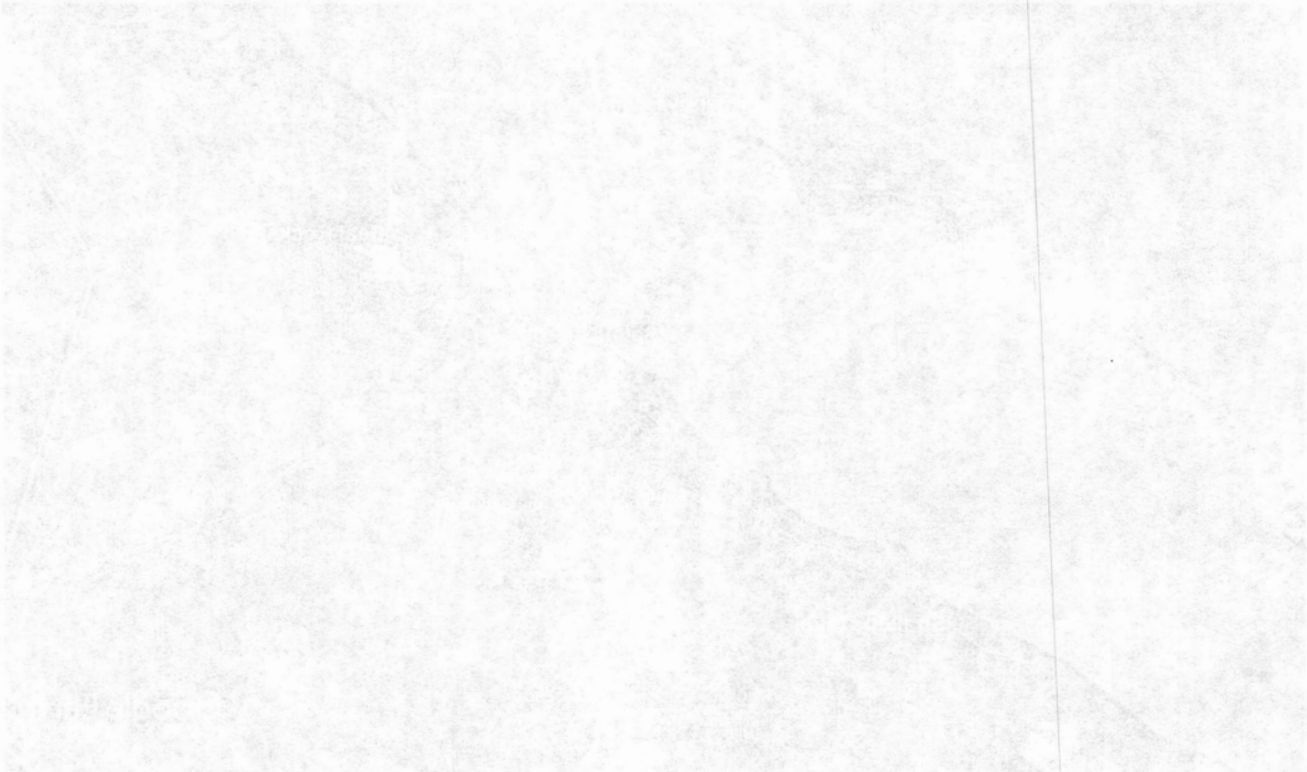
Municipal Plan/Amendment	
<u>REGISTERED</u>	
Number	<u>4380-2021-000</u>
Date	<u>March 11, 2021</u>
Signature	<u>[Handwritten Signature]</u>

Page left blank to correspond to double side printing.

TOWN OF ST. GEORGE'S

MUNICIPAL PLAN

2019-2029



As approved by Council 2 November 2020

Municipal Plan Amendment	
REGISTERED	
Number	2020-0001
Date	2020-11-02
Signature	[Signature]

Table of Contents

1.0	ADOPTION AND APPROVAL	1
1.1	COUNCIL RESOLUTION TO ADOPT; MCIP CERTIFICATE	1
1.2	COUNCIL RESOLUTION TO APPROVE.....	3
2.0	FOREWORD.....	- 5 -
2.1	The Municipal Plan and the Municipal Planning Area	- 5 -
2.2	Preparation and Ministerial Approval	- 5 -
2.3	Legal Effect of the Municipal Plan.....	- 5 -
2.4	Municipal Plan Administration; Role of Development Regulations.....	- 5 -
3.0	INTRODUCTION.....	- 7 -
3.1	Title and Components.....	- 7 -
3.2	Review and Amendment	- 7 -
3.3	Background Factors and Objective of the Municipal Plan.....	- 7 -
4.0	KEY FACTORS AFFECTING PLANNING POLICIES	- 8 -
4.1	Settlement Pattern.....	- 8 -
4.2	New Development and Infrastructure.....	- 9 -
4.3	Sensitive Lands.....	- 11 -
4.4	Natural Hazards to Development	- 12 -
4.4.1	Geomorphological Risks	- 13 -
4.4.2	Hydrological Risks	- 13 -
5.0	DEVELOPMENT CONCEPT	- 15 -
6.0	MUNICIPAL PLAN POLICIES	- 20 -
6.1	Policies for Designations and Overlays.....	- 20 -
6.1.1	Mixed Development	- 21 -
6.1.2	Residential	- 23 -
6.1.3	Industrial	- 25 -
6.1.4	Wellhead Protection.....	- 25 -
6.1.5	Dribble Brook Protected Water Supply	- 26 -
6.1.6	Public Utility.....	- 27 -
6.1.7	Environmental Protection	- 28 -
6.1.8	Natural Area of Provincial Interest.....	- 29 -
6.1.9	Rural	- 30 -
6.1.10	Wellhead Protected Water Supply Area Overlay	- 31 -
6.1.11	NALCOR Corridor Overlay	- 32 -
6.2	Policies Applicable to All Areas	- 32 -
6.2.1	Sustainability of Development	- 32 -
6.2.2	Natural Hazards to Building	- 34 -
6.2.3	Protection of the Natural Environment.....	- 35 -
6.2.4	Municipal Services	- 36 -
6.2.5	Trails and the T’Railway	- 37 -
6.2.6	Mobile Home, Subsidiary Dwelling and “Tiny Home” Developments	- 37 -
6.2.7	Antennas and Wind Turbines	- 38 -
6.2.8	Advertisements (Signage).....	- 39 -
6.2.9	Keeping of Animals.....	- 40 -
6.2.10	Removal of Quarry Materials	- 41 -

Town of St. George's: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

6.2.11 Archaeological and Heritage Resources	- 41 -
6.2.12 Building Near Public Highways	- 42 -
6.2.13 Minerals, Mining and Petroleum Exploration and Extraction.....	- 43 -
6.2.14 Flag Lots	- 44 -
6.2.15 Comprehensive Developments Within the Municipal Boundary	- 44 -
6.2.16 Non-Conforming Uses.....	- 45 -
6.2.17 Development Near Planning Boundaries.....	- 45 -
6.2.18 Temporary Uses.....	- 46 -
6.2.19 Policies and Bylaws Extra to Municipal Plan.....	- 46 -
7.0 IMPLEMENTATION	- 48 -
7.1 Implementation Policies	- 48 -
7.2 Site Plan Information and Evaluation.....	- 50 -
APPENDIX A:	- 52 -
PREPARATION AND MINISTERIAL APPROVAL	- 52 -
APPENDIX B: BACKGROUND FACTORS	- 53 -
Geography and History.....	- 53 -
Economy and Demographics.....	- 53 -
APPENDIX C: CLASSIFICATION OF USES OF LAND AND BUILDINGS	- 55 -

Maps: Future Land Use Maps 1 and 2

1.0 ADOPTION AND APPROVAL

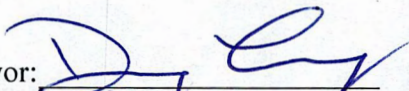
Note: official copies will be signed and sealed.

1.1 COUNCIL RESOLUTION TO ADOPT; MCIP CERTIFICATE

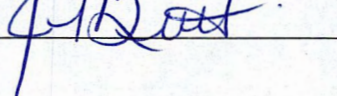
Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of St. George's adopts the Municipal Plan for 2019 to 2029.

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

Signed and sealed this 6th day of January, 2020²¹

Mayor: 

(Council Seal)

Clerk: 

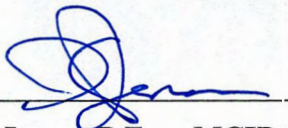


Canadian Institute of Planners Certification

I certify that the attached *Municipal Plan* 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)



Jens Jensen, P.Eng., MCIP

Date: 21 January 2021



Town of St. George's: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

Page left blank to correspond to double sided printing



Handwritten text in blue ink, possibly a signature or date.



1.2 COUNCIL RESOLUTION TO APPROVE

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

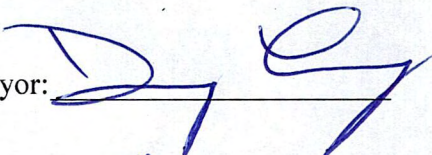
Whereas under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of St. George's:

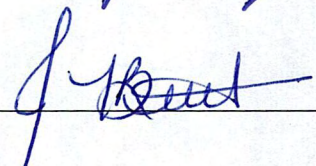
1. adopted the Municipal Plan for 2019-2029 on the 6th day of July, 2020.
2. gave notice of the adoption of the said Municipal Plan, following special instructions of the Department of Environment, Climate Change and Municipalities related to the COVID19 pandemic, on the Town's municipal website and 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.

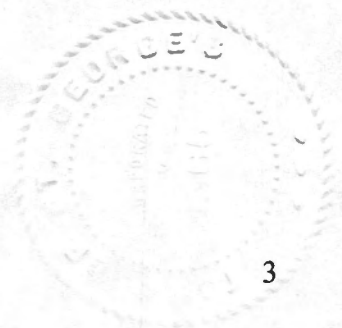
Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of St. George's approves the said Municipal Plan for 2019-2029 exactly as adopted except that the sentence: "A reasonable number of animals of acceptable types are defined in the Development Regulations for clarity." in the third paragraph in Section 6.2.9 under the caption "Pets", be deleted, as recommended by the commissioner.

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: 



Town of St. George's: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

Page left blank to correspond to double sided printing

2.0 FOREWORD

2.1 *The Municipal Plan and the Municipal Planning Area*

This document and the maps identified in it form the Municipal Plan for the Town of St. George's for 2019 to 2029. It has been prepared in accordance with the *Urban and Rural Planning Act*, 2000. Upon completion of the required steps to bring it into legal effect, it repeals and replaces the Town of St. George's Municipal Plan for 2011 - 2021 and any amendments made thereto.

The Town of St. George's planning area comprises the area within the municipal boundary plus a very large area including areas south of the TransCanada Highway as well as Flat Island (also known as Sandy Point), as illustrated on Future Land Use Map 1.

This document presents statements regarding the Council's intentions with respect to the location and manner in which development within its municipal planning area shall take place. The maps show the municipal planning area divided into various land use designations. Within each one only specified kinds of development may take place.

