

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

**Gazetted:** February 10, 2017

**Consolidation Date:** n/a

**Amendments:** To see if there were any amendments to this document since it came into effect, please refer to:

[List of Amendments](#)

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE  
TOWN OF TORBAY DEVELOPMENT REGULATIONS 2015-2015**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Torbay.

- a) Adopted the Torbay Development Regulations 2015-2025 on the 11<sup>th</sup> day of October, 2016.
- b) Gave notice of the adoption of the Town of Torbay Development Regulations 2015-2025 by advertisement inserted on the 15<sup>th</sup> day and the 22<sup>nd</sup> day of October, 2016, in *The Telegram* newspaper.
- c) Set the 3<sup>rd</sup> day of November at 7:30 p.m. at the Torbay Kinsmen Centre 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 Torbay approved the Town of Torbay Development Regulations 2015-2025 as adopted (or as amended).

SIGNED AND SEALED this 29<sup>th</sup> day of November, 2016

Mayor: [Signature] (Council Seal)

Clerk: [Signature]

5125-2017-041  
January 27, 2017  
[Signature]

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF TORBAY DEVELOPMENT REGULATIONS 2015-2025**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Torbay adopts the Torbay Development Regulations 2015-2025.

Adopted by the Town Council of Torbay on the 11<sup>th</sup> day of October, 2016.

Signed and sealed this 29<sup>th</sup> day of November, 2016.

Mayor: [Signature] (Council Seal)

Clerk: [Signature]

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Town of Torbay Development Regulations 2015-2025 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.



**The Town of Torbay**  
**Development Regulations**

**2015-2025**



**Torbay**

PLAN-TECH



ENVIRONMENT

## TABLE OF CONTENTS

Regulation	Page #
<b>APPLICATION</b>	
1. Short Title .....	1
2. Interpretation .....	1
3. Commencement .....	1
4. Municipal Code and Regulations .....	1
5. Authority .....	1
<b>PART I - GENERAL REGULATIONS</b>	
6. Compliance with Regulations .....	2
7. Permit Required .....	2
8. Permit to be Issued .....	2
9. Permit Not to be Issued in Certain Cases .....	3
10. Discretionary Powers of Authority .....	3
11. Variances .....	3
12. Notice of Variance .....	4
13. Service Levy .....	4
14. Financial Guarantees by Developer .....	5
15. Dedication of Land for Public Uses .....	6
16. Reinstatement of Land .....	6
17. Form of Application .....	6
18. Register of Application .....	7

**TABLE OF CONTENTS**

19. Deferment of Application ..... 7

20. Approval in Principle ..... 7

21. Development Permit ..... 8

22. Reasons for Refusing Permit ..... 9

23. Notice of Right to Appeal..... 9

24. Appeal Requirements ..... 9

25. Approval Registration ..... 10

26. Development Prohibited..... 11

27. Appeal Board..... 11

28. Appeals..... 11

29. Hearing Notice and Meetings ..... 13

30. Hearing of Evidence ..... 14

31. Return of Appeal Fee ..... 14

32. Right of Entry ..... 14

33. Notice of Application ..... 15

34. Record of Violations ..... 15

35. Stop Work Order and Prosecution ..... 15

36. Delegation of Power ..... 15

**PART II - GENERAL DEVELOPMENT STANDARDS**

37. Accesses and Service Streets ..... 16

38. Accessory Buildings ..... 16

## TABLE OF CONTENTS

39.	Buffer Strips .....	17
40.	Advertisements .....	17
41.	Building Height .....	17
42.	Building Line and Setback .....	17
43.	Family and Group Care Centres .....	18
44.	Height Exceptions .....	18
45.	Livestock Structures and Uses .....	18
46.	Lot Area .....	19
47.	Lot Frontage .....	19
48.	Lot Area and Size Exceptions .....	20
49.	Non-Conforming Uses .....	20
50.	Offensive and Dangerous Uses .....	22
51.	Off-street Parking Requirements .....	22
52.	Off-street Loading Requirements .....	23
53.	Parks and Playgrounds and Conservation Uses .....	24
54.	Screening and Landscaping .....	24
55.	Services and Public Utilities .....	24
56.	Service Stations .....	25
57.	Sideyards .....	25
58.	Street Construction Standards .....	25
59.	Subsidiary Apartments .....	26
60.	Unsubdivided Land .....	26
61.	Corner Lot Sight Triangle .....	26

