

TOWN OF ST. GEORGE'S  
MUNICIPAL PLAN 2011

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF ST. GEORGE'S MUNICIPAL PLAN 2011**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of St. George's adopts the St. George's Municipal Plan 2011.

Adopted by the Town Council of St. George's on the \_\_\_\_ day of \_\_\_\_\_, 2012.

Signed and sealed this \_\_\_\_ day of \_\_\_\_\_, 2012.

Mayor: \_\_\_\_\_  
Fintan Alexander

Clerk: \_\_\_\_\_  
Debbie Woolridge

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

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

MCIP: Arvo McMillan

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE  
TOWN OF ST. GEORGE'S  
MUNICIPAL PLAN 2011**

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:

- a) adopted the St. George's Municipal Plan 2011 on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.
- b) gave notice of the adoption of the St. George's Municipal Plan 2011 by advertisement inserted on the \_\_\_\_ day of \_\_\_\_\_, 2012 and the \_\_\_\_\_ day of \_\_\_\_\_, 2012 in the Georgian newspaper.
- c) set the \_\_\_\_\_ day of \_\_\_\_\_, 2012 at \_\_\_\_\_ p.m. at the Town Hall, St. George's for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of St. George's on the \_\_\_\_ day of \_\_\_\_\_, 2012 approves the St. George's Municipal Plan 2011.

SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_, 2012

Mayor: \_\_\_\_\_  
Fintan Alexander

Clerk: \_\_\_\_\_  
Debbie Woolridge

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# ST. GEORGE'S MUNICIPAL PLAN 2011

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## 1 INTRODUCTION

### 1.1 *The Plan*

The St. George's Municipal Plan 2011, is a review of the St. George's Municipal Plan approved in 1989. Prepared pursuant to the Urban and Rural Planning Act 2000, the St. George's Municipal Plan contains policy statements and maps approved by Council and registered by the Minister of Municipal Affairs to guide community growth and development for the next 10 years. *This plan largely represents a continuation of the current sound policies towards development and management of town resources.*

The Municipal Plan is binding upon the Town and upon all other persons, corporations and organizations. The Plan must be reviewed by the Town every five years and, if necessary, revised to take account of development that cannot be foreseen during the next ten year period.

When a Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land, in strict conformity with the Municipal Plan, in the form of Land Use Zoning, Subdivision and Advertisement Regulations. These are also known as the Development Regulations. These are prepared at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations. The Development Regulations shall deal with matters relating to development and buildings as defined under the Urban and Rural Planning Act 2000, which include in addition to permitted and discretionary land uses, matters such as non-conforming uses, advertisements, subdivisions and permitting requirements.

Development Regulations must comply with the requirements of the Urban and Rural Planning Act 2000, regulations under the Urban and Rural Planning Act 2000 and any other pertinent rules and regulations enacted by the Province, including, the Municipalities Act, and as well, legislation relating to environment, health and safety, agriculture, mines and mineral workings, highways, and forestry. The Urban and Rural Planning Act 2000 states that the municipal plan and development regulations are reviewed by the Department of Municipal Affairs from the perspective of provincial interest.

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

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

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

## **1.2 St. George's and the Municipal Planning Area**

The Town of St. George's is a community of 1246 persons located on the south-eastern shore of Flat Bay off St. George's Bay. It is approximately 17 km from Stephenville, the largest community and service centre in the region, and 136 km from Channel – Port Aux Basques, the gateway to Newfoundland.

The St. George's Town Boundary runs west from Little Barachois Brook about 9 kilometres west along Flat Bay without intersecting the Trans Canada Highway – a total area of approximately 26 square kilometres. The municipal planning area extends to Flat Bay Brook and includes Flat Island (Sandy Point) as well a considerable amount of land south east of the Trans Canada Highway, an area of approximately 109.5 square kilometres.

St. George's is characterized by:

- Environment and Heritage – St. George's – Sandy Point is the oldest settlement in the St. George's Bay. Flat Island – Sandy Point is an environmental protection area under the town's plan, along with the extensive waterways and wetlands in the planning area. There are three designated heritage buildings in the town.
- A rich cultural heritage which includes aboriginal and non-aboriginal (French, English, Scots, Irish) groups that had settled in this region during the last several hundred years.
- Minerals and Marine Industry – with the Turf Point Harbour the town has a major minerals loading and transshipment facility. This facility had originally been constructed to load gypsum from a local gypsum mine (Flintkote, 'Flintkote Road').

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- Minerals – One of the key features about the St. George's Planning Area is minerals – exploration and development. Flat Island – Sandy Point Conservation Area excluded, much of the planning area, is given over to mineral exploration permits, particularly for oil. Gypsum is still an important mineral which is still being produced in this area.

Additional information about the Town and its Municipal Plan Area is contained in the Background Report.

## **1.3 Sustainability**

Sustainability matters. Sustainability is woven into the fabric of this Municipal Plan and the implementing Development Regulations.

It is in fact a cornerstone of good planning practice. Section 13 of the Urban and Rural Planning Act 2000 includes sustainability issues in the catalogue of requirements of a sound municipal plan.

The Town engages sustainability by:

- Having an Integrated Community Sustainability Plan (2010).
- Policies under this municipal plan which foster high quality fiscally sound development and protection of the planning area's marine and terrestrial environment.

## 2 GENERAL GOALS, ACTIONS AND DEVELOPMENT POLICIES

### 2.1 *Goal*

- To develop and maintain this community 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.