2.2 *Preparation and Ministerial Approval*

For the Municipal Plan to be prepared and gain full legal effect, the procedure described in Appendix A must be undertaken, pursuant to Sections 15 through 24 of the *Act*.

2.3 *Legal Effect of the Municipal Plan*

The Municipal Plan is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the municipal planning area. All development must conform with the applicable policies of the Municipal Plan after the date upon which it comes into effect.

2.4 *Municipal Plan Administration; Role of Development Regulations*

Every Council is required to provide for administration of the Municipal Plan in conjunction with the Development Regulations, which are written in conformity with the Municipal Plan.

Town of St. George's: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

Development Regulations must comply with the requirements of the *Urban and Rural Planning Act*, 2000 and the Minister's Development Regulations (Newfoundland Regulation 3/01, which came into force on January 1, 2001). The Minister's regulations comprise a number of standard requirements applicable across the province. Councils are also advised, if they have not already done so, to adopt the National Building Code of Canada as its building regulation.

3.0 INTRODUCTION

3.1 Title and Components

This Municipal Plan, when brought properly into effect, shall be known as the ***Municipal Plan of the Town of St. George's, 2019 - 2029***. The following text and Future Land Use Maps 1 and 2 contained herein constitute the Municipal Plan for the St. George's municipal planning area.

3.2 Review and Amendment

The *Urban and Rural Planning Act 2000* at Section 28 requires that a Municipal Plan be reviewed not later than every five years from the date it came into effect. The general intention is that Council may revise the Plan with a view to the developments which can be foreseen for the next ten years. Consequently, the time frame for this Plan is the ten year period of 2019 through 2029.

The Municipal Plan may be amended at any other time, in whole or in part, for reasons that may have been unforeseeable at the time it had initially been drafted. Any such amendment must be consistent with the Municipal Plan as the amendment must be read together with and become part of the Municipal Plan.

3.3 Background Factors and Objective of the Municipal Plan

The background factors (geographic, historic, economic, and demographic) which influenced the preparation of this Municipal Plan are stated in Appendix B.

The objective of this Municipal Plan is based on the worthy statement set out in 2011 in the former Municipal Plan:

To develop and maintain St. George's in an attractive natural and built setting which accommodates a diversity of housing needs and which provides for sustainable economic and other development while maintaining the integrity of the natural marine and terrestrial environments.

The policies in this Municipal Plan and the requirements and conditions for development set out in the accompanying Development Regulations aspire to fulfil the objective as much as practically possible.

4.0 KEY FACTORS AFFECTING PLANNING POLICIES

A brief history of the settlement of the municipal planning area and its economic evolution has been given in Appendix B. As Council looks forward in the context of managing development, services, amenities and infrastructure, the most prominent factors that affect planning policies are summarized in this Section.

Information on the settlement pattern of the community is summarized in Section 4.1. Section 4.2 is focussed on assessing the overall demand and opportunities for land development, as well as infrastructure and sensitive lands considerations.

Section 5.0 then describes the development concept for land use planning for the municipal planning area, followed by Section 6.0 which comprises the policies to fulfill the development concept.

4.1 Settlement Pattern

St. George's street pattern is of a "spine and ribs" form, in which the main spine is Barachois Drive running from the east from the community of Barachois Brook, continuing westward from Turf Point (from there named Main Street) to the westerly limit of the municipal planning area at Flat Bay Brook. A secondary spine is Steel Mountain Road, running to the south from its intersection with Main Street in the heart of the community, from which a number of side streets are accessed.

Access to the TransCanada Highway is very convenient, as Highway 461 turns inland from Main Street as Steel Mountain Road and comes to the TCH shortly. Driving eastward on Barachois Drive, beyond Barachois Brook, also leads shortly to Highway 490 and the TransCanada Highway.

Much of the non-residential development in the community is concentrated in a core area, on Main Street between Beach Lane and Abbott's Lane and up Steel Mountain Road for about a kilometre. Non-residential development in that core area is mixed with some residential development. The residential areas throughout the community are compactly developed, but with little sense of crowding. The overall street network features many side streets as said, with very few formed as loops.

There is a scarcity of available building lots in the core area for new development, as much of the available land has been built upon. Development of significant numbers of new building lots will require new public streets to be extended from existing roads. Fortunately, ample space exists to make that possible in a number of locations within the municipal boundary as well as in the outlying area.

However, there are some lots that could be subdivided other than for being surrounded by development which otherwise prohibits subdivision of said lands, so some flexibility to enable subdivision is warranted provided that all other requirements can be met; this may be especially important in dealing with large blocks of resource lands. Further, some "back land" lots can be created by enabling subdivision to create "flag lots"; both are desirable to facilitate creation of useful building lots on lands which may not otherwise be approvable.

The municipal planning area features extensive natural resources in minerals (gypsum and salt), aggregates, and forests. There has been considerable interest in hydrocarbon resources as well, with several exploratory wells and seismic testing having been carried out. Some of those resources are currently being extracted, though the specific activities vary from time to time. The known resources and extractive activity are located outside the built up area of the community. It is important that exploration for minerals and petroleum be enabled by policies appropriate to the areas in question. There is very little agricultural land use in the municipal planning area; however, it is important that any existing agricultural uses and small scale gardening and horticultural activity be permitted.

4.2 New Development and Infrastructure

"Infrastructure" in this context includes the municipal water supply and its distribution system, the municipal sewage collection and discharge system, and the streets for which Council is responsible. Much of the community is served by the municipal central water and sewer systems and by public streets and highways, as described below.

Municipal water system

The water system draws its groundwater supply from a wellfield of four wells lying in a designated recharge area which has been regulated since 2011 as a wellhead protected water supply area. The regulated area comprises a circle of 900 metres radius, except where it is truncated by Barachois Drive. A surface water supply (an impoundment of Dribble Brook), which is intended for use as a backup, is designated as a protected public water supply area.

Town of St. George's: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

Restrictions on development in those large areas pursuant to the *Water Resources Act* negates their capacity to support significant new development.

Some development has already occurred in the wellhead protected water supply area: the Siki Bennett Memorial Stadium and Children's Playground and Ball Field, and, residential development along the south side of Barachois Drive from Seal Rocks to Alder Drive. The Dribble Brook surface water supply area is virtually unoccupied other than for the water works infrastructure and a length of the TransCanada Highway which crosses it.

The groundwater supply is vulnerable to introduction of contaminants as the recharge areas for the wellfield include the location of the stadium and a considerable number of houses along Barachois Drive. In the Dribble Brook surface water supply area, a similar risk arises from potential spills or slow leakages of contaminants into surficial soils making their way to the intake at the dam. Therefore, the regulation of development in these areas requires great caution.

These water supply areas have been protected pursuant to the *Water Resources Act 2002*, based on the best available knowledge at the time. The boundaries have been established through hydrogeological modelling and topographic analysis which provide a reasonably accurate depiction of the areas which require special development control.

Municipal and private sewer systems

As said, much of the Town area is served by the municipal central sewer system. Discharge is to the sea in Flat Bay. Council is aware that eventually sewage treatment will become necessary, this being largely a matter of financial resources far beyond the capacity of Council. In the meantime, Council has designated a site for a future wastewater treatment plant.

Sewage disposal in areas outside the municipal central system is entirely by way of private sewage disposal systems. This means of disposal can be a risk where nearby private wells are in use. Use of properly designed and constructed private sewage disposal (septic) systems on adequately sized lots can serve well, but must be faithfully operated and maintained to minimize the risk of sewage contaminating nearby wells.

General approach to municipal water and sewer servicing and streets

This Municipal Plan requires that new development be connected to the municipal water and/or sewer systems where they are available. Council does not have the financial capacity to extend

those systems, but some minor extensions may be considered where a good business case can be made. The areas outside the core of St. George's will continue to be serviced with private water supply and sewage disposal systems, subject to stringent standards administered by the provincial government.

The other component of infrastructure has to do with streets. This Municipal Plan and the Development Regulations include policies and detailed requirements for layout, construction and financing of new subdivision streets. This include requirements for road reserves to be left to ensure that landlocking developable land does not occur.

4.3 Sensitive Lands

Information from the provincial government has indicated that special measures should be taken to protect vulnerable habitats, which in the municipal planning area include the following which are listed under the *Endangered Species Act*:

- 1) Piping Plover
- 2) NL Marten
- 3) Banded Killifish
- 4) Several species of flora

The Municipal Plan will address these concerns as follows (see Section 5 for their significance in the development concept underlying Municipal Plan policies and Section 6 for Municipal Plan policies):

- 1) Lands along Flat Bay Brook, including tidal marshes at the estuary, and on Flat Bay Islands (Sandy Point): rare plant species are found in these areas, for which a broad buffer zone is in order; these include listed (vulnerable) lichen species for which cutting of yellow birch along the Brook must be avoided. However, some development in the form of cabins along Flat Bay Brook already exist, so a reasonable accommodation of them is in order, but not to the extent of permitting development of new buildings and associated road accesses.
- 2) The Flat Bay peninsula and Sandy Point are critical habitat for Piping Plover and are designated as Sensitive Waterfowl, Seabird and Shorebird Areas. Conservation of these areas is very important.
- 3) Large areas in the vicinity of Little Barachois Brook are sensitive habitat for the NL Marten. However, its geographic extent is too vague to enable definition in municipal planning documents.

- 4) The habitat of the Banded Killifish is very common and widespread, mostly comprising shallow areas of clear ponds with a muddy or sandy substrate, high detrital content, and submerged aquatic vegetation. General measures to protect water bodies from development on adjacent lands and within them are included in this Municipal Plan, which will include a specific reference to the status of the Banded Killifish.
- 5) The low, undeveloped area on the shore below the T' Railway and bounded by Station Road, the Turf Point industrial land, and Barachois Drive, is designated as Environmental Protection to protect its natural environment, including rare plant and animal species, and respect their vulnerabilities to sea level rise.
- 6) The Department of Fisheries and Land Resources, Province of Newfoundland and Labrador, has identified a small area in the eastern part of the municipal planning area, in the vicinity of Flat Bay Brook, as an area of significant ecological value. As such, the area is designated in this Municipal Plan as Natural Area of Provincial Interest, in which development is to be severely limited, as required by the provincial government. A corresponding requirement is stated in the Development Regulations.
- 7) Council recognizes that vegetation clearing, noise and disturbance of habitat may negatively impact wildlife and ideally would be prevented, especially during spring and summer denning, breeding and brood rearing periods. However, measures such as prohibition of development and outdoor activities for much of the spring and summer season are not likely within the authority of municipal Councils as such would be intrusions into the legislative domain of the provincial government. Council encourages provincial authorities to pursue public education and regulatory measures within their authority to address this important topic.

4.4 Natural Hazards to Development

For many years, topics such as geological stability, landslides, flooding, wetlands, mineral workings (pits and quarries, as well as ore extraction and hydrocarbons), and coastal erosion have been familiar in Municipal Plans, including that of St. George's 2011 Municipal Plan.

