

**TOWN OF TORBAY**  
**DEVELOPMENT REGULATIONS 2015 - 2025**



**DEVELOPMENT REGULATIONS AMENDMENT No. 19, 2026**

**Amendment to Accessory Buildings Development Standards  
In  
“Residential Infill (RI), Residential Medium Density (RMD),  
Residential Large Lot (RLL) and Mixed Development (MIX),  
Schedule C”**

**(Revision 1)**

**JANUARY 2026**

PLAN-TECH



ENVIRONMENT

**URBAN AND RURAL PLANNING ACT, 2000**  
**RESOLUTION TO ADOPT**  
**TOWN OF TORBAY**  
**DEVELOPMENT REGULATIONS AMENDMENT No. 19, 2026**

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Torbay adopts the Town of Torbay Development Regulations Amendment No. 19, 2026.

Adopted by the Town Council of Torbay on the 11<sup>th</sup> day of May, 2026.

Signed and sealed this 13<sup>th</sup> day of May, 2026.

Mayor: [Signature] (Council Seal)

Clerk: [Signature]

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Town of Torbay Development Regulations Amendment No. 19, 2026 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Development Regulations/Amendment	
<b>REGISTERED</b>	
Number	<u>5125-0037-2026</u>
Date	<u>May 22, 2026</u>
Signature	<u>[Signature]</u>



**TOWN OF TORBAY**  
**DEVELOPMENT REGULATIONS AMENDMENT No. 19, 2026**

**BACKGROUND**

The Town of Torbay proposes to amend its Development Regulations. The Town is in receipt of an application for a proposed two car garage on a residential property. Presently, the Development Regulations would only allow a footprint for a one car garage, based on the size of the lot. The Town has also been dealing with several similar inquiries about constructing larger and/or higher accessory buildings on some of the larger residential lots.

As part of this Amendment, the Town's Planning & Development Department consulted with several adjacent municipalities on how other Towns regulate accessory buildings. Applicants feel that there are deficiencies in the present Development Regulations in considering an increase in the accessory building footprint in relation to increased lot size.

**ANALYSIS**

As part of Development Regulations Amendment No. 5, 2018 changes were made to the Accessory Building conditions. The Amendment based the accessory building on lot area. It allowed for 40m<sup>2</sup> for a serviced lot and 48m<sup>2</sup> for a lot 1860m<sup>2</sup> and over. With issues with Town water, most development is on larger unserviced lots. Residents felt that there was not enough flexibility in the accessory building conditions.

The purpose of this amendment is to provide a more detailed table on how lot size correlates with maximum permitted accessory building lot coverages and heights. This proposed amendment will offer five different accessory building conditions based on lot area. Scenarios are:

- 40m<sup>2</sup> with a lot area of  $\leq 555\text{m}^2$ ,
- 73m<sup>2</sup> with a lot area  $> 555\text{m}^2$  to  $\leq 1400\text{m}^2$ ,

- 85m<sup>2</sup> with a lot area >1400m<sup>2</sup> to ≤1860m<sup>2</sup>,
- 96m<sup>2</sup> with a lot area >1860m<sup>2</sup> to ≤3035m<sup>2</sup>, and
- 96m<sup>2</sup> with a lot area >3035m<sup>2</sup>.

In addition, residents requested a more detailed gradient for maximum permitted building height associated with increased lot size. The proposed amendment will result in the following maximum permitted accessory building heights:

- 4.0 metres with a lot area of ≤555m<sup>2</sup>,
- 4.5 metres with a lot area of area >555m<sup>2</sup> to ≤1400m<sup>2</sup>,
- 5.0 metres with a lot area >1400m<sup>2</sup> to ≤1860m<sup>2</sup>,
- 5.0 metres with a lot area >1860m<sup>2</sup> to ≤3035m<sup>2</sup>, and
- 6.0 metres with a lot area >3035m<sup>2</sup>.

## **ST. JOHN'S URBAN REGION REGIONAL PLAN**

This Amendment consists of a text change to the Torbay Development Regulations only. It is determined that an Amendment to the St. John's Urban Region Regional Plan is not required to conform with the proposed Torbay Development Regulations Amendment No. 19, 2026.

## **PUBLIC CONSULTATION**

In keeping with the requirements of section 110.1 of the *Urban and Rural Planning Act, 2000*, an advertisement was published in the January 19, 2026, edition, Northeast Avalon Times, posted on the Town's website as of January 21, 2026, distributed via the Town's social media channels and physically posted in four locations in Torbay (Torbay Common, District Drugs, Torbay Post Office and Lorina's Coffee Shop). The public may provide written commentary or concerns on the proposed amendment by 4:00 pm Friday, February 6, 2026.

Copies of all public notification documentation is attached for reference.

## RESPONSES

The Town did not receive any inquiries or written representations in response to the public notification by the noted deadline.

The proposed amendment is forwarded with recommendations to Council for adoption.

## **REVISION 1**

In keeping with the requirements of section 24 of the *Urban and Rural Planning Act, 2000*, this Amendment was referred to the Department of Municipal and Community Affairs for registration. The Department pointed out that, by definition, an accessory building is a subordinate building not to be used as a dwelling, and is located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land. General Regulation 38 (1) of the Torbay Development Regulations 2015-2025 states in part that Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use **and size**, and shall be contained on the same lot.

The Amendment as written may cause confusion on interpretation in whether an accessory building can exceed the size of the main building (dwelling). The Table for Accessory Building Standards has been adjusted to reflect the Department's comments.

## DEVELOPMENT REGULATIONS AMENDMENT No. 19, 2026

The Town of Torbay Development Regulations is amended by:

- A) **Deleting** the Development Standards Table as found in Condition 5(a) of the Accessory Building Condition of the Residential infill (RI) Land Use Zone Table; Condition 5(a) of the Accessory Building Condition of the Residential Medium Density (RMD) Land Use Zone Table; Condition 5(a) of the Accessory Building Condition of the Residential Large Lot (RLL) and Condition 2(a) of the Accessory Building Condition for Residential Use of the Mixed Development (MIX) Land Use Zone Table, Schedule C and **Replacing** with the following Development Standards Table as shown below:

### 5. Accessory Buildings (2a in Mix Zone)

- (a) Accessory Buildings shall have a lot coverage and height no greater than the maximums set out below based on area of the lot:

MUNICIPAL DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS			
Lot size	Max. Lot Coverage	Max. Height	Additional Development Standards
≤555 m <sup>2</sup>	40 m <sup>2</sup>	4.0 m	Min. 1.5m from any property line; Min. 2.4m from main dwelling
> 555 m <sup>2</sup> to ≤1400 m <sup>2</sup>	73 m <sup>2</sup>	4.5 m	
>1400 m <sup>2</sup> to ≤1860 m <sup>2</sup>	85 m <sup>2</sup>	5.0 m	
>1860 m <sup>2</sup> to ≤3035 m <sup>2</sup>	96 m <sup>2</sup>	5.0 m	
>3035m <sup>2</sup>	96 m <sup>2</sup>	6.0 m	