### 2.2 *Actions*

- **General Land Use Framework** – Work within the current basic development framework and accommodate additional development in suitable areas adjacent existing developments. Focus on high quality residential subdivision and other development which is attractive and, from the Town's point of view, easy to service and maintain. Avoid development in wetlands and areas prone to flooding and other hazards.
- **Residential** – Encourage high quality residential development that accommodates a range of economic and social needs.
- **Central Area** – The Central Area is the historic core and most built-up and serviced area of the Town, which centred on the Town Office includes Main Street from Beach Lane-Mercy Place to Abbott's Lane-T'Railway to Flat Bay, St. Joseph's Church, Our Lady of Mercy School, the Rec-Plex and about a kilometre of Steel Mountain Road. It takes in the recreational, cultural, commercial and other development of the shoreline from the former fish plant east to the Government Wharf and causeway.

Within the Central Area the town will focus on developing a town square and proposals for townscape design and heritage conservation to make this a more attractive and livable area.

Part of the program will include sewer, road, sidewalk, storm drainage and other improvements for all or part of the area. Development within the Central Area is reviewed to ensure compliance with the Town's policies.

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- **Business** – Accommodate both large and small businesses in appropriate locations. Home-based businesses are encouraged throughout the community.
- **Business – Harbour and Industrial** – Turf Point/Industrial Development – Review access to facilitate access to the dockside area for semi-trailers and minimize conflict with residential development. Determine if expansion of the facility is required, and if so, how this is to be accommodated. Identify locations suitable for other industrial uses.
- **Business – Resource Based Development** – Accommodate appropriate resource-based development and mineral exploration activities in the planning area.
- **Heritage** – Protect and develop known heritage resources, which include buildings and landscapes.
- **Trails** – Protect and continue to develop the Sunset Trail, the T’Railway and other trails which are important to the community’s health, recreation and heritage.
- **Environment** – Protect the marine and terrestrial environment for both practical (reduction of storm water flows, protection of persons and property) and as habitats for other species. Protect Flat Island/Sandy Point.
- **Environment and Public Health and Development** – Through the provision of a sewage treatment facility and the ongoing improvements in the town’s water supply and sewage disposal systems, protect both the health of the town’s residents and the quality of the marine and terrestrial environment, as well, fostering development.

### **2.3 Land Use Designations and Zones**

The designations and zones and overlays appear on the Future Land Use and Land Use Zoning Maps under this municipal plan and the town’s development regulations under the municipal plan. All development within the St. George’s Planning Area shall be managed in accordance with the general land use policies and designations set out in Section 3.

The use classes referred to under Section 3 – Designations are set out in Schedule B of the Development Regulations.

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The land use designations (plan) and zones (development regulations) are:

- **Residential** – Serviced, unserviced and semi-serviced – mainly single dwellings with seniors' housing, home businesses and a very limited array of commercial and public uses. Smaller lots can be developed with provision for prevailing setbacks, yards, frontages and lot area. This designation and zone is applied to exclusively residential areas and subdivisions.
- **Mixed Development** – Fully serviced – all types of residential with a significant array of commercial and public land uses allowed as discretionary uses. This designation and zone is applied to the older built-up areas of the town which traditionally contain a mix of uses, Main Street and others.
- **Town Centre** – This includes St. Joseph's Church and extends north to Flat Bay taking in the T'Railway, Sunset Trail, former fish plant and government wharves, and, recreational and commercial waterfront uses, including tourist facilities. A wide selection of residential and non-residential uses are allowed as permitted uses, while industrial uses and larger impact commercial uses are only allowed at the discretion of the town.
- **Recreation** – The Rec-Plex and the Siki Bennett Memorial Stadium.
- **Commercial** – Larger scale commercial development plus warehousing, building supplies, garages, service stations, which primarily occur along the Trans Canada Highway.
- **Industrial** – Industrial uses, including Turf Point.
- **Rural** – Lands primarily set aside for resource-based developments. Also, when next to developed areas, areas which might have development potential for urban uses.
- **Resort** – Lands which are to be used for a mixture of residential and tourism and recreational uses.
- **Public Utility** – Major public services and facilities and power line corridors and facilities.
- **Environmental Protection** – waterways and wetlands, sensitive shorelines, Flat Island – Sandy Point – low impact recreational and water related uses can be allowed on discretionary basis in this designation and zone.

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- **Protected Public Water Supply** – Dribble Brook PPWS is retained as a backup supply.
- **Solid Waste Disposal** – St. George's Regional Landfill.

## 2.4 *Overlays*

The overlays cover one or more designations and zones, and mean that additional considerations come into play before a permit can be issued within a given designation or zone. The land use policies are set out in Section 4.

- **Well Head Protected Water Supply Area** – There are four wells which serve the Town with water and these are protected under the Well Head Protected Water Supply Area which overlaps a number of designations. There are restrictions on development and storage of hazardous products within this overlay. The Department of Environment and Conservation must give its approval for a development within this overlay.
- **NALCOR Corridor** – This corridor to protects options for the location of the Lower Churchill Falls Transmission Line. It overlaps a number of designations and zones. Development has to be approved by NALCOR along with town and other agencies.
- **Solid Waste Disposal Site Buffer** – All development within 1.6 kilometres of the centre of the regional landfill must be approved by the Department of Environment and Conservation before a permit is issued by the Town.