In recent years, predictions of the effects of climate change have become clearer and measures are being taken in forward looking communities to adapt to those which threaten the environment and human settlements. These planning considerations were already well embedded in the 2011 planning documents, and it is Council's policy that these need to be continued and updated by virtue of new knowledge and requirements of the provincial government.

These concerns, and the approach to them in this Municipal Plan, may be classed as:

- 1) Geomorphological risks
- 2) Hydrological risks

4.4.1 Geomorphological Risks

These concerns relate to the ways in which the forms of the earth's surface are altered over time by physical processes. These processes, which are very slow but profoundly effective in changing landforms, include landslide, rockfall, unstable slopes, coastal subsidence and erosion, and sea level rise. These processes have been ongoing for millenia, but the rate of change has dramatically increased as the effects of global climate change are felt. Whether one considers climate change to be caused by human action or not, it is simply smart to adapt to the expected effects.

Planning documents typically include generic requirements for an engineer's report to support development on slopes over a certain steepness or on soils or embankments known to be unstable. An area of the community in the hills above Abbott's Lane would be a good example of an area requiring such cautions.

4.4.2 Hydrological Risks

Hydrology concerns the behavior of waters on the surface of the earth, including flooding. The community does not have many areas which experience frequent flooding, though a remarkable exception is the area along Flat Bay Brook. Also, Flat Island (Sandy Point) is low lying and prone to flooding and there are scattered areas of wetlands throughout the municipal planning area such as the large, low area along the shore between the two wharves in the centre of the community.

The areas lying along streams and brooks are prone to extensive flooding during the spring freshet when peak water levels are experienced and those on the coast are flooded when tides and winds occur in the right combination. It is Council's policy that the larger areas as noted are specially designated to prevent development where it is infeasible or undesirable.

In some of them, ecological concerns about rare flora and fauna also are prominent (see Section 4.3). A high priority topic concerning environmentally sensitive lands has for many years been development in the vicinity of (or in) watercourses and water bodies. Those measures continue

Town of St. George's: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

to be very important to Council and thus Council's policy is that they be included in the planning documents. For example, development within specified distances of shorelines is not permissible, except for developments which of necessity require access for wharves and the like.

Whether or not the Council's planning documents make references to them or show them on the planning maps, the generic provincial regulations concerning development near water bodies and watercourses continue to apply.

5.0 DEVELOPMENT CONCEPT

This section presents Council's policy to establish a general development concept for the municipal planning area, including brief descriptions of approaches to key issues. Section 6.0 provides the policies applicable to each of the various land use designations in the municipal planning area as well as policies uniformly applicable to the entire municipal planning area. The development concept underlying this Municipal Plan is based on the following factors and approaches (references to designations and overlays are the names of areas and overlays marked on the Future Land Use Maps):

General matters

- 1) Council wishes to welcome settlers who are attracted by the fine quality of life in a family-oriented residential community, set in a beautiful natural environment, and the prospect of enjoying active lifestyles in the community and in the nearby region. While populations in this part of the province are forecast to decline because of economic and demographic trends, the community continues to experience growth in building as old stock is upgraded or replaced with new structures.
- 2) St. George's will continue to be essentially a community for which most employment and practically all major services are found in the greater region of Stephenville and Corner Brook.
- 3) The community is not expected to be attractive for large commercial and industrial developments, due to scarcity of serviced land and the competitive advantage of local locations for those types of development in Stephenville.
- 4) Council will encourage and welcome new business developments which fit with the civic objective of environmental responsibility and compatibility with other developments. Home businesses are permitted in dwellings in order to maximize opportunities for the economic self-sufficiency of residents, while not detracting from the quality of residential life in the community.
- 5) In order to facilitate broader choices in housing styles, and with a view to enhancing affordability of housing, Council will consider the following in conjunction with single dwelling class development where such class of land use is permitted:
 - a. development of a single dwelling as a "tiny home". Such homes would have smaller than the usual minimum floor area for single dwellings, the proviso being that there must be a site plan that would show how the tiny home could eventually be enlarged whilst still respecting required yards, parking spaces, lot coverage and similar site features,

Town of St. George's: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

- b. development of subsidiary dwellings, ie: a separate class of land use comprising a separate single dwelling structure on a lot where the main use is a single dwelling, but only at a scale and with site features which would be compatible with the appearance of the single dwelling, and,
 - c. development of subsidiary apartments within single dwellings, to be permitted except in subsidiary dwellings.
- 6) Council will work with those interested in developing residential subdivision land within the municipal boundary, which Council wishes to encourage in order to support those who wish to move to the community and contribute to the healthy lifestyle and diversity of the community, as well as for residents who wish to build new housing. Council will explore methods by which its influence and support can assist.
 - 7) Council has no plans to extend its water and sewer services into the municipal planning area beyond its own municipal boundary. Developments shall be connected to municipal water and/or sewer services where available. Otherwise, development shall be serviced with private water supply and/or private sewage disposal systems in accordance with approved Certificates of Approval of the provincial government. The provincial government requirements concerning groundwater resources related to use of private wells include compliance with the *Groundwater Supply Assessment and Reporting Guidelines* administered by the Water Resources Division of the Department of Municipal Affairs and Environment.
 - 8) Except for certain resource industry developments, new development within the municipal boundary must have access to a public street. New streets shall be developed at the developer's expense and to the Council's standards before being accepted by Council as public streets. Private streets will not be approved except where part of a comprehensive development such as for condominium lanes or mobile home parks.
 - 9) Generic provincial government policy respecting sensitive lands and natural risks to development, on topics such as vulnerable habitat for flora and fauna, sea level rise, flood-prone areas, coastal erosion, development on steep slopes and in proximity to wetlands and watercourses, are reflected and supported in this Municipal Plan and the Development Regulations, as will the requirements of the provincial government concerning ecological values in a specific area south of Flat Bay Brook identified as a natural area of provincial interest.
 - 10) Although the municipal planning area is not noted for much agricultural development, it is important to the sustainability of the community that existing agricultural uses be permitted and that small scale gardening and horticultural activity be encouraged and permitted. Development of new agricultural uses, especially those involving keeping of

livestock and other intensive practices, are regulated to avoid land use conflicts with other developments.

- 11) It is recognized that exploration for minerals and petroleum resources is important to the economic development of the province, and are permitted at Council's discretion except where it is inadvisable, specifically not to be approved in the two protected water resources supply areas, the site of the future sewage treatment plant, and environmentally sensitive areas. Mineral workings, mining and petroleum extraction uses are permitted at Council's discretion but only in the rural areas lying outside the areas named above.
- 12) Regulation of forestry operations, including issuance of domestic fuel wood harvesting permits or forestry resource management, is not a function which Council wishes to undertake, and thus this Municipal Plan will permit those uses in all areas except the two protected water resources supply areas, the site of the future sewage treatment plant, and environmentally sensitive areas (in certain of those areas, consideration as discretionary uses where appropriate is provided). However, the state of forestry operations will be monitored from time to time to determine whether there is a future need to consider amending this policy.

Land use designations and overlay areas as shown on Future Land Use Maps

"Land use designation" is a term referring to an area of land which is shown on the Future Land Use Maps 1 and 2. An "overlay" encompasses an area of land which is shown overlaying one or more land use designations, such that the policies and requirements of the overlay act in addition to the policies and requirements applicable to the overlaid land use designation.

It is Council's policy that the following statements provide a context for the specific policies for each land use designation and overlay which are set out in Section 6.0 and for which the Development Regulations provide requirements for each Use Zone and for the overlays:

- 1) The core area of the community is designated as ^{Mixed} Development to reflect its intended future form featuring a wide variety of development types compatible with existing development. The designation is focused on Main Street between Beach Lane and Abbott's Lane and up Steel Mountain Road for about a kilometer, plus an existing industrial area on Parson's Lane and the area of the Siki Bennett Memorial Stadium and Children's Playground and Ball Field on Diamond Court.

Town of St. George's: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

- 2) Areas which are solidly residential in nature, and adjacent lands which can be efficiently developed by extension of Council streets or public highways, are designated as Residential to reflect their intended future form.
- 3) The areas designated as Residential and Mixed Development constitute the core of the community.
- 4) Outside of the core, lands is designated as Rural except where specific designations apply as follows:
 - a. The industrial area at Turf Point, comprising harbour facilities for storage and loading of goods into ships, is designated as Industrial. The designation may also be of interest to other types of industrial and commercial use, which will be accommodated.
 - b. The “Dribble Brook Protected Water Supply” designation is an area coinciding with the area which is protected pursuant to Section 39 of the *Water Resources Act* as the “*Dribble Brook Water Supply Area for the Town of St. George's*”. The Municipal Plan and the Development Regulations will require adherence to those protective measures.
 - c. The lands along Flat Bay Brook and its tidal marshes, which feature wide intervales which are prone to flooding and are sensitive habitat for rare plant species, are designated as Environmental Protection to ensure special attention to development proposals along its alignment.
 - d. The low, undeveloped lands on the shore below the T’Railway and bounded by Station Road, the Turf Point industrial land, and Barachois Drive, is designated as Environmental Protection to protect its natural environment, including rare plant and animal species, and respect their vulnerabilities to sea level rise.
 - e. The areas of Flat Island (Sandy Point) are designated as Environmental Protection to protect their natural environment, including rare plant and animal species, and respect their vulnerabilities to sea level rise.
 - f. A specific area south of Flat Bay Brook, identified by the provincial government as a “natural area of provincial interest” for its ecological values, is designated Natural Area of Provincial Interest to comply with government requirements.
 - g. The land acquired by the Town of St. George’s for a future wastewater treatment plant, below Station Road and the T’Railway, is designated as Public Utility.
 - h. Most of the land marked with the overlay “Wellhead Protected Water Supply Area” is an undeveloped area, which is designated as “Wellhead Protection”. This will more accurately describe its function to prevent further undesirable

development in the recharge area. Other parts of the overlaid area are designated as Residential or Mixed Development, as described under the “overlay areas” heading below.

- 5) Land in the Rural designation is intended to accommodate developments which are not well suited to urban settings, such as low density housing on private water supply and sewage disposal systems, forestry, mining, mineral workings, petroleum extraction, kennels, livestock farming, and very large commercial or industrial developments. Council will endeavor to protect the natural environment from unacceptable effects and to require adequate screening of unsightly structures and activities from view along streets and highways. Otherwise, the Development Regulations will make minimal requirements affecting new development in the Rural designation.
- 6) Overlay areas:
 - a) ✓ The “Wellhead Protected Water Supply Area” overlay marks an area regulated as a wellhead protected water supply area under the *Water Resources Act*. The Development Regulations will specify that the protections provided thereunder will apply in the overlaid Residential or Mixed Development designations, in addition to the ordinary requirements of those designations.
 - b) ✓ The NALCOR corridor overlay is applied to ensure that proposed developments in the corridor are submitted for review and consent by NALCOR. Its legal description is found in Statutory Easement 14427.