## TABLE OF CONTENTS

### PART III - ADVERTISEMENTS

62(a)	Definitions.....	27
62(b)	Permit Required .....	29
63.	Form of Application .....	29
64.	Advertisements Prohibited in Street Reservation .....	29
65.	Permit Valid for Limited Period.....	30
66.	Removal of Advertisements .....	30
67.	Advertisements Exempt from Control .....	30
68.	Approval Subject to Conditions .....	31
69(a)	Non-Conforming Uses .....	31
69(b)	Permit Exemptions.....	31
69(c)	Election Signs .....	32
69(d)	Real Estate Signs .....	32
69(e)	Bench and Bus Shelter Signs .....	33
69(f)	Prohibited Signs .....	33
69(g)	Stationary Vehicle Signs .....	33
69(h)	Sight Triangle .....	33
69(i)	Electrical or Illuminated Signs .....	34
69(j)	Easements .....	34
69(k)	Engineering Design Requirements .....	34
69(l)	Other Required Information .....	34
69(m)	Advertisements .....	34



**PART IV - SUBDIVISION OF LAND**

70. Permit Required ..... 43

71. Services to be Provided ..... 43

72. Payment of Service Levies and Other Charges ..... 43

73. Issue of Permit Subject to Considerations ..... 43

74. Building Permits Required ..... 44

75. Form of Application ..... 44

76. Subdivision Subject to Zoning ..... 44

77. Building Lines ..... 44

78. Land for Public Open Space ..... 45

79. Structure in Street Reservation ..... 46

80. Subdivision Design Standards ..... 43

## TABLE OF CONTENTS

81.	Engineer to Design Works and Certify Construction Layout .....	47
82.	Developer to Pay Engineer's Fees and Charges .....	47
83.	Street Works May be Deferred .....	48
84.	Transfer of Streets and Utilities to Authority .....	48
85.	Restriction on Sale of Lots .....	49
86.	Grouping of Dwellings and Landscaping .....	49

## PART V - USE ZONES

87.	Use Zones .....	50
88.	Use Classes .....	50
89.	Permitted Uses .....	50
90.	Discretionary Uses .....	50
91.	Uses Not Permitted .....	51

## SCHEDULES

SCHEDULE A: Definitions

SCHEDULE B: Classification of Uses of Land and Buildings

SCHEDULE C: Use Zone Tables

SCHEDULE D: Off-Street Parking Requirements

SCHEDULE E: Land Use Zoning Maps

**TOWN OF TORBAY  
LAND USE, ZONING, SUBDIVISION AND  
ADVERTISEMENT REGULATIONS  
(DEVELOPMENT REGULATIONS)**

**APPLICATION**

**1. Short Title**

These Regulations may be cited as the Town of Torbay Development Regulations.

**2. Interpretation**

- (1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Schedule A.
- (2) Words and phrases not defined in Schedule A shall have the meanings which are commonly assigned to them in the context in which they are used in the Regulations.

**3. Commencement**

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

**4. Municipal Code and Regulations**

The Building Code including the Plumbing Code, the Fire Code, the Electrical Code, and any other ancillary code and any Building Regulations, Waste Disposal Regulation and/or any other municipal regulations regulating or controlling the development, conservation and use of land in force in the Town of Torbay, shall, under these Regulations apply to the entire Planning Area.

**5. Authority**

In these Regulations, "Council" means the Council of the Town of Torbay.

## **PART I - GENERAL REGULATIONS**

### **6. Compliance with Regulations**

No development shall be carried out within the Planning Area except in accordance with these Regulations.

### **7. Permit Required**

No person shall carry out any development within the Planning Area except where otherwise provided in these Regulations unless a permit for the development has been issued by the Council.

### **8. Permit to be Issued**

Subject to Regulations 9 and 10, a permit shall be issued for development within the Planning Area that conforms to:

- (a) the general development standards set out in Part II of these Regulations, the requirements of Part V of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;
- (b) the standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
- (c) the standards set out in Part III of these Regulations in the case of advertisement;
- (d) the standards set out in Part IV of these Regulations in the case of subdivision;
- (e) the standards of design and appearance established by the Council.

**9. Permit Not to be Issued in Certain Cases**

Neither a permit nor approval in principle shall be issued for development within the Planning Area when, in the opinion of the Council, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by the Council and such cost shall attach to and upon the property in respect of which it is imposed.

**10. Discretionary Powers of Council**

- (1) In considering an application for a permit or for approval in principle to carry out development, the Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.
- (2) The Council may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the Council's regulations as discretionary, permitted or prohibited uses for that area.