## 2.5 *General Development Policies*

- (1) In addition to any other considerations under this Municipal Plan, the Town may refuse permission for a development where in its opinion services are inadequate or it is uneconomical to provide and maintain these services.
- (2) In order to ensure that development occurs in an orderly manner and that appropriate development opportunities are maximized, subdivisions and other major developments shall be co-ordinated with other existing and proposed developments and the Planning Area's road system and services. These developments may be required to provide for public access to adjacent undeveloped lands. Furthermore, the Town may require that a comprehensive plan of development be

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prepared and adopted before any development is permitted in a given area.

(3) When reviewing a development proposal, the Town shall consider the suitability of a site in terms of steepness of grades, soils and geology, location of waterways and wetlands and shall, when considering approval, ensure that the development has minimal or no negative effects on other properties and bodies of water.

(4) If in its opinion, the development of the site having certain characteristics, such as steep or unstable slopes, poor drainage, high water table and so forth, could create problems for the development of the site or nearby properties, the Town can require the submission of a review of the development proposal by a certified engineer, landscape architect or similar professional.

Among other matters, the review shall evaluate the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent properties and bodies of water.

## **2.6 Conditions – All Development**

### **2.6.1 Services and Access**

(1) Services and access must be appropriate to the type and scale of development.

(2) The Town shall ensure that new development makes efficient use of existing roads and infrastructure. The Town shall further ensure that new development will not create unreasonable servicing demands or costs.

(3) Within the municipal servicing limits, development shall be connected to municipal water and sewer services where possible. If deemed feasible by the Town, development adjacent serviced areas may be connected to the St. George's municipal water and sewer systems provided that there is sufficient capacity in the existing systems and provided that the developer agrees to pay for the cost of the extension of the services.

(4) Unless otherwise required, outside the servicing limits development does not have to be connected to municipal water and sewer services.

- (5) Development lacking either municipal water and/or municipal sewer services shall be approved by the Service NL before a permit is issued by the Town.

## **2.6.2 Uses Allowed In All Designations**

Accessory buildings and uses, conservation, public services and public utilities, recreational open space, roads, accesses and trails are generally allowed in all designations as either permitted or discretionary uses subject to the restrictions set out in other sections of this municipal plan.

## **2.6.3 Compatibility of Uses, Buffers and Screening**

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

## **2.6.4 Non-Conforming Uses**

In accordance with the Urban and Rural Planning Act 2000 non-conforming uses legally present at the time of the gazetting of the Municipal Plan and Development Regulations shall be allowed to continue within any designation under the Plan or zone under the Development Regulations. Specific provisions concerning legal non-conforming uses shall be set out in the Development Regulations.

## **2.6.5 Subdivisions – Groundwater Supply Assessment**

The approval of new unserviced subdivisions containing five or more lots or the addition of unserviced lots to existing unserviced subdivisions require that a groundwater assessment be done to determine with high probability that acceptable quality and quantity drinking water will be available to homeowners for both the short and long term. This shall be done in accordance with the Provincial Land Use Policy – 'Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells' as from time to time amended and administered by the Department of Environment and Conservation, Water Resources Management Division.

This policy provides the administrative and technical guidance to developers applying for subdivision approval and to ensure that the development proposals are submitted with the required technical support.

## **2.6.6 Unserviced and Semi-Serviced Development**

Development on individual parcels of land with onsite sewage disposal and/or water supply ('unserviced' and 'semi-serviced') requires the approval of the Service NL under the Sanitation Regulations of the Health and Community Services Act. In addition to the standards regarding onsite sewage disposal and water supply, the Department also sets out minimum lot area and frontage requirements for unserviced development pursuant to the Sanitation Regulations.

## **2.7 Agriculture**

All agricultural development shall be approved by the Agrifoods Development Branch of the Department of Natural Resources.

Higher intensity livestock and related agricultural uses shall be separated by an adequate buffer between existing and proposed residential developments. These agricultural uses shall conform to Provincial policies and guidelines with respect to such operations.

## **2.8 Archaeological and Heritage Resources**

The Town shall conserve and develop its heritage resources. It shall encourage the preservation of buildings and sites of historic interest in within the Town and Planning Area and by regulation and other suitable means including the designation of selected buildings and sites, and the development of a trail network that links heritage sites and landscapes.

Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Also, if any major development is proposed, the Provincial Archaeology Office shall be advised before an approval is granted by the Town. This is to ensure that the necessary research is carried out before construction begins.

## **2.9 Building Near Highways Regulation and Protected Road Zoning Plan**

Development along certain Provincial highways and roads is subject to the Building Near Highways Regulation under the Works, Services and Transportation Act and the Protected Road Zoning Plan under the Urban and Rural Planning Act 2000.

## **2.10 Comprehensive Development**

In order to achieve a higher quality of development than would otherwise be achieved under the standard requirements and/or that would allow for the development of a property which has unusual site constraints – such as steep slopes, rock outcrops and wetlands, the Town of St. George's can permit a fully serviced comprehensive development on a large parcel of land that except for overall density and use classes does not otherwise comply with the lot size, frontage, and minimum front, rear and side yard requirements of the zone in which it is located.

The development should provide a higher quantity and quality of open space and environmental protection than is otherwise achievable under the standard requirements and, the Town can use this provision to protect heritage sites and culturally significant landscapes.

The development must be compatible with adjacent development.

The Town may require that a comprehensive development be connected to municipal water and sewer services.

## **2.11 Discretionary Powers of the Town**

In addition to any other discretionary powers and considerations in the issuance of a permit, the Town in its discretion may refuse to issue an approval principle or permit or issue it subject to conditions where:

- (a) the development is deemed to lack adequate access and services;
- (b) the development could or would create a nuisance to nearby properties in the form of noise, odour, traffic or pollution;
- (c) it is necessary to ensure that the development conforms to a scheme or plan adopted or approved by the Town;
- (d) it is necessary to ensure that the development conforms to applicable provincial and/or federal policies and guidelines.