6.0 MUNICIPAL PLAN POLICIES

In this Section, official Municipal Plan policies are stated to fulfill the development concept set out in Section 5.0. These are organized in two groups: Section 6.1 gives policies specific to each of the land use designations described in the development concept, including the special requirements applicable to the two “overlay” areas described in Section 5.0. Section 6.2 gives policies applicable uniformly to all designations and overlays unless expressly exempted. The respective boundaries of these areas are shown on the Future Land Use Maps 1 and 2.

These policies, together with more detailed and incidental requirements and procedural matters which are set out in the Development Regulations, provide direction for Council decision-making in municipal planning. Numerous topics are addressed in the Development Regulations to fulfil the goals, objectives and policies of the Municipal Plan.

The meanings of “groups, divisions and classes” of land uses as used in this Municipal Plan are to be interpreted according to the classification of uses found in the Development Regulations. A copy of the classification table is found in Appendix C of this Municipal Plan, for reference.

6.1 *Policies for Designations and Overlays*

The land use designations are as follows, as shown on the Future Land Use Maps 1 and 2:

- Mixed Development
- Residential
- Industrial
- Wellhead Protection
- Dribble Brook Protected Water Supply
- Public Utility
- Environmental Protection
- Natural Area of Provincial Interest
- Rural

The “overlay” areas are as follows, described in Sections 6.1.9 and 6.1.10, respectively:

- Wellhead Protected Water Supply Area
- NALCOR Corridor

Council's policy is that the Development Regulations shall contain use zone tables and that zones will be shown on zoning maps to align Municipal Plan policy with use zone tables in the Development Regulations.

Policies for the above named designations and overlays are found in Sections 6.1.1 through 6.1.11.

6.1.1 Mixed Development

Specific policies pertaining to the Mixed Development designation are:

1. Permitted uses are:

- i. ✓ Assembly group uses except for the Amusement class and Bars and lounges in the Catering class
- ii. 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 class use; note that the Mobile Home class and Subsidiary Dwelling classes are separate classes of land use and are subject to conditions in the Use Zone Table in the Development Regulations intended to make their scale and site features compatible with the appearance of the single dwelling).
- iii. Medical Treatment and Special Care class
- iv. Business and Personal Service Uses group except for the Taxi Stand and Take-Out Food Service classes
- v. Mercantile Uses class
- vi. Recreational open space class including trails
- vii. Conservation class
- viii. Existing cemeteries and expansions thereof
- ix. Forestry class, including domestic cutting for fuel wood
- x. Existing agricultural uses
- xi. Gardening and horticultural activity

2. At Council's discretion, the following uses may be permitted:

- i. Home businesses
- ii. Amusement class
- iii. Bars and lounges in the Catering class

Town of St. George's: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

- iv. Take-Out Food Service class
- v. Taxi Stand class
- vi. Service Station class
- vii. General Industry and Light Industry classes but only uses requiring direct access to Flat Bay
- viii. Transportation class
- ix. Antenna or Wind Turbine class, but only those defined as “short” (see Section 6.2.7 concerning antenna developments).
- x. Cemetery class
- xi. Mineral exploration class
- xii. Petroleum exploration class
- xiii. Further to the above and subject to conditions as detailed in the Development Regulations, Council may approve:
 - I. Locations of accessory buildings in the actual front yard of a lot which may otherwise not be approvable, where site conditions make rear and side yard locations impracticable.
 - II. Building lines which may not otherwise be approvable, for developments to complement setbacks of existing buildings on abutting lots.
 - III. Access ramps for a wheelchair or similar aids for mobility which may not otherwise be approvable having regard to requirements for location, appearance, yards or lot coverage, in order to appropriately respect the needs of people for whom such aids are important to their personal well-being.
 - IV. Heights and number of storeys of accessory buildings which may otherwise not be approvable, where the building is in the rear yard of a lot and adverse effects are judged to be negligible.
 - V. Widths of the legs of flag lots which may otherwise not be approvable, where the width is less than the minimum requirement, where local circumstances dictate a width that is less than the minimum requirements, and where suitable arrangements are possible with regard to site conditions (see Section 6.2.14).
 - VI. Heights and yards which may not be otherwise approvable, for flagpoles, water towers, spires, belfries, or chimneys and adverse effects are judged to be negligible.
 - VII. Single dwellings to be built in phases where the minimum floor area requirements would not be satisfied in the initial phases of development (sometimes called “tiny homes”), in conjunction with site plan approval as described in this Municipal Plan (see Section 6.2.6).

- VIII. Temporary uses for accommodation of itinerant or unusual short term activities (see Section 6.2.18).
- IX. Locations and features which may otherwise not be approvable, related to use of parts of a lot for open storage of materials, goods and machinery and where adverse effects are judged to be negligible.
- X. Types or sizes of signs (advertisements) not otherwise approvable and where adverse effects are judged to be negligible.
- XI. Modification of sight line requirements related to fences and where adverse effects are judged to be negligible.. .
- XII. Comprehensive developments (see Section 6.2.15).

CAUTION: some parts of the Mixed Development land use designation lie within the Wellhead Protected Water Supply Area as described in Section 6.1.10. 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 accompanying Development Regulations. This will be made a condition in the Mixed Development Use Zone Table in the Development Regulations.

6.1.2 Residential

Specific policies pertaining to the Residential designation are:

1. Permitted uses are:
 - i. Single dwelling class including an accessory subsidiary apartment constructed within it and/or a an accessory family and group home use constructed within it, but not including a subsidiary dwelling class use (note that the Mobile Home class, Mobile Home Park class and Subsidiary Dwelling classes are separate classes of land uses and are listed as discretionary uses)
 - ii. Double dwelling class, which includes family and group home uses
 - iii. Child care class
 - iv. Recreational open space class including trails
 - v. Conservation class
 - vi. Existing cemeteries and expansions thereof
 - vii. Forestry class, including domestic cutting for fuel wood
 - viii. Existing agricultural uses
 - ix. Gardening and horticultural activity

2. At Council's discretion, the following uses may be permitted:

- i. All other Residential group uses including a subsidiary dwelling 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 classes of land uses and are listed as discretionary uses; these classes of use are subject to conditions in the Use Zone Table in the Development Regulations intended to make their scale and site features compatible with the appearance of the single dwelling).
- ii. Assembly group uses except for the Amusement class and bars and lounges in the Catering class
- iii. Convenience store class
- iv. Cemetery class
- v. Transportation class, only for wharves, docks, fishing stages, boat houses and the like
- vi. Medical Treatment and Special Care class
- vii. Antenna or Wind Turbine class, but only those defined as "short" (see Section 6.2.7. concerning antenna developments).
- viii. Agricultural uses involving keeping of a small number of animals
- ix. Mineral exploration class
- x. Petroleum exploration class

Further to the above, Council may at its discretion approve developments described in policy (2) (xiii) specified for the Mixed Development designation.

CAUTION: some parts of the Residential land use designation lie within the Wellhead Protected Water Supply Area as described in Section 6.1.10. 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 accompanying Development Regulations. This will be made a condition in the Residential Use Zone Table in the Development Regulations.

6.1.3 Industrial

Specific policies pertaining to the Industrial designation are:

1. Permitted uses are:
 - i. Transportation class
 - ii. Industrial group except for the Hazardous Industry class
 - iii. Office class
 - iv. Passenger Assembly class
 - v. Antenna or Wind Turbine class, but only those defined as "short" (see Section 6.2.7 concerning antenna developments).
 - vi. Forestry uses, including domestic cutting for fuel wood
 - vii. Gardening and horticultural activity
 - viii. Mineral Exploration class
 - ix. Petroleum exploration class
 - x. Recreational Open Space class
 - xi. Conservation class
2. The only discretionary use is the Hazardous Industry class.
3. Measures to minimize the effects of industrial and transportation activity, especially to do with blowing mineral dust and truck traffic, will be explored in conjunction with owners and operators of those activities and residential properties located in the nearby Residential designation.

6.1.4 Wellhead Protection

As said in the Development Concept, most of the area marked with the overlay "Wellhead Protected Water Supply Area" is designated as Wellhead Protection. Any development within the overlay must be approved in accordance with regulations of the Water Resources Division of the Department of Municipal Affairs and Environment, pursuant to the *Water Resources Act* before a Council permit can be approved. See also Section 6.1.10 for details concerning the overlay.

The areas within the overlay but not designated as Wellhead Protection on Future Land Use Map 2 are nevertheless subject to the provincial government regulations pursuant to section 61 of the *Water Resources Act* as well as the requirements of their respective designations of Mixed Development and Residential (see Sections 6.1.1 and 6.1.2 respectively).

Specific policies pertaining to the Wellhead Protection designation are:

1. Protection of the Wellhead Protection designation from encroachment, disturbance or contamination is a matter of extreme importance.
2. Any development in this designation must be approved in accordance with regulations of the Water Resources Division of the Department of Municipal Affairs and Environment, pursuant to the Water Resources Act.
3. 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.
4. Uses permitted at Council's discretion include those in the forestry class, and only in conjunction with a professionally prepared forestry management plan approved by the provincial government and the Council, notwithstanding Council's general policy to have no role in management of forest resources.
5. Council will monitor activities in the area to be vigilant about any threats to the sanctity of the water supply, and immediately follow up on any observations warranting investigation.
6. Certain activities such as use of specified chemicals are subject to detailed conditions and restrictions will be detailed in the Development Regulations.

6.1.5 Dribble Brook Protected Water Supply

As said in the Development Concept, the area designated as the Dribble Brook Protected Water Supply is the community's standby water supply source. It is designated as a regulated protected public water supply area named "*Dribble Brook Water Supply Area for the Town of St. George's*" pursuant to section 39 of the *Water Resources Act*. Council's Development Regulations will parallel those regulations. Any development must be approved by the Water Resources Division of the Department of Municipal Affairs and Environment, pursuant to the *Water Resources Act* before a Council permit can be approved.

Council's policies pertaining to the Dribble Brook Protected Water Supply designation are:

1. Protection of the Dribble Brook Protected Water Supply designation from encroachment, disturbance or contamination is a matter of extreme importance.
2. The permitted uses are limited to Conservation class uses and uses related to the management of the lands and the municipal water utility works.
3. Uses permitted at Council's discretion include those in the Recreational and Open Space classes, including trails, and those in the 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, notwithstanding Council's general policy to have no role in management of forest resources.
4. Council will monitor activities in the area to be vigilant about any threats to the sanctity of the water supply, and immediately follow up on any observations warranting investigation.
5. Certain activities such as use of specified chemicals are subject to detailed conditions and restrictions as are detailed in the Development Regulations.

6.1.6 Public Utility

As said in the Development Concept, the area designated as Public Utility is the intended site of the community's future wastewater treatment plant. The development of the plant may take place in stages, in which, for example, an outfall may be constructed first, followed by one or more phases of construction of plant buildings and equipment. The land must be retained but in the meantime may have beneficial uses that can be removed when the plant is to be constructed.

Specific policies pertaining to the Public Utility designation are:

1. Council will protect and preserve the Public Utility designation from loss, encroachment or disturbance which would impair Council's ability to construct the treatment plant.
2. The area will be shown as a Zone by the same name in the Development Regulations.