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

- (1) Where an approval or permit cannot be given by the Council because a proposed development does not comply with development standards set out in development regulations, the Council may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the Council's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.

- (2) The Council shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
  
- (3) The Council shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

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

Where the Council is to consider a proposed variance, the Council shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance, and allow a minimum period of 7 days for response.

**13. Service Levy**

- (1) The Council may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.
  
- (2) A service levy shall not exceed the cost, or estimated cost, including finance charges to the Council of constructing or improving the public works referred to in Regulation 13(1) that are necessary for the real property to be developed in accordance with the standards required by the Council and for uses that are permitted on that real property.
  
- (3) A service levy shall be assessed on the real property based on:
  - (a) the amount of real property benefited by the public works related to all the real property so benefited; and,
  - (b) the density of development made capable or increased by the public work.

- (4) The Council may require a service levy to be paid by the owner of the real property;
  - (a) at the time the levy is imposed;
  - (b) at the time development of the real property commences;
  - (c) at the time development of the real property is completed; or,
  - (d) at such other time as the Council may decide.

#### **14. Financial Guarantees by Developer**

- (1) The Council may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
  
- (2) The financial provisions pursuant to Regulation 14(1) may be made in the form of:
  - (a) a cash deposit from the developer, to be held by the Council, or;
  - (b) a guarantee by a bank, or other institution acceptable to the Minister, for expenditures by the developer, or;
  - (c) a performance bond provided by an insurance company or a bank, or;
  - (d) an annual contribution to a sinking fund held by the Council, or;
  - (e) another form of financial guarantee that the Council may approve.

#### **15. Dedication of Land for Public Use**

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

**16. Reinstatement of Land**

Where the use of land is discontinued or the intensity of its use is decreased, the Council may order the developer, the occupier of the site, or the owner or all of them to reinstate the site, to remove all or any buildings or erections, to cover or fill all wells or excavations, and to close all or any accesses, or to do any of these things or all of them, as the case may be, and the developer, occupier or owner shall carry out the order of the Council and shall put the site in a clean and sanitary condition to the satisfaction of the Council.

**17. Form of Application**

- (1) An application for a development permit or for approval in principle shall be made only by the owner or by a person authorized by the owner to the Council on such form as may be prescribed by the Council, and every application shall include such plans, specifications and drawings as the Council may require, and be accompanied by the permit fee required by the Council.
  
- (2) The Council shall supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application and any information or requirements applicable to the application.

**18. Register of Application**

The Council shall keep a public register of all applications for development, and shall enter therein the Council's decision upon each application and the result of any appeal from that decision.

**19. Deferment of Application**

- (1) The Council may, with the written agreement of the applicant, defer consideration of an application.



- (2) Applications properly submitted in accordance with these Regulations which have not been determined by the Council and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Council, and on which consideration has not been deferred in accordance with Regulation 19(1), shall be deemed to be refused.

#### 20. Approval in Principle

- (1) An application for Approval in Principle shall include;
  - a) a description of the proposed development,
  - b) a description of the limits of the land to be used with the proposed development, and may include a survey description of the subject lands,
  - c) submission of detailed plans,
  - d) any additional information that may be required by the Council.
- (2) The Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Regulations.
- (3) An Approval in Principle shall be valid for a period of 1 year, and may be extended 1 year (must be requested by applicant), up to a total maximum period of 2 years.
- (4) No development shall be carried out under an Approval in Principle.
- (5) Council may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the applications.

#### 21. Development Permit

- (1) A written Permit to Develop, including a temporary Permit to Develop, issued by the Council shall be permission to develop. This permission shall not relieve the applicant from full

responsibility of obtaining all other approvals, prior to the commencement of development, and complying with the requirements of all other regulations and statutes during development.

- (2) The Council may attach conditions to a Permit to Develop to ensure compliance with the Municipal Plan and these Regulations, and the permit holder shall be responsible for full compliance with the permit conditions.
- (3) A Permit to Develop is valid for a period of 1 year and may be extended twice up to a total maximum period of 3 years.
- (4) The issuance of a Permit to Develop shall not prevent the Council from requiring the correction of errors, or ordering the cessation, removal of, or remedial work on any development being carried out that is in violation of the Municipal Plan and these Regulations.
- (5) The Council may revoke a Permit to Develop for failure by the developer to comply with the Municipal Plan and these Regulations, or any condition attached to the Permit to Develop, or where it was issued in error or was issued on the basis of incorrect information.
- (6) No person shall change the application for which a Permit to Develop has been issued unless the change has been approved by a resolution of the Council, and written approval has been issued.
- (7) A copy of the Permit to Develop, and the plans and specifications, shall be kept on the site until completion of the development.