However, the exercise of this discretionary power does not enable the Town to allow a permitted use or discretionary use which is not permitted under this Municipal Plan or the Development Regulations.

## **2.12 Discretionary Uses**

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

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

### **2.13 Environment**

In reviewing an application for a permit, the impact of a development on the land, marine and air environment of the Planning Area shall be considered and Provincial and Federal policies on the environment adhered to.

A number of these issues are addressed under separate sections of the Municipal Plan.

### **2.14 Hazard Lands, Flood Risk Areas**

Except along the upper reaches of Flat Bay Brook there are apparently no known flood risk areas within the Municipal Planning Area. However, should a hazard area or flood risk area be identified, then appropriate measures shall be taken to ensure that risks to persons and property and the impact on the environment are minimized.

### **2.15 Heritage Sites and Areas**

- (1) A number of buildings and sites are listed as heritage buildings in St. George's by the Heritage Foundation of Newfoundland and Labrador. In addition there are other structures and sites which are architecturally and historically significant but are not designated. These heritage buildings include the Arnold Morris House 336 Main Street, St. Joseph's Roman Catholic Church and the (former) St. George's Court House.
- (2) No development shall be allowed which could impair the quality of the designated building or site, or other buildings or sites which would be so designated or identified.
- (3) Any development adjacent or within 30 metres of these properties shall be reviewed by the Town to ensure that there are no negative effects on these properties.

- (4) The Town may from time to time designate additional heritage sites and areas under the Municipalities Act.

### **2.16 Mineral Exploration**

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

### **2.17 Mineral Workings**

The Town may provide for mineral workings in areas where there are known aggregate supplies and where there is less likely to be conflict between mineral workings and other uses. Mineral workings can be accommodated in the rural portions of the Planning Area, subject to controls that will minimize environmental damage and conflict with other land uses.

## **2.18 Recreational Trails and Walkways**

The Town and Municipal Planning Area contain numerous well-known trails, including the Sunset Trail and the Newfoundland T'Railway which are used for motorized and non-motorized recreational purposes. The Appalachian Trail follows the T'Railway through the Town.

Most of these trails and the T'Railway are protected under the Plan and Development Regulations to ensure that they continue to play an important role in the recreation, health and sustainability of the community.

The Town may require that any development within a specified distance of a significant well-established and clearly demarcated trail, the Sunset Trail and the T'Railway be reviewed to ensure that development does not negatively impact such trail. Where deemed necessary, the Town may require that a buffer be provided by the developer. Wherever possible, this buffer shall extend at least 15 metres from either side of the trail for a corridor width of 30 metres.

## **2.19 Utilities – Alternate Energy Sources**

Within the Planning Area there may be opportunities for public and private groups and individuals to develop alternate energy sources and to reduce demands on the Province's public utility based electrical system.

Wind mills, wind turbines, wind farms and other energy forms, including solar based and small hydro generating facilities – "Utilities" in Schedule B of the Development Regulations – and associated facilities and services are subject to the approval of the Town and the conditions set out below.

Utilities are subject to the approval of or exemption by relevant provincial and federal departments and agencies and public utilities, including the Mines and Energy Division of the Department of Natural Resources, NALCOR and Transport Canada. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Planning Area, along with other matters that the Town may deem to be significant. Wind mills utilities within the built-up areas are limited to single wind mills or wind turbines designed to serve particular properties.

To prevent damage to persons and properties due to the failure of a windmill or any of its components or the shedding of ice, the Town shall ensure that there is adequate separation distance between the windmill and nearby structures and properties.

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Unless specifically exempted by the relevant agencies, the design, construction and location of a utility shall be certified by a professional engineer who has consulted with the required agencies.

### **2.20 Waterways and Wetlands**

Sound environmental and engineering practice and protection of the Town's amenities make it the general policy of the Town to protect the waterways and wetlands of the St. George's Municipal Planning Area.

A protective buffer of undisturbed soil and vegetation shall be preserved along the shoreline of all waterways and wetlands, except very minor ones. The buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat.

- (1) Development within waterways and wetlands is subject to this Regulation and all relevant provincial and federal policies and statutes, including Department of Environment and Conservation Policy Directives W.R. 97-1, Development in Shorewater Zones and 97-2, Development in Wetlands which are set out in Schedule E. Where there is a conflict between the Policy Directives and this Municipal Plan, the more restrictive standards shall apply.
- (2) The minimum width of a buffer along a waterway or wetland shall be 15 metres from the highwater mark, or 1 in 100 year flood zone, of the stream, river, pond or other body of water or wetland. This 15 metre buffer shall be expanded to 30 metres along the marine coast line and estuaries.
- (3) If the toe of an embankment with an average slope of 30% or more lies within 15 metres or 30 metres of the highwater mark, or 1 in 100 year flood zone of the waterway, then the buffer shall be measured from the top of the embankment.
- (4) Where a water body is designated Environmental Protection, then the water body buffer shall be the Environmental Protection Designation.
- (5) Subject to the approval of the Department of Environment and Conservation and the Town, the only uses that can be permitted in the buffer area of a waterway are roads, driveways, public services and utilities, recreational open space and trails and uses requiring direct access to a body of water, such as wharves and docks and other marine related uses.
- (6) Development, and this includes placing fill or other materials, within a waterway and the buffer area of a waterway is subject to the approval

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of the Town, the Provincial Government, and where necessary, the Government of Canada.