3. Council shall not convey or alienate the property to others without amendment to the Municipal Plan and Development Regulations. Council may enter into agreements with others to use the land for permitted uses subject to a condition that the use of the land shall be ceased and vacated on notice from Council for any reason.
4. Permitted uses are :
 - a. Buildings and open storage used by Council for public works purposes, including a sewage treatment plant and associated works
 - b. Recreational 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
5. There are no discretionary uses.

6.1.7 Environmental Protection

As said in the Development Concept, the lands designated as Environmental Protection are:

- a) The lands along Flat Bay Brook (except where it passes through the Natural Area of Provincial Interest designation) including its tidal marshes, which are prone to riparian flooding, are habitat for vulnerable species, and which have featured frequent flooding of seasonal dwellings located on the intervalles along the Brook.
- b) Flat Island (Sandy Point) lands which have a sensitive natural environment which supports vulnerable species, and which are vulnerable to sea level rise.
- c) The low area on the shore below the T'Railway between Station Road and Turf Point, which has a sensitive natural environment which supports vulnerable species, and which is vulnerable to sea level rise.

Specific policies pertaining to the Environmental Protection designation are:

1. Council will endeavour to prevent or minimize degradation and erosion of fragile habitat, vegetation and soils, while still permitting limited non-building uses and reasonable enhanced use of existing development.
2. These areas will be shown as a Zone by the same name in the Development Regulations.

3. Any development must be approved by the provincial government before a Council permit is approved as these lands are wetlands, feature sensitive habitats, and/or are prone to flooding.
4. The only permitted use is the Conservation class, plus modest expansion or improvement of existing structures and private lanes giving access to them, as detailed in the Development Regulations.
5. Uses which may be approved subject to Council's discretion include the following:
 - 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

6.1.8 Natural Area of Provincial Interest

The Department of Fisheries and Land Resources has identified a small area in the eastern part of the municipal planning area, south of Flat Bay Brook, as an area of significant ecological value. As such, the area is designated in this Municipal Plan as Natural Area of Provincial Interest, in which development is severely restricted as required by the provincial government. A corresponding requirement is stated in the Development Regulations.

Council's policies pertaining to the Natural Area of Provincial Interest designation are:

1. The permitted uses are the conservation class, mineral exploration class, petroleum exploration class, and any other uses approved by the provincial government in keeping with the stated objective for the area.
2. The area will be shown as a Zone by the same name in the Development Regulations.
3. There are no discretionary uses.
4. Council will in principle support the provincial government concerning measures taken to protect the ecological values of the designated area.

6.1.9 Rural

As said in the Development Concept, lands in the Rural designation are intended to accommodate developments which are not well suited to urban settings, such as mineral workings, mining, petroleum extraction, kennels, livestock farming, and very large industrial and commercial developments, as well as some other uses which are usually found in urban areas, such as low density residential development. Council will endeavor to protect the natural environment and nearby land uses from unacceptable aesthetic or nuisance effects and to require adequate screening of structures and activities from view along streets and highways. Otherwise, the Development Regulations will make minimal requirements affecting new development.

Council's policies pertaining to the Rural designation are:

1. Lands designated Rural shall be developed primarily for uses utilizing the area's natural resources and land uses not compatible with the urban environment, as well as some other uses which are usually found in urban areas, such as low density residential development, but which nevertheless may be acceptable.
2. Permitted uses are:
 - 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 and mine class
 - f) Existing cemeteries
3. All other uses may be considered as discretionary uses, in order to ensure full review of proposals for other development classes and to provide for consideration of a wide variety of proposed developments, some of which may be unusual but nevertheless desirable.
4. Council will evaluate each development proposal to determine potential environmental and other effects and set development standards to reduce or eliminate any negative impacts and protect public safety and amenities
5. New development may be serviced with extensions of the Council's central water and sewer systems at the proponent's expense and subject to Council's approval of capacity and technical standards and by way of a specific development agreement.

6. Private water supplies and private sewage disposal systems are acceptable but are subject to the proponent securing Certificates of Approval from provincial government authorities.
7. Mineral workings, mining and petroleum extraction structures and disturbed areas are required to be separated by a substantial buffer distance from public highways, streets and trails, protected water supply areas, sensitive lands, and the areas intended to be developed as urban areas, as detailed in the Development Regulations.
8. Mineral working, mining and petroleum extraction operations shall be conducted in a manner which will minimize the adverse effects on water quality, fish and wildlife, and shall be buffered from adjacent developments. All such operations are required to submit a site rehabilitation plan as a part of the development application. Council, when issuing a permit, may attach such conditions as are in its opinion necessary to properly regulate the operation. Such conditions may refer to the following subjects and matters:
 - a. Landscaping, screening and fencing;
 - b. Rehabilitation;
 - c. Noise, dust and pollution control.

6.1.10 Wellhead Protected Water Supply Area Overlay

The area marked with the overlay "Wellhead Protected Water Supply Area" is the area protected pursuant to Section 61 of the *Water Resources Act* as the "*Wellhead Protected Water Supply Area, St. Georges Wellfield, Wells Number 1, 2, 3 & 4, WS-G-0876 for the Town of St. Georges*". It is a circle of 900 metres radius, truncated where it runs along the centre line of Barachois Drive.

Parts of the overlaid area are occupied by development along the south side of Barachois Drive and the lands around the stadium at the end of Diamond Court. The developed area on the south side of Barachois Drive is designated as Residential. The stadium lands lying within the overlay are part of the Mixed Development designation.

Council's policy is that the protections provided under the *Water Resources Act* will apply in those areas designated as Residential or Mixed Development which are so overlaid, in addition to the ordinary requirements for development in those designations.

6.1.11 NALCOR Corridor Overlay

The NALCOR corridor overlay described in the Development Concept (Section 5.0) is applied to ensure that proposed developments in the statutory easement established for the corridor are submitted for review and approval by NALCOR, for safety reasons. The configuration of the easement is subject to change without notice as Council has no control over this matter.

Council's policy is that all development applications shall be submitted for NALCOR review and approval before any municipal permits are issued.

6.2 Policies Applicable to All Areas

The following Council policies pertain to all of the municipal planning area:

6.2.1 Sustainability of Development

It is important to take forward-looking measures to address the sustainability of the quality of life of the community. Council's policies as set out below are intended to provide overall direction to enhance sustainability of development:

- 1) In considering discretionary use applications, Council will give the highest priority to reasonable compatibility with existing and intended future developments in the area, while being flexible where a proposed land use can operate without any significant adverse effect on the surrounding area.
- 2) The matter of adequate and usable legal public access to a waterway or water body may be used as a consideration in the review of an application for a development or subdivision of land in close proximity to a waterway or water body.
- 3) Amusement class uses and Take-out Food Service Uses, where permitted or approvable at Council's discretion as stated in the Use Zone Tables, shall be located on lots which do not abut, or lay across a street from, any lot used for Residential group uses. Amusement class uses located within the municipal boundary also must be approved as "Places of Entertainment" by Council pursuant to section 199 of the *Municipalities Act*.

- 4) The Development Regulations will detail requirements including but not limited to the following topics, with the purpose of developing and maintaining a pleasant, low density community:
 - a) Setbacks from lot lines
 - b) Subsidiary apartments and subsidiary dwellings
 - c) Home businesses
 - d) Small scale agricultural uses and keeping of animals
 - e) Fences and signs
 - f) Accessory buildings and uses
 - g) Campgrounds, mobile home parks, and mobile home subdivisions
 - h) Wind turbines and antennas
 - i) Adequacy buffering between non-residential land uses and any abutting residential uses which may include among other measures ample distance from the proposed development, grass strips, fences, and shielded yard lighting.
 - j) Adequacy of features of site grading, drainage and landscaping to mitigate against erosion onto and pollution of adjacent development and lands and bodies of water receiving drained water from the site, and related matters.

- 5) New developments other than for access to resource exploration or extraction activities must front on a public street except where waived as unnecessary or undesirable, and not feature traffic volumes or heavily loaded vehicles which would deteriorate the condition or diminish the safety of Council streets.

- 6) All development must be connected to the municipal central water and/or sewer systems if available and have capacity, and/or the owner's private water and/or sewer systems, subject to the proponent securing Certificates of Approval from provincial government authorities. The provincial government requirements concerning groundwater resources related to use of private wells include 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 Municipal Plan, 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 of less than five lots, each having a minimum 2,023 square metre area, unless the area has documented drinking-water quality and/or quantity problems; note that these requirements are subject to change). The numbers of lots are cumulative, as further subdivision of the original parcel takes place.

- 7) Signage and outdoor lighting shall be subdued and in keeping with attractive design and highway safety.

- 8) Forestry activities are supported, including harvesting (commercial and domestic cutting), processing of products of the forest, silviculture and access roads, as indicated as permitted or discretionary uses in appropriate use zone tables in the Development Regulations.
- 9) For cases where unusual circumstances are anticipated, especially for very large scale or complex developments, Council may require submission of a detailed site plan for review and approval as described in this Municipal Plan. See Section 7.2.

6.2.2 Natural Hazards to Building

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

- 1) Council may require professional review and advice in order to evaluate any proposal for the erection of a structure on a site which is potentially subject to natural hazards including flooding, sea level rise, coastal erosion or any other physical hazard near water bodies, watercourses and the sea.
- 2) The 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 any ocean shores and any other inland water body subject to tidal influence, to provide a buffer against coastal erosion. The following may be developed subject to the ordinarily applicable requirements in the use zone tables in the Development Regulations:
 - a) structures or land uses requiring direct access to salt water, including wharves, breakwaters, slipways and boathouses, subject to compliance 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) municipal parks;
 - 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) and new accessory buildings which are located within the required setback,.

- 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.

6.2.3 Protection of the Natural Environment

Protection of the natural environment is a high priority. The quality of air, land, and water, as well as aesthetic considerations, are important to the health, culture, and economy of the area. The role of Council in this regard is intertwined with the roles and authorities of the Governments of Canada and the Province of Newfoundland and Labrador.

Acting under the authority of the *Water Resources Act*, as well as other legislation, the provincial government has addressed the management of environmental concerns, including impacts on water resources and wildlife, and it coordinates with the federal Department of Fisheries and Oceans and other federal entities. The provincial government has acted to deal with many concerns in this regard, including but not limited to regulating the following:

- a) Development within 15 metres of a waterbody or watercourse if in a Crown land reservation (the minimum buffer is measured from the high water mark of the waterway or body of water, and if the shoreline features a steep embankment, then from the top of the embankment). See also Section 6.1.7 concerning special requirements in the Environmental Protection designation for the lands along Flat Bay Brook (except where it passes through the Natural Area of Provincial Interest designation) including its tidal marshes;
- b) Development in shore water zones, (the interface between land and water, and includes the land along the edge of an ocean or a fresh water body) as set out in the Department of Municipal Affairs and Environment's *Policy for Development in Shore Water Zones* W.R. 97-1.
- c) Discharge of any effluent off the subject property;
- d) Work in any body of water or wetland;
- e) Infilling of water bodies or diversion of streams (usually not approvable if for residential development);
- f) Construction of wharves, breakwaters, slipways and boathouses;
- g) Infilling or dredging associated with marine structures or other works;
- h) Any development in a protected public water supply area;
- i) Providing waste receptacles in work areas;
- j) Waste diversion actions including recycling, reuse or resale programs;

- k) Open burning of waste;
- l) Pesticide and halocarbons use, purchase and storage;
- m) Petroleum (including used oil) storage and dispensing;
- n) Effects of climate change; and,
- o) Energy efficiency in buildings.
- p) Protection of several species of flora and fauna which are listed in the *Endangered Species Act* (see Section 4.3).

