

**DEVELOPMENT REGULATIONS
AMENDMENT NO. 5, 2020**

**Mixed Development Land Use Zone
Requirements and Conditions for Accessory Buildings**

**Prepared by:
Mary Bishop, FCIP
December, 2020**

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF TRINITY
DEVELOPMENT REGULATIONS AMENDMENT NO. 5, 2020**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Trinity adopts the Trinity Development Regulations Amendment No. 5, 2020.

Adopted by the Town Council of Trinity on the 8 day of June, 2021.

Signed and sealed this 14 day of June, 2021.

Mayor: James Miller
James Miller

Clerk: Linda Sweet
Linda Sweet



CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Development Regulations Amendment No. 5, 2020 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.

Mary Bishop
Mary Bishop, FCIP



Development Regulations/Amendment
REGISTERED
Number 5155-2021-005
Date July 8, 2021
Signature Mary Bishop

TOWN OF TRINITY DEVELOPMENT REGULATIONS AMENDMENT NO. 5, 2020

INTRODUCTION

The Town of Trinity reviewed and revised its Municipal Plan and Development Regulations in 2012. The Town is now considering an amendment to the Development Regulations and this report has been prepared to explain the proposed change, and to serve as a basis for consideration by the general public before it is adopted by Council and submitted to the Minister of Environment, Climate Change and Municipalities for registration as required under the *Urban and Rural Planning Act, 2000*.

BACKGROUND

Since the current Municipal Plan was brought into effect in 2012, the Town of Trinity has received requests from time to time for the construction of accessory buildings such as residential sheds and garages in the Mixed Development Land Use Zone that are larger than what is permitted by the regulations.

Municipal Plan Policy

Policy 7.4 of the Trinity Municipal Plan enables Council to consider amendments to the Plan where there is an apparent need to change policy due to changing circumstances.

The Mixed Development land use designation applies generally to lands between Route 239 and the Trinity Heritage Area and reflects the mixed-use pattern of development that has emerged over time. It includes the area around the community of Goose Cove, the commercial development at the intersection of Route 239 and the Main Road into Lower Trinity including Trinity Cabins, the Trinity Fire Hall and Medical Clinic. Lands at the intersection of Route 239 and the Bonavista Highway at Lockston are also included in the Mixed Development designation.

Here, a wide variety of uses are encouraged. Plan policies guide land use decision-making to ensure that new uses are compatible with the surroundings, are consistent with the historic character of Trinity generally, and that non-residential uses are designed so as not to create conflicts with any existing residential uses.

Development Regulations

Accessory buildings are defined in the Development Regulations as:

- a) A detached subordinate building not used as a dwelling, located on the same lot, or on a lot adjacent to the main building to which it is an

- accessory, and which has a use that is customarily incidental and complementary to, the main use of the building or land;
- b) For residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets or radio and television antennae;
 - c) For commercial uses, workshops or garages; and
 - d) For industrial uses, garages, offices, raised ramps and docks.

Regulation 4.2 of the Development Regulations sets out general requirements for Accessory Buildings in the Town. Accessory buildings:

1. May be located on the same lot as the main building(s) to which it is accessory; or on a lot adjoining the lot that contains the main building, where both lots are under the same ownership.
2. No accessory building or part thereof shall project in front of any building line.
3. Accessory buildings shall be complementary with the main building in terms of exterior finish, roofline and pitch.

Specific standards concerning the size and height of accessory buildings are set out in the various Use Zones in Section 9 of the Regulations. In the Mixed Development Use Zone the specific standards for accessory buildings are:

- 9.8.9 Accessory Buildings - The total of all accessory buildings associated with a residential use shall have a lot coverage no greater than 6% up to a maximum of 80m² and no accessory building shall have a height of more than 5 metres.

Since the Municipal Plan and Development Regulations came into effect, the Town has entertained applications for residential accessory buildings in the Mixed Development land use zone and has identified a trend that is occurring with applicants requesting to construct accessory buildings with an area greater than 80m². In reviewing the applications, it has been determined that where lot sizes are large, the construction of larger residential accessory buildings should not be problematic.

In an effort to meet the demand for larger accessory buildings in the Mixed Development use zone, the Town proposes to amend the Development Regulations to allow consideration of applications for construction of larger residential accessory buildings as follows:

1. For lots that are 1860m² or less, accessory building shall be no greater than 6% of the lot area up to 110m²;
2. For lots larger than 1860m², the maximum permitted size of an accessory building shall be 110m². Accessory buildings greater than 110m² may be permitted at Council discretion, provided that

- The lot is sufficiently large to ensure that the placement of the building will not negatively affect adjoining properties;
 - That placement and construction of the building will not result in excessive cut and fill, or backfilling of the subject property;
 - That the building is constructed in conformity with the general standards for accessory buildings set out in Regulation 4.2
 - The application is subject to a public notice and consideration of any public objections prior to making a decision on the application;
3. Where an accessory building is proposed that will obstruct views from surrounding properties, Council may determine the elevation, height and placement of the accessory building on the lot so as to minimize the impact on adjoining properties.
 4. Where an accessory building is proposed to be placed on a lot adjoining the residential lot to which it will be accessory, 6% of the lot area may be calculated based on the combined area of both parcels.
 5. The maximum permitted height of a residential accessory building will be increased to 6m.

In considering these changes to residential accessory buildings, Council notes that proposed accessory buildings associated with non-residential uses will be considered on a case-by-case basis, taking into account the policies of the Municipal Plan, the type of use proposed, land area, and impact on surrounding properties.

PUBLIC CONSULTATION

Council provided a period of two weeks for submission of public comments on the proposed amendment. Notice of the amendment was posted on the Town's social media channels, at the Town Hall and at the local post office on April 6, 2021. No submissions were received by the advertised deadline (April 29th) for public comments.

AMENDMENT

The Trinity Development Regulations shall be amended by replacing section 9.8.9 Accessory Buildings, of the Mixed Development Land Use Zone which reads:

The total of all accessory buildings associated with a residential use shall have a lot coverage no greater than 6% up to a maximum of 80m² and no accessory building shall have a height of more than 5 metres.

With the following:

Accessory buildings in this land use zone are subject to the following

1. For Lots of up to 1860m², accessory building shall be no greater than 6% of the lot area up to a maximum of 110m²;
2. For lots larger than 1860m², the maximum permitted size of an accessory building shall be 110m². Accessory buildings greater than 110m² may be permitted at Council discretion, provided that

- The lot is sufficiently large to ensure that the placement of the building will not negatively affect adjoining properties;
 - That placement and construction of the building will not result in excessive cut and fill, or backfilling of the subject property;
 - That the building is constructed in conformity with the general standards for accessory buildings set out in Regulation 4.2
 - The application is subject to a public notice and consideration of any public objections prior to making a decision on the application;
3. Where an accessory building is proposed that will obstruct views from surrounding properties, Council may determine the elevation, height and placement of the accessory building on the lot so as to minimize the impact on adjoining properties.
 4. Where an accessory building is proposed to be placed on a lot adjoining the residential lot to which it will be accessory, 6% of the lot area may be calculated based on the combined area of both parcels.
 5. The maximum permitted height of a residential accessory building is 6m.
 6. Accessory buildings associated with a non-residential use will be considered on a case-by-case basis, taking into account policies of the Municipal Plan, the type of use, land area, site considerations, and impact on surrounding properties.