- (7) Any development within a body of water or involving the alteration of a body of water must be approved by or exempted by the Department of Environment and Conservation for Crown Lands and referrals, Coast Guard Canada of the Department of Fisheries and Oceans - Navigable Waters Act, Fish Habitat Division of the Department of Fisheries and Oceans and/or, the Water Resources Management Division of the Department of Environment and Conservation before a permit is issued by the Town.
- (8) The Town or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development. The matter of adequate and usable legal public access to the waterway shall be a consideration in the review of an application for a structure within a buffer and/or waterway.
- (9) Any activity that has the potential to affect fish habitat shall be forwarded to Fisheries and Oceans Canada for review. Development within 100 metres of Little Barachois Brook and Flat Bay Brook – both scheduled salmon rivers – shall be reviewed by the Department of Fisheries and Oceans before a permit is issued by the Town.
- (10) Wetlands can only be developed in such a way as to minimize damage and impacts on the hydrology and environment of the area.
- (11) Any development within a wetland or the buffer of a wetland shall require the approval of the Minister of Environment and Conservation as well as the Town whether or not that wetland is designated Environmental Protection under the Municipal Plan.
- (12) If a waterway or wetland is deemed to be minor, wherever possible such waterways and wetlands shall remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.

## **3 DESIGNATIONS**

### **3.1 RESIDENTIAL**

#### **3.1.1 General**

The Residential Designation is applied to serviced and semi-serviced and unserviced areas that are suitable for residential development and where it is expected that the predominant use will remain residential.

This designation allows for various types of dwellings, together with residential and non-residential uses that are compatible with the predominant dwelling types. Non-residential uses that can be considered for approval include but are not limited to various types of businesses, seniors' housing and personal care facilities and transportation. Sections 3.1.5 and 3.1.6 set out in detail the permitted and discretionary use classes for serviced and semi-serviced and unserviced areas under this designation.

#### **3.1.2 Non-residential Uses**

Non-residential uses shall generally be compatible in use, scale and appearance with the surrounding area. Such a use shall not impose a nuisance or hazard on adjacent residential properties. The Town may require a non-residential use to be suitably buffered or screened so as to minimize its impact on nearby residential properties and the character of the residential area.

Agricultural uses are restricted to relatively small operations in the unserviced and semi-serviced residential areas that can be accommodated in a way so as not negatively affect existing and future residential developments.

Transportation uses shall be compatible with nearby uses.

#### **3.1.3 Serviced and Semi-serviced – Unserviced**

A distinction is made between serviced (municipal water and sewer) and unserviced (no municipal water and sewer) or semi-serviced (municipal water or sewer) residential areas when considering the range of allowable uses in a residential area, with development in areas lacking both municipal services being more restricted as it relates to discretionary use classes.

The reason for the distinction between serviced and unserviced/semi-serviced areas is two-fold:

- a) Serviced residential areas are all located in the Town, have more carrying capacity, are built to a higher density, and tend to have a greater diversity of residential and other uses;

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- b) Unserved and semi-served areas have much lower densities because of the need for private services and tend to be much less diverse when it comes to land use, with a strong emphasis on single dwellings and the occasional mobile home.

### **3.1.4 Permitted and Discretionary Use Classes – Served**

Permitted Uses, including Section 2.6.2 uses, in the fully served portion of this designation are: Child Care, Conservation, Double Dwelling, Recreational Open Space and Single Dwelling.

Discretionary Uses in the served part of this designation are: Antenna, Apartment Building, Bed and Breakfast, Commercial – Residential (Tourist Cabins), Convenience Store, Mobile Home (mobile home park or subdivision only), Educational, Seniors' Housing and Personal Care Facilities, Row Dwelling and Transportation.

### **3.1.5 Permitted and Discretionary Use Classes – Semi and Unserved**

Permitted Uses, including Section 2.6.2 uses, in the semi-served and unserved portion of this designation are: Conservation, Recreational Open Space and Single Dwelling.

Discretionary Uses in the semi-served and unserved areas of this designation are: Agriculture, Antenna, Bed and Breakfast, Campground, Child Care, Commercial-Residential (Tourist Cabins), Convenience Store and Transportation.

### **3.1.6 Municipal Services**

Development shall be connected to the municipal water and sewer system where available. Development requiring the extension of an existing road or the construction of a new road requires the provision of full municipal water and sewer services in accordance with the Town's requirements and specifications.

## **3.2 MIXED DEVELOPMENT**

### **3.2.1 General**

The large Mixed Development Designation takes in certain areas that are largely built-up with a wide array of uses. While this designation accommodates a wide array of uses, the predominant uses in this zone shall be residential.

## **3.2.2 Non-Residential Uses**

Non-residential uses, except where there is already a concentration of commercial or other uses, shall be compatible with nearby residential development.

## **3.2.3 Permitted and Discretionary Uses**

Permitted Uses under this designation are, along with Section 2.6.2 uses, Conservation, Double Dwelling, Recreational Open Space and Single Dwelling.

Discretionary Uses under this designation are: Amusement, Antenna, Apartment attached to a business, Apartment Building, Boarding House, Bed and Breakfast, Catering, Child Care, Club and Lodge, Commercial – Residential, Communications, Convenience Store, Cultural and Civic, Educational, Funeral Home, General Assembly, General Industry, General Service, Indoor Market, Light Industry, Medical and Professional, Office, Outdoor Market, Passenger Assembly, Personal Service, Place of Worship, Police Station, Row Dwelling, Seniors' Housing and Personal Care Facilities, Service Station, Shop, Take-out Food Service, Taxi Stand, Theatre, Transportation and Veterinary.