It is Council's policy that these matters are to be identified in the Development Regulations to indicate that provincial government approvals apply to proposed developments. Where there is conflict between the Municipal Plan and the Development Regulations, and, any regulations or requirements of the provincial or federal government, the latter shall prevail.

Further to the above, Council's policy is that garbage, refuse, abandoned vehicles and any other discarded materials of any kind must be disposed of only at an authorized waste disposal facility outside the municipal planning area. Such material 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.

6.2.4 Municipal Services

Some of the costs of running a municipal government are proportional to the overall length of municipally maintained roads that are usually provided with street lights, water and sewer services, drainage, signage and landscaping. Generally, the more spread out a settlement becomes, the more these costs increase.

Council intends to control these costs through implementation of the following Council policies applicable to areas within the municipal boundary:

- 1) Extensions to the water, sewer and road system which are not part of the Council's capital works program shall be the financial responsibility of the developer, although the Council may access senior government financial assistance where possible, to encourage and assist desired works. Nevertheless, any such infrastructure which is intended to be conveyed to the Town of St. George's shall be designed and constructed to modern engineering standards, and shall be subject to approval by Council.

- 2) With the exception of land uses associated with agriculture, forestry, sawmilling, mineral workings, mining or other resource or similar uses for which street frontage would be unnecessary or undesirable, all buildings shall have motor vehicle access to a publicly owned and maintained road, unless other policies and requirements of this Plan specify otherwise.

6.2.5 Trails and the T'Railway

The municipal planning area features numerous trails used by the public for hiking and motorized off-highway recreational vehicles. These are valued assets which enhance the quality of life of residents and visitors alike.

Some parts of the T'Railway are now or could in future be designated a Provincial Park, which at present has no visible park-like presence in the municipal planning area. Council's policy is to protect and encourage improvement and use of the T'Railway and in the Development Regulations to require approval of the Provincial Parks Division of the Department of Tourism, Culture, Industry and Innovation for any development thereon, in addition to the requirements of the Municipal Plan and Development Regulations.

Council's policy is further to designate public trails where circumstances and consent of property owners on whose lands trails are located make for feasible plans, except in the Natural Areas of Provincial Interest designation. Council will endeavour to prevent intrusion of developments on designated public trails and the T'Railway.

6.2.6 Mobile Home, Subsidiary Dwelling and "Tiny Home" Developments

Council's policies concerning unconventional designs of housing, in order to provide for reasonable accommodation of them and where so provided in the Use Zone Tables in the Development Regulations, are as follows:

- 1) 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. Exterior finishes and features shall be of a type found in conventional single dwelling construction in the community.
- 2) Development of mobile home parks shall be subject to the same standards and conditions as for residential subdivisions, and shall be subject to site plan approval as described in Section 7.2 of the Municipal Plan and a development agreement between the operator and

Council concerning the management and maintenance of the streets and water and sewer services which are privately owned and operated in such developments.

- 3) Council will permit subsidiary dwellings in the Mixed Development designation and at Council's discretion in the Residential designation, subject to conditions in the related Use Zone Tables in the Development Regulations.
- 4) Council will consider at their discretion development of "tiny home" style main single dwellings and subsidiary dwellings having less than their respective minimum required floor area, in conjunction with a site plan approval as described in Section 7.2 of the Municipal Plan and subject to conditions in the Use Zone Tables in the Development Regulations. The site plans 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.

6.2.7 Antennas and Wind Turbines

Development of structures in the Antenna or Wind Turbine class represent an aesthetic and safety concern.

Tall antennas are a familiar sight in the region, and their visual effect and the large areas of land required to accommodate their guy wires and access roads can be easily appreciated. One can anticipate the coming of more tall antennas, and possibly tall wind turbines, both of which can consume large land areas and are of aesthetic and safety concern. Short structures, such as may be used at the household or small commercial scale, can be acceptable in many settings.

Aesthetic considerations are quite subjective, but not to be discounted: tall wind turbines can reach as high as 100 metres from the ground to the tip of the top blade when it is vertical (some have tower heights over 50 metres and blade lengths currently are up to 42 metres). Antennas can be much taller than that, and involve widespread guy wire and anchoring arrays.

Short antennas can be integrated in urban development in some cases, because the aesthetic effects are not extreme. The typical access lanes and massing of the short antennas is not overly prominent, as simple lanes suffice for access and the structures are thin, with few large attachments. Land consumption for self-supporting short towers is negligible, though even a short antenna with guy wires has a considerable footprint which cannot be further developed.

Wind turbines present the added issue of noise and safety, but they are not stayed with guy wires (except for the uncommon vertical axis type) so the issue of land consumption is minimal. Noise is related to the sounds of the machinery in the wind turbines as well as the sound of the wind impacting the blades and towers. A typical science-based approach is to require that the noise from wind turbines should not exceed normal background levels at the property boundary.

Wind turbines are generally required to be set back from lot lines a substantial distance because of noise and safety considerations. Safety concerns related to ice shedding are alleviated by knowing that little of the ice will land outside a certain radius from the tower. A report by the Canadian Wind Energy Association (CanWEA) recommends a setback distance of one blade length plus 10 metres from lot lines, including the street line, this being based on engineering studies of ice shedding.

Concerns about wind turbines and antennas can be systematically addressed in land use planning by categorizing their height for aesthetic and safety reasons. A balancing of the factors just cited suggests that the appropriate categorization for St. George's is defining those with tower heights over 15 metres as "tall" and those under as "short". In all cases, requiring guy wires and anchors to be located on the same lot as the tower will prevent diminishing the development potential of adjacent lands.

Antennas and wind turbines classified by height therefore are made eligible for consideration as discretionary uses in several of the area designations as described in Section 6.1.

Council acknowledges that regulation of antennas is in the jurisdiction of the Government of Canada, and that the role of Council is to take part in consultative processes which proponents are invited to follow. Council is recognized as a local "land use authority" in current federal government guidelines concerning consultation. It is Council's policy that the policies and requirements set out in the Municipal Plan and the Development Regulations describe the aspirations of the community in this regard, and that Council's view is that the process of municipal permitting provides an orderly method of dealing with public consultation and Council's input to federal authorities.

6.2.8 Advertisements (Signage)

Council's policy is that all signs and advertisements are to be tastefully presented (in terms of lettering and overall design), properly situated and well maintained in order to prevent unwanted

visual effects, and must be approved by Council at Council's discretion unless exempted. Obsolete and dilapidated signs may be subject to Council orders to remove them. Detailed requirements and exemptions are provided in the Development Regulations. See Section 6.2.12 for policy concerning development of signs near public highways (a permit from Service NL is required—subject to change).

6.2.9 Keeping of Animals

Pets

People keep animals for a variety of reasons: as pets for the companionship and enjoyment of them practically as members of the household, and as economic assets in some cases, providing food, fur and other materials as well as labour for the benefit of the owner. Keeping of pets is rarely a matter of concern in a Municipal Plan, as the activity tends to be self-regulating as far as land use is concerned.

Municipal planning laws such as the Development Regulations are not intended to be used to deal with situations where pets are not properly housed or not given appropriate care. In those cases, regulations concerning public health, cruelty to animals, noise and other such matters enable authorities to deal with offending behaviour.

Council's policy is that the Development Regulations will therefore consider keeping of pets to be an accessory use to the main use of a property where it is appropriate.

Agricultural animals

However, when significant numbers of small or large animals are bred, raised or kept for agricultural purposes, Council's policies are:

- 1) that it is appropriate to regulate the locations of buildings and outdoor ranges and characteristics of various species for sanitary and nuisance reasons. The Development Regulations will therefore include requirements related to keeping of animals, distinguishing between pets and agricultural animals, large and small developments, species of animals, and location of uses,
- 2) that development of agricultural class uses of any size involving keeping of animals will be permitted only in the Rural designation, but existing agricultural uses will be listed as permitted uses in the Mixed Development and Residential designations so that they do not become non-conforming uses in those areas,

- 3) that the Development Regulations will include requirements related to proximity of keeping of agricultural animals to sensitive lands such as the protected water supply areas, and, for large developments (those involving over five Animal Units as defined in the Development Regulations) requiring substantial separations from sensitive lands, and,
- 4) that the land area and farming practice requirements for all agricultural developments involving keeping of animals, regardless of size, be based on the *Environmental Farm Practices Guidelines for Livestock and Poultry Producers in Newfoundland and Labrador*.

6.2.10 Removal of Quarry Materials

Quarry materials produced as a by-product of an approved development may be removed from the development site. Site preparation to construct a building usually involves removing topsoil, overburden, and sometimes bedrock from the footprint area; these materials may be retained or re-used on the development site. Quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat. Note that removal of quarry materials for the purpose of development shall not constitute mineral workings which are subject to provincial approval.

The Department of Natural Resources requires that they be notified of upon issuance of a permit for a development involving removal of quarry materials from the site, so that they can ensure that provincial government regulations are observed.

In order to assist the provincial government in this regard, Council's policy is that the Department of Natural Resources will be made aware of approved developments where the excavation of quarry materials may take place and that the Development Regulations will contain a statement to the effect.

6.2.11 Archaeological and Heritage Resources

Council will endeavour to conserve and protect its heritage resources through encouraging the preservation of historic buildings and sites and other means in its capability. Archaeological sites and discoveries are protected pursuant to the *Historic Resources Act 1985*. The Development Regulations will specify that anyone discovering potential artifacts or conditions during work on a development shall stop work and report the finding to Council and the Provincial Archaeological Office, and not proceed until authorized in accordance with the specified procedure.

Council's policy is to scrutinize development applications for information on proximity to the known registered sites in the municipal planning area, and where applicable notify the Provincial Archaeological Office before approval of any permit. The specific locations of registered sites are not identified in the Municipal Plan or Development Regulations, to minimize their exposure to vandalism and looting, but the sites are known to the Council.

6.2.12 Building Near Public Highways

Public highways located within the municipal planning area include Highway 403 (Flat Bay Road), Highway 461 (St. George's Highway), and Highway 1 (the TransCanada Highway). The provincial government exercises authority to regulate developments within specified distances from public highways, according to the class of highway.

Highways 403 and 461 are subject to the *Building Near Highways Regulations*, but the TransCanada Highway is a protected road and a limited access highway and is not subject to those regulations. All are subject to the *Highway Sign Regulations*. Their respective classifications and/or proximity criteria are subject to change.