## **22. Reasons for Refusing Permit**

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

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

Where the Council makes a decision that may be appealed under section 42 of the Act, the Council shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

- (a) person's right to appeal the decision to the board;
- (b) time by which an appeal is to be made;
- (c) right of other interested persons to appeal the decision; and
- (d) manner of making an appeal and the address for the filing of the appeal.

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

- (1) The secretary of the Appeal Board at the Department of Municipal Affairs, P.O. Box 8700, St. John's, NL, A1B 4J6, is the secretary to all Appeal Boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate Appeal Board.
- (2) The fee required under section 44 of the Act shall be paid to the Appeal Board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
- (3) The Appeal Board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the Appeal Board.
- (4) Where an appeal of a decision and the required fee is not received by an Appeal Board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

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

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the Appeal Board as referred to in subsections 24(1) and (2), shall immediately register the appeal.

- (2) Where an appeal has been registered, the secretary of the Appeal Board shall notify the Council of the appeal and shall provide to the Council a copy of the appeal and the documentation related to the appeal.
- (3) Where the Council has been notified of an appeal that Council shall within one week of notification forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the Council has knowledge.
- (4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate Council, a notice that the appeal has been registered.
- (5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

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

- (1) Immediately upon notice of the registration of an appeal the Council shall ensure that any development upon the property that is the subject of the appeal ceases.
- (2) Sections 102 and 104 of the Act apply to the Council acting under subsection (1).
- (3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, the Council shall not carry out work related to the matter being appealed.

**27. Appeal Board**

- (1) The minister may, by order, establish an Appeal Board and shall assign to the Appeal Board a specific area of the province over which it shall have jurisdiction, as outlined in section 40, of the Act.

**28. Appeals**

- (1) A person or an association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to
  - (a) an application to undertake a development;
  - (b) a revocation of an approval or a permit to undertake a development;
  - (c) the issuance of a stop work order; and
  - (d) a decision permitted under the Act or another Act to be appealed to the board.
  
- (2) A decision of the Council to adopt, approve or proceed with a municipal plan, a scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.
  
- (3) An Appeal Board shall not make a decision that does not comply with the municipal plan, a scheme and development regulations that apply to the matter being appealed.
  
- (4) An appeal shall be filed with the Appeal Board not more than 14 days after the person who made the original application appealed from has received the decision being appealed.
  
- (5) An appeal shall be made in writing and shall include
  - (a) a summary of the decision appealed from;
  - (b) the grounds for the appeal; and
  - (c) the required fee.
  
- (6) A person or group of persons affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representations concerning the matter under appeal.
  
- (7) An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.

- 
- (8) An Appeal Board shall consider and determine appeals in accordance with the Act and the municipal plan, scheme and regulations that have been registered under section 24, of the Act, and having regard to the circumstances and merits of the case.
  - (9) A decision of the Appeal Board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.
  - (10) In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct the Council to carry out its decision or make the necessary order to have its decision implemented.
  - (11) Notwithstanding subsection (10), where the Council may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.
  - (12) The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.
  - (13) An Appeal Board shall, in writing notify the appellant and the appropriate Council of the decision of the Appeal Board.

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

- (1) An Appeal Board shall notify the appellant, applicant, Council and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.
- (2) An Appeal Board may meet as often as is necessary to conduct its work in an expeditious manner.

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

- (1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under regulation 29(1) or their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.
- (2) An Appeal Board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the Appeal Board.
- (4) In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.

**31. Return of Appeal Fee**

Where an appeal made by an appellant under section 42 of the Act, is successful, an amount of money equal to the fee paid by that appellant under regulation 24(2) shall be paid to him or her by the Council.

**32. Right of Entry**

The Council or any inspector may enter upon any public or private land and may at all reasonable times enter any development or building upon the land for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any development, construction, alteration, repair, or any other works whatsoever which the Council is empowered to regulate.

**33. Notice of Application** (Refer to Minister's Development Regulations, Section 13 and 15)

The Council may, and when a variance is necessary under Regulation 11 and the Council wishes to consider whether to authorize such a variance, when a change in nonconforming use is to be considered under Regulation 49, or when the development proposed is listed as a discretionary use in Schedule C of the Regulations shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary, and under Regulation 12 and the Council shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance, and allow a minimum period of 7 days for response.

**34. Record of Violations**

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

**35. Stop Work Order and Prosecution**

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, the Council may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Regulation 