## **3.2.4 Municipal Services**

All development in this designation shall be connected to the municipal water and sewer system.

## **3.3 TOWN CENTRE**

### **3.3.1 General**

The Town Centre Designation takes in the commercial and residential centre of St. George's ("Town Centre") and is designed to provide the basis for the conservation and development of the residential, commercial and historic core of St. George's.

The development of the town centre will take place in tandem with other heritage and cultural initiatives that include designation and protection of heritage buildings and landscapes. As well, the Town may adopt a plan or development scheme for this area that sets out the design of all or part of this area and the development standards and other actions necessary to achieve this design.

### **3.3.2 Permitted and Discretionary Uses**

Within this designation, together with the uses allowed under all designations (Section 2.6.2) permitted and discretionary uses can include uses under the Assembly Uses Group, Medical Treatment and Special Care Use Class of the

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Institutional Uses Group, Residential Uses Group, Business and Personal Services Uses Group, Mercantile Uses Group, Industrial Uses Group excluding the hazardous industry use class, and the following use classes under the Non-Building Uses Group: Antenna, Cemetery, Conservation, Recreational Open Space and Transportation.

## **Industrial Uses – General Industry and Light Industry**

Only general and light industrial uses requiring direct access to Flat Bay may be permitted. Industrial uses shall be compatible with the existing and future uses of the surrounding area.

## **Take-Out and Amusement Uses**

Uses in the Take-out Food Service and Amusement Use Classes may be considered for approval provided that use does not abut a dwelling type of residential use.

### **3.3.3 Municipal Services**

All development in this designation shall be connected to the municipal water and sewer system.

## **3.4 RECREATION**

### **3.4.1 General**

This designation is designed to accommodate major public recreational areas and complexes, including the Rec-Plex and Siki Bennett Memorial Stadium.

### **3.4.2 Permitted Uses**

Permitted Uses in this designation are, along with Section 2.6.2 uses: Antenna, Conservation, Club and Lodge, Cultural and Civic, General Assembly, Indoor Assembly, Outdoor Assembly, Recreational Open Space and Theatre.

### **3.4.3 Municipal Services**

Municipal water and sewer services are not required for development in this designation

## **3.5 COMMERCIAL**

### **3.5.1 General**

The Commercial Designation is applied to major commercial sites, particularly those requiring access and/or visibility from a major road or highway.

## **3.5.2 Permitted and Discretionary Uses**

Permitted Uses, along with Section 2.6.2 uses are: Antenna, Commercial-Residential, Communication, Conservation, Light Industry, Recreational Open Space, Service Station, Transportation, all uses in the Assembly Uses Group, all uses in the Business and Personal Services Uses Group and all uses in the Mercantile Uses Group.

Discretionary Uses – General Industry is a discretionary use in this designation.

## **3.5.3 Municipal Services**

Development in this designation shall be connected to the municipal water and sewer system where feasible.

## **3.6 INDUSTRIAL**

### **3.6.1 General**

The Industrial Designation is applied to areas and sites containing manufacturing and processing industries as well as businesses engaged in heavy machinery and vessel repair and other similar uses.

Non-industrial uses can be allowed in this designation only if they are compatible with the industrial uses, and for the most part only if they are accessory to the primary industrial uses.

### **3.6.2 Permitted and Discretionary Uses**

Permitted Uses are: Antenna, Communications, Conservation, General Industry, General Service, Light Industry, Office, Passenger Assembly, Service Station, Shop and Transportation, together with Section 2.6.2 uses.

However, of the Section 2.6.2 uses, Recreational Open Space is classed as a discretionary use in order to ensure that where such a use is allowed it will not interfere with the primary industrial use of the area.

Discretionary Uses are: Hazardous Industry, Mineral Working and Recreational Open Space.

### **3.6.3 Municipal Services**

Where feasible, development in this designation shall be connected to the municipal water and sewer system.

## **3.7 RURAL**

### **3.7.1 General**

The Rural Designation is applied to rural areas which are appropriate for resource based uses and certain uses which are not desired in a built-up urban area.

### **3.7.2 Permitted and Discretionary Uses**

Permitted Uses, along with Section 2.6.2 uses are: Agriculture, Antenna, Conservation, Forestry, Mineral Exploration and Recreational Open Space.

Discretionary Uses are: Animal, Campground, Catering, Cemetery, Commercial Residential, Communication, General Industry, Mineral Working, Mining, Outdoor Assembly, Scrap Yard, Seasonal Residential, Single Dwelling, Transportation, Utilities and Veterinary.

### **3.7.3 Municipal Services**

No development in this designation shall be connected to the municipal water and sewer system.

## **3.8 RESORT**

### **3.8.1 General**

The Resort Designation is established to accommodate unserviced residential and tourism and recreational related uses in a rural setting.

### **3.8.2 Permitted Uses**

Subject to a comprehensive plan and development agreement, the following use classes, along with Section 2.6.2 uses are permitted within this designation: Agriculture, Antenna, Apartment Building, Bed and Breakfast, Catering, Club and Lodge, Commercial-Residential, Conservation, General Assembly, Indoor Assembly, Mineral Exploration, Office, Personal Service, Recreational Open Space, Row Dwelling, Seasonal Residential, Shop, Single Dwelling Transportation and Utilities.