The current requirements in this regard are summarized as follows; these are quoted in the Development Regulations:

- a) *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) *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. Within the 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 municipal planning area, 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) *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 municipal planning area but outside the municipal boundary, and, within 100 metres from the centre line of the roadway where within the municipal boundary.

Application for permits pursuant to the above regulations is 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.

6.2.13 Minerals, Mining and Petroleum Exploration and Extraction

Mineral resources feature prominently in the municipal planning area. There have been recent petroleum exploration wells and seismic testing, as the overall area is recognized as a hydrocarbon bearing basin having oil and gas potential.

Salt and gypsum deposits have been mined and there are several mineral licenses in effect; however, at the time of adoption of this Municipal Plan, only one mine, the Coal Brook gypsum mine, is active. It is accessed by a private haul road referred to locally as the Flintkote Road, running from the mine to the port at Turf Point in the Industrial designation. The western part of the municipal planning area in particular has been the focus of salt and gypsum exploration, mostly located in the Rural designation (the Residential designation in that area is closely drawn to encompass only the already developed area, so as to put the area of primary mining interest outside of it, in the Rural designation—see Future Land Use Map 1).

A great part of the municipal planning area and the adjacent communities of Stephenville Crossing and Stephenville, as the Mines Division puts it, feature: “... *vast zones... containing or likely to contain deposits of sand and gravel of suitable size and quality for quarrying... unequalled on the island...*”. The areas of interest are generally toward the western end of the municipal planning area, in the vicinity of Shallop Cove and Flat Bay Brook, in the Rural designation. There are numerous mineral workings (quarries) covered by quarry permits or quarry leases, and it is expected that new developments may be proposed at any time.

In this Municipal Plan, existing mineral workings and mines are permitted in the Rural designation, and new developments of these classes of land use, as well as petroleum exploration and extraction classes, will be considered at Council's discretion in that designation.

Exploration for subterranean resources is a valuable activity as it assists in locating potentially valuable resources, whether or not they lie directly below the land being explored. Council's policy is to consider mineral exploration and petroleum exploration classes as permitted or discretionary uses as specified in the policies applicable to most designations (the exceptions being special areas such as the water supply designations). Approval of an exploration permit does not suggest or commit Council to subsequently approve a related mineral working, mining or petroleum extraction application.

Council's policy is to include requirements in the Development Regulations to endeavour to minimize negative impacts on the areas affected by exploration and extraction, for example to do with restoration of areas where ground has been disturbed, removal of vehicles, equipment and trash when finished, and on points which are not in Council's authority by recommending conditions to the Mineral Lands Division as part of the provincial approval process.

6.2.14 Flag Lots

As said earlier, the availability of building lots for new development is constrained by topography and natural barriers and the extent to which the community and municipal infrastructure are already developed. Often the challenge is simply that of access to the street. Innovative use of "back lot" developments in the form of "flag lots" can enable development on areas of land lying behind existing lots fronting on streets.

It is Council's policy to approve subdivisions of land involving creation of flag lots and for development on flag lots, as enabled by Section 13 (3) (n) of the *Urban and Rural Planning Act 2000*, including measures where specified in the use zone tables to provide for Council's discretionary approval of reduction of the widths of the legs of flag lots where the width is less than the minimum requirement, so as to maximize the availability of lands for development where the impact of doing so is minor in nature.

6.2.15 Comprehensive Developments Within the Municipal Boundary

Council's policy is that where the use is permitted in the use zone table for the applicable zone, major comprehensive developments located within the municipal boundary, and containing two or more individual developments and at least one hectare in total area, may be permitted at Council's discretion as comprehensive developments.

Comprehensive developments must be serviced with municipal central water and sewer services, must have access to a publicly owned and maintained road but may include both public and private internal roads. The uses which may be developed are those uses which are permitted or approvable as a discretionary use in the applicable designation. Approval is subject to site plan approval (see Section 7.2).

6.2.16 Non-Conforming Uses

Section 108 of the *Urban and Rural Planning Act 2000* concerns non-conforming uses and standards, ie: those uses or features of a development which do not conform to a regulation, scheme or plan, and, which legally existed before this Municipal Plan and Development Regulations are registered. Owners of such uses are entitled to a statutory right to continue such non-conforming uses, and to modify a structure subject to certain conditions.

Council can not alter those rights, but there are a few matters in which Council can make certain provisions, as follows:

- a) Section 108(2): the right to continue the non-conforming use expires after 6 months of discontinuance unless otherwise extended in a regulation under the *Act*, ie: in the Development Regulations. Council's policy is to extend this period to 3 years, and to so indicate in the Development Regulations.
- b) Section 108(3): a Council may approve changing the use to another use where the new use would be more compatible with the Municipal Plan and Development Regulations, notwithstanding that the new use would otherwise not be permissible. The Minister's Development Regulations require that Council provide for newspaper or other form of public notice of intent to consider the varying of a non-conforming use to another use, and consider any representations or submissions received in response to the notice. Council provides in the Development Regulations a provision that such notice be made at the expense of the applicant and that the notice be sent to all persons whose land is in the immediate vicinity of the land that is the subject of the proposal, at least ten days prior to the date upon which Council will consider the matter.

6.2.17 Development Near Planning Boundaries

It is intended that the boundaries of the land use designations and zones shown on the Municipal Plan Future Land Use Maps and the Development Regulations Zoning Maps, respectively, be considered as approximate, as the available base mapping does not provide highly accurate information in some areas. Therefore, amendments to the maps which are part of the Municipal

Plan or Development Regulations will not be required to support reasonable interpretation by Council and staff concerning such boundaries. The intent and policies of the Municipal Plan are to guide the interpretation of the mapped information.

These boundaries are to be interpreted as somewhat flexible in a limited sense. Council's policy is that proposed developments which straddle or are very close to a boundary may be considered in accordance with the policies and requirements of either designation, provided the proposed development does not negatively impact the amenity and quiet enjoyment of areas in the Residential designation 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. Any interpretation of them cannot deviate from their legal descriptions.

6.2.18 Temporary Uses

Generally, the Municipal Plan contemplates developments of a permanent nature. Council's policy is to be able to consider, at their discretion, situations involving the placement of a motor vehicle or travel trailer or equipment for short term events such as community festivals and for compassionate reasons. Provisions are included in applicable use zone tables in the Development Regulations for suitable discretionary approval criteria and maximum time periods applicable to these cases.

This policy is not to be confused with policies set out in the provisions for development in the Residential areas for the phasing of construction of single dwellings and use of "tiny houses".

6.2.19 Policies and Bylaws Extra to Municipal Plan

The policies set out in this Municipal Plan are enabled by the *Urban and Rural Planning Act, 2000*. Council 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.

In order to minimize the risk of overlooking those other policies when dealing with approvals under this Municipal Plan and the Development Regulations, some or all of the other policies (if any) will be from time to time be appended to the Development Regulations. Amendment or

Town of St. George's: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

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.

7.0 IMPLEMENTATION

7.1 Implementation Policies

The policies of the Municipal Plan for the St. George's municipal planning area will be implemented by the exercise of:

- a) Appropriate Development Regulations
- b) Site plan control for larger or more complex development proposals
- c) A planned sequence of public works.

All amendments to the Development Regulations will be checked against the Future Land Use Maps and the policies of the Municipal Plan for the purpose of conformity. This requires proper professional advice and documentation prepared by a qualified planner and due process prior to being submitted to the Minister of Municipal Affairs and Environment for approval.

Before any development can take place, an application must first be made to Council for a development permit, unless expressly exempted. Development may take place only after Council has reviewed the application and issued a permit. If the application is to be considered as a discretionary use or if it is for a variance, the proper process of notice and Council deliberation as detailed in Development Regulations shall be carried out.

Anyone who fails to follow the required application process or who otherwise violates the Municipal Plan and Development Regulations can be prosecuted and may be ordered to remove any illegal structure and restore the site and buildings on it to their original state.

Day-to-day administration of both the Municipal Plan and Development Regulations are the responsibility of Council and its authorized staff members. It is the duty of authorized staff members to observe the requirements of the Municipal Plan and Development Regulations and to advise Council accordingly, refer development applications to Council and outside agencies, and to issue all required permits when Council approval is granted.

An application to develop must be made on the proper application form prescribed by Council. All applications must show as accurately as possible the location of the site of the proposed development and include a plot plan, showing the location of existing and proposed buildings and structures on the proposed site.

Town of St. George's: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

Council will consider the application to determine whether it conforms with the requirements of the Development Regulations and the policies of the Municipal Plan. If it conforms, Council will approve the application and inform the applicant and state any conditions that may apply. If the proposed development does not conform to the Municipal Plan and Development Regulations, the application must be refused and the reason expressed to the applicant in writing. Any applicant who is dissatisfied with the decision of Council may appeal to an Appeal Board pursuant to the *Urban and Rural Planning Act 2000*. The Appeal Board shall either confirm the decision or require that Council's decision be varied or reversed.

Council has authority to grant a variance (not to be confused with a discretionary approval) of up to 10% of a numerical requirement applicable to a proposed development which does not strictly comply with the numerical development standards. However, the proposed development must conform to the general intent of the Municipal Plan. A proposed development must not change the permitted land use, or significantly negatively impact adjoining properties, by virtue of grant of a variance. Council must give notice of a variance (see the Development Regulations).

Council's policy is that when Council deems it useful and necessary so as to better consider the details of large or complex projects, a Site Plan may be required of the applicant. Site Plan evaluation criteria are found in Section 7.2.

Municipalities in the province are required pursuant to Section 414(3) of *the Municipalities Act* to adopt the National Building Code. Its requirements and administration are separate from those of the Municipal Plan and Development Regulations. Often, building and planning regulations are considered in conjunction with each other, as the prospective builder is usually considering them both at the same time, and the Council may integrate information requirements on a common application form. However, the approval of a building or construction permit under the National Building Code does not signify an approval of a development permit pursuant to the Development Regulations, and vice versa.

Also, Council's policy is that the Town of St. George's does not provide building inspection services related to the National Building Code; Council's or staff's observations of new construction will be only to ensure that the Development Regulations' requirements are met, such as those concerning location of structures on the lot, parking, driveway location and bridging roadside ditches and sidewalks, building height, and the use of the development. Those persons requiring building inspection related to compliance with the National Building Code will be advised to retain professional services at their own initiative and expense. The Town of St. George's does not issue occupancy permits.

7.2 Site Plan Information and Evaluation

Many of the land use conflicts associated with large residential subdivisions, multiple unit residential, commercial, industrial and public uses and the like can be avoided if sufficient concern for detailed design is incorporated in the development approval process. In order to more fully exercise Council's powers to apply conditions to a development permit, Council's policy is to require a site plan to be prepared and approved by Council prior to the issuance of a permit for large or complex developments.

The policies of this Municipal Plan indicate certain cases where site plan approval is mandatory, but Council may require it of any development proposal where circumstances suggest that particular care is needed.