### **3.8.3 Municipal Services**

No development in this designation shall be connected to the municipal water and sewer system.

### **3.9 PUBLIC SERVICES AND UTILITIES**

#### **3.9.1 General**

This designation is established to protect major utility corridors and identify major public services sites, including a sewage treatment plant.

#### **3.9.2 Permitted and Discretionary Uses**

Permitted Uses are: Conservation and, except for Recreational Open Space, the uses set out in Section 2.6.2.

Discretionary Uses are: Antenna, Recreational Open Space and Transportation.

#### **3.9.3 Municipal Services**

Municipal services are at the discretion of the Town.

### **3.10 ENVIRONMENTAL PROTECTION**

#### **3.10.1 General**

The Environmental Protection designation is applied to areas where it is desirable to protect the natural features of an area from development. These features can include certain streams, wetlands, and treed areas.

All development in this designation is subject to the approval of the Department of Environment and Conservation.

#### **3.10.2 Permitted and Discretionary Uses**

Permitted Uses – the only permitted use is Conservation.

Discretionary Uses are: Agriculture, Antenna, Forestry, Mineral Exploration, Recreational Open Space and Transportation, together with the other uses set out in Section 2.6.2 of this municipal plan.

### **3.11 PROTECTED PUBLIC WATER SUPPLY**

The Dribble Brook Protected Public Water Supply as shown on the Future Land Use maps is retained as a back-up water supply for the Town of St. George's.

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All development within this Protected Public Water Supply designation is subject to the approval of the Department of Environment and Conservation.

Uses that can be entertained for approval in this designation include recreational open space and mineral exploration, together with such other uses as the Department of Environment and Conservation may allow.

### **3.12 SOLID WASTE DISPOSAL**

#### **3.12.1 General**

The Solid Waste designation is only applied to the St. George's Regional Landfill.

All development shall be approved by the Department of Environment and Conservation and other provincial agencies and departments as required, before a permit is issued by the Town.

All uses in this designation shall be compatible with the operations of the St. George's Regional Landfill

Industrial uses are limited to uses related to the processing and storage of materials related to solid waste disposal and other compatible industrial uses.

#### **3.12.2 Permitted and Discretionary Uses**

Permitted Uses are: Antenna, Conservation, General Industry, Light Industry, Mineral Exploration, Mineral Working, Scrapyard and Solid Waste.

Except for Recreational Open Space, Section 2.6.2 uses are permitted.

Discretionary Uses – the only discretionary use in this designation is Hazardous Industry.

## **4 OVERLAYS**

### **4.1 WELLHEAD PROTECTED WATER SUPPLY AREA**

All development within the Wellhead Protected Water Supply Area must be approved by the Department of Environment and Conservation in accordance with the Department's policies before a permit is issued by the Town.

- (1) The Wellhead Protected Supply Area overlays other land use designations and zones under the Municipal Plan and Development Regulations.
- (2) Existing activities and development to continue within an area protected under section 61 of the Water Resources Act unless it is established that water quality will be impaired or have the potential to be impaired.
- (3) Activities that are impairing or may impair water quality will be assessed and likely altered in a manner suitable to all concerned. Proposed development that has the potential to impair water quality will not be permitted; e.g., gas stations, bulk fuel storage, manure lagoons/piles, cemeteries, etc. However, there are measures that can be taken to allow most normal development activities to take place.

### **4.2 NALCOR CORRIDOR**

Within the NALCOR Corridor as shown on the Future Land Use Maps, all development applications shall be submitted to Nalcor Energy for approval before a permit is issued by the Town.

### **4.3 SOLID WASTE DISPOSAL SITE BUFFER**

Residential development within the Solid Waste Disposal Site Buffer as shown on the Future Land Use Maps shall be referred to the Department of Environment and Conservation for approval before a permit is issued by the Town.

**APPENDIX**

**TOWN OF ST. GEORGE'S DEVELOPMENT REGULATIONS**

**SCHEDULE B – CLASSIFICATION OF LAND AND  
BUILDINGS**

(Note: Schedule B of the Development Regulations is included for reference purposes only and may be amended without recourse to a municipal plan amendment.)

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### SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Theatre	Motion Picture Theatres T.V. Studios admitting an audience.
ASSEMBLY USES	Cultural and Civic	Libraries, Museums, Art Galleries, Court Rooms, Meeting Rooms, Council Chambers
ASSEMBLY USES	General Assembly	Community Halls, Lodge Halls, Dance Halls, Gymnasias, Auditoria, Bowling Alleys
ASSEMBLY USES	Educational	Schools, Colleges (non-residential)
ASSEMBLY USES	Place of Worship	Churches and similar places of worship, Church Halls
ASSEMBLY USES	Passenger Assembly	Passenger Terminals
ASSEMBLY USES	Club and Lodge	Private Clubs and Lodges (non-residential)
ASSEMBLY USES	Catering	Restaurants, Bars, Lounges
ASSEMBLY USES	Funeral Home	Funeral Homes and Chapels
ASSEMBLY USES	Child Care	Day Care Centres
ASSEMBLY USES	Amusement	Electronic Games Arcades, Pinball Parlours, Poolrooms
ASSEMBLY USES	Indoor Assembly	Arenas, Armouries, Ice Rinks, Indoor Swimming Pools

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### SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd

GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Outdoor Assembly	Bleachers, Grandstands, Outdoor Ice Rinks and Swimming Pools, Amusement Parks and Fair-grounds, Exhibition Grounds, Drive-in Theatres, Paint Ball
ASSEMBLY USES	Campground	Campgrounds, Recreational Vehicle and Travel Trailer Campgrounds
INSTITUTIONAL USES	Penal and Correctional Detention	Jails, Penitentiaries, Police Stations (with detention quarters), Prisons, Psychiatric, Hospitals (with detention quarters), Reformatories
INSTITUTIONAL USES	Medical Treatment and Special Care	Children's Homes, Convalescent Homes, Homes for Aged, Hospitals, Infirmarys
RESIDENTIAL USES	Single Dwelling	Single Detached Dwellings, Mini-Home, Family & Group Homes
RESIDENTIAL USES	Double Dwelling	Semi-detached Dwelling, Duplex Dwellings, Family & Group Homes
RESIDENTIAL USES	Row Dwelling	Row Houses, Town Houses, Family & Group Homes
RESIDENTIAL USES	Apartment Building	Apartments, Family & Group Homes

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### SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd

GROUP	CLASS	EXAMPLES
RESIDENTIAL USES	Collective Residential	Educational Residences, Nurses and Hospital Residences, etc.
RESIDENTIAL USES	Boarding House Residential and/or Bed and Breakfast	Boarding Houses, Lodging Houses, Bed and Breakfast
RESIDENTIAL USES	Commercial Residential	Hotels & Motels, Hostels, Residential Clubs
RESIDENTIAL USES	Seasonal Residential	Summer Homes & Cabins, Hunting & Fishing Cabins
RESIDENTIAL USES	Mobile Homes	Mobile Homes
RESIDENTIAL USES	Seniors' Housing and Personal Care Facilities	Seniors' Housing and Personal Care Facilities
BUSINESS & PERSONAL SERVICE USES	Office	Offices (including Government Offices), Banks
BUSINESS & PERSONAL SERVICE USES	Medical and Professional	Medical Offices and Consulting Rooms, Dental Offices & Surgeries, Legal Offices & Similar Professional Offices
BUSINESS & PERSONAL SERVICE USES	Personal Service	Barbers, Hairdressers, Beauty Parlours, Small Appliance Repairs
BUSINESS & PERSONAL SERVICE USES	General Service	Self-service Laundries, Dry Cleaners (not using flammable or explosive substances), Small Tool and Appliance Rentals, Travel Agents
BUSINESS & PERSONAL SERVICE USES	Communications	Radio Stations, Telephone Exchanges
BUSINESS & PERSONAL SERVICE USES	Police Station	Police Stations without detention quarters

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<b>SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd</b>		
<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
BUSINESS & PERSONAL SERVICE USES	Taxi Stand	Taxi Stands
BUSINESS & PERSONAL SERVICE USES	Take-out Food Service	Take-out Food Service
BUSINESS & PERSONAL SERVICE USES	Veterinary	Veterinary Surgeries
MERCANTILE USES	Shopping Centre	Shopping Centres
MERCANTILE USES	Shop	Retail Shops and Stores and Showrooms, Department Stores
MERCANTILE USES	Indoor Market	Market Halls, Auction Halls
MERCANTILE USES	Outdoor Market	Market Grounds, Animal Markets, Produce and Fruit Stands, Fish Stalls
MERCANTILE USES	Convenience Store	Confectionary Stores, Corner Stores, Gift Shops, Specialty Shops
INDUSTRIAL USES	Hazardous Industry	Bulk Storage of hazardous liquids and substances, Chemical Plants, Distilleries Feed Mills, & Lacquer, Mattress, Paint, Varnish, and Rubber Factories, Spray Painting
INDUSTRIAL USES	General Industry	Factories, Cold Storage Plants, Freight Depots General Garages, Warehouses, Workshops, Laboratories, Laundries, Planing Mills, Printing Plants, Contractors' Yards
INDUSTRIAL USES	Service Station	Gasoline Service Stations, Gas Bars, Car Wash

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<b>SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd</b>		
<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
INDUSTRIAL USES	Light Industry	Light Industry, Parking Garages, Indoor Storage, Warehouses, Workshops
NON-BUILDING USES	Agriculture	Commercial Farms, Hobby Farms, Market Gardens & Nurseries
NON-BUILDING USES	Forestry	Tree Nurseries, Silviculture
NON-BUILDING USES	Mineral Exploration	Mineral Exploration
NON-BUILDING USES	Mineral Working	Quarries, Pits
NON-BUILDING USES	Mining	Mining, Oil Wells
NON-BUILDING USES	Recreational Open Space	Playing Fields, Sports Grounds, Parks, Playgrounds, Recreational Trails
NON-BUILDING USES	Conservation	Watersheds, Buffer Strips, Flood Plains, Architectural, Historical and Scenic Sites, Steep Slopes, Wildlife Sanctuaries
NON-BUILDING USES	Cemetery	Cemeteries, Graveyards
NON-BUILDING USES	Scrap Yard	Car Wrecking Yards, Junk Yards, Scrap Dealers
NON-BUILDING USES	Solid Waste	Solid Waste Disposal, Sanitary Land Fill Incinerators
NON-BUILDING USES	Animal	Animal Pounds, Kennels, Zoos
NON-BUILDING USES	Antenna	TV, Radio and Communications Transmitting and Receiving Masts and Antennae
NON-BUILDING USES	Transportation	Airfields, Docks, Marina, Yacht Club, Boating Club, Boat House and Harbours

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<b>SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd</b>		
<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
NON-BUILDING USES	Utilities	Windmills, Wind Turbines, Solar, and other energy sources not classed as a Public Utility under the Public Utilities Act.