Council's policy is that site plans will be evaluated in accordance with the policies of the Municipal Plan and the requirements of the Development Regulations. The information required of a site plan comprises all or some (at Council's direction) of the following:

- a) the dimensions and area of the site, supported by legal survey if requested;
- b) dimensions to indicate the location and footprint of all buildings, including future buildings or expansions;
- c) the distance between buildings and all yards;
- d) floor plans of some or all buildings;
- e) dimensions and layout of all parking areas, access roads and driveways;
- f) landscaping plan and specifications including:
 - i. function of landscaping
 - ii. surface treatment (asphalt, grass etc.)
 - iii. tree and shrub types and sizes
 - iv. location and number of trees to be retained or planted
 - v. dimensions of buffer zones, driveways, etc.
 - vi. number and size of parking spaces and location
 - vii. location and size of signage
 - viii. location and width of all walkways, footpaths
- g) location of loading zones
- h) proposed contours and drainage of surface runoff ditching;
- i) surrounding land uses;
- j) existing access constraints, e.g. rights-of-way which exist on site or adjacent to it, easements, or fire routes, and the means of satisfactorily addressing them;

Town of St. George's: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

- k) location and intensity specifications for lighting;
- l) location and use of outside storage areas;
- m) perspective drawings and plans showing 4 point building elevations and 2-way cross sections of some or all buildings,
- n) provisions for ongoing operation of features of the development which may involve commitments or obligations of the Town of St. George's or its departments and agencies.

APPENDIX A: PREPARATION AND MINISTERIAL APPROVAL

For the Municipal Plan to gain full legal effect, the process set out in Sections 15 through 24 of the *Urban and Rural Planning Act 2000* must be followed. In brief, this begins with the preparation of a draft Municipal Plan under the direction of Council. When a draft is prepared to the satisfaction of Council, a process which must include an opportunity for public input, it is submitted to the Department of Municipal Affairs and Environment for review. When the Department has reviewed the draft document and is satisfied that it is acceptable in light of provincial government interests, the Department officially releases it pursuant to Section 15 of the *Act*. Council then, by resolution, is able to adopt the document pursuant to Section 16 of the *Act*.

Council must then advertise and provide for a public hearing at which objections or representations to the adopted document are to be heard. The notice must appear twice in a newspaper circulating in the municipal planning area, in which Council states its intention to seek the approval of the Municipal Plan. The first notice must appear at least fourteen days before the hearing date. The notice must state where and when the Municipal Plan can be inspected and clearly give the time and place for the Public Hearing.

The Hearing is conducted by a Commissioner appointed by the Council. A deadline date for the submission of any written objections or representations is specified in the *Act* (two days before the hearing). If no submissions are received by the deadline, Council may cancel the hearing and proceed directly to approve the Plan. If the hearing proceeds, the Commissioner conducts the meeting and subsequently prepares a report including recommendations. Council then considers the report and either approves the Plan (with or without recommended changes) or withdraws the proposed Plan. Council's approval is made pursuant to Section 23 of the *Act*.

An approved Plan then is submitted to the Minister for review and registration, pursuant to Section 24 of the *Act*. For this, the Minister requires two copies of the Municipal Plan which have been certified by the Clerk as having been adopted and approved by Council, the Commissioner's report, and all written objections and representations that may have been submitted at the Hearing. After reviewing the document and determining that it is not contrary to law or a policy of the government of the province, the Minister will register the Plan in the Minister's planning registry and Council will publish a notice to that effect in the *Newfoundland and Labrador Gazette* and in a newspaper circulating in the municipal planning area. The date of the publication of the notice in the *Newfoundland and Labrador Gazette* is the date upon which the Plan comes into effect. Once in effect, the Municipal Plan is legally binding on Council and any person or party proposing to use or develop land anywhere within the municipal planning area.

If the Minister chooses to not register the Plan, the document is returned to the Council with information as to the reason for its unacceptability, and Council may then make changes and resubmit the Plan in the same manner.

A concurrent and parallel process is involved in the preparation, adoption, approval, and coming into effect of Development Regulations.

APPENDIX B: BACKGROUND FACTORS

Geography and History

The Town of St. George's is a coastal community on the shore of Flat Bay, off St. George's Bay on the west coast of the island of Newfoundland. The nearest major urban centre is the Town of Stephenville (17 km distant), within an hour's drive is the City of Corner Brook (90 km distant) and Channel-Port au Basques is a bit farther at 135 km. A succinct history of the community is as follows:

The Town of St. George's (Incorporated in 1965), located on the Southwest coast of St. George's Bay. St. George's (originally known as South Side or Little Bay), has its origins in the French fishery of the seventeenth century when the harbour would attract fishermen to spend the summer in the area and return to France for the winter months. Permanently settled in the eighteenth century, the community remained a fishing village for nearly 200 years until the advent of the railroad.

Sandy Point, a small uninhabited island a few hundred meters offshore from St. George's has a great deal of historical significance to the settlers in St. George's. In the 1700's and 1800's, Sandy Point was the commercial center of the West Coast of Newfoundland, until the railway went through in 1898. Because of the work that the railway created and the rapid transportation of goods, many people from Sandy Point settled at St. George's around the train station (commonly referred to as The Tank). The new settlement of St. George's rapidly became more prominent than Sandy Point.

St. George's grew rapidly and soon became a major center. The town became the distributor of goods for the surrounding area and the Port au Port Peninsula, as supplies were being delivered to the peninsula by the St. George's Steamship Company. The St. George's Lumber Company and Captain Sam Butt's Cooperage operation were strong local businesses. Fishing, lumbering, and farming were the primary occupations and lobster factories also operated there. A brewery/distillery operated at Man'O War Brook for a short time at the turn of the century. The community also became the seat for the magistrate for the area and a courthouse was constructed.

St. George's was the most prominent town in the Bay St. George area until the early 1900's. With the coming of the Ernest Harmon Air Force Base in Stephenville in 1941, Stephenville eventually replaced St. George's as the market center and Stephenville Crossing became the trans-shipment point for goods going to Stephenville by rail.

Economy and Demographics

From its beginnings as an important fishing and commercial centre, the community evolved with the coming of the railroad and development of Stephenville's American air base. Industrial activity focussed on export of minerals now is prominent. The economic base of the community is closely related to the diversity of employment available in the greater Stephenville area. Demographic factors related to the economy are generic to the whole municipal planning area, but all of the demographic information cited

Town of St. George's: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

in this report pertains solely to the Town of St. George's as the boundaries of the federal census enumeration areas do not provide for fine geographic detail for small areas outside municipal boundaries.

To do with employment in St. George's, as reported to 2016 census enumerators, the figures show that close to 520 persons of working age, deemed to be 15 years of age and older, earned "market incomes", ie: from employment as opposed to transfers through social programs or pensions. Of them, fewer than 8% worked in the primary industries (agriculture, fishing, hunting, mining, oil and gas, forestry). Most worked in construction, retail trade and health/social services. This speaks to a well diversified industrial economic base.

The community population reported in the federal census in 2011 was 1,207 and in 2016 was practically the same at 1,203. In that respect, the community has held its population remarkably well, compared to many communities in the province. As the population figures cited are for only the Town of St. George's, a regional perspective would be important. A review of professionally produced regional population forecasts was carried out during the preparation of this Municipal Plan; this is important as those forecasts include demographic as well as economic modelling on a wide regional basis.

Population projections produced by the Economic and Projects Analysis Division in the provincial Department of Finance show a forecast that the region's population will be significantly decreasing for the foreseeable future. The Division produces forecasts from a base year of 2016, up to the year 2036, based on a selection of scenarios, from low to high according to assumptions made about the strength of local economies (which influences in or out-migration) and birth and death rates.

Alternative scenarios were presented for Economic Zone 9, the region in which Stephenville is predominant and where St. George's is located. That Zone includes the Port au Port Peninsula and Burgeo, but neither Channel-Port au Basques nor Corner Brook.

The most pessimistic forecast shows a decrease of about 20.4% over the next 20 years, and the most optimistic a decrease of about 15.4%. In short, the region should expect to have a substantial decline in population over the next 20 years.

However, the region should continue to have a diversified economy and a population for which there are opportunities. As said in discussions in the first steps of the review, encouragement of small businesses and featuring the natural environment to attract visitors and foster interest in settling are important to foster the best possible economic future. In any event, there will continue to be demand for land for new housing and other buildings and old stock is continually being replaced, and the variety of commercial and institutional services which are not dependent on major industries provide optimism for secure ongoing employment.

APPENDIX C: CLASSIFICATION OF USES OF LAND AND BUILDINGS

The table is copied from the Development Regulations—references to Schedules are the Schedules in the Development Regulations.

SCHEDULE B in the Development Regulations

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 87.

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES	1. Assembly Uses for the production and viewing of the performing arts.	(a) Theatre	Motion Picture Theatres T.V. Studios admitting an audience.
	2. General Assembly Uses	(a) Cultural and Civic	Libraries Museums Art Galleries Court Rooms Meeting Rooms Council Chambers
		(b) General Assembly-halls and active exercise uses	Community Halls Lodge Halls Dance Halls Gymnasias Auditoria Bowling Alleys
		(c) Educational	Schools Colleges (non-residential)
		(d) Child Care	Day Care Centres
		(e) Place of Worship	Churches and similar places of worship. Church Halls
		(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: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES (continued)	3. Arena-type Uses	(a) Indoor Assembly	Arenas Armouries Ice Rinks Indoor Swimming Pools
	4. Open-air Assembly Uses	(a) Outdoor Assembly	Bleachers Grandstands Outdoor Ice Rinks and Swimming Pools Amusement Parks and 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
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care	Children's Homes Convalescent Homes Hospitals Homes for the Aged Infirmarys Orphanages Psychiatric Hospitals Sanatoria
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings Family and Group Homes
		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: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

GROUP	DIVISION	CLASS	EXAMPLES
C. RESIDENTIAL USES (continued)	1. Residential Dwelling Uses (continued)	(c) Row Dwelling	Row Houses Town Houses Family and Group Homes
		(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
		(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
		(e) Campgrounds	Campgrounds Recreational Vehicle Parks
		(f) Mobile Home	Mobile Homes other than in mobile home parks
		(g) Mobile Home Park	Mobile home parks
		D. BUSINESS AND PERSONAL SERVICE USES	1. Business, Professional, and Personal Service Uses
(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: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

GROUP	DIVISION	CLASS	EXAMPLES
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
		(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 Stands Fish Stalls		
(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops		
GROUP	DIVISION	CLASS	EXAMPLES

Town of St. George's: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

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
	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
		(b) Forestry	Tree Nurseries Silviculture Domestic cutting for fuel wood
GROUP	DIVISION	CLASS	EXAMPLES
		(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: Municipal Plan - 2019-2029
As approved by Council 2 November 2020

	(e) Petroleum Exploration and Petroleum Extraction	As defined in Schedule A, comprising separate uses of petroleum exploration and petroleum extraction.
	(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
	(n) Transportation	Airfields Railway Yards Docks and Harbours Boathouses Fishing stages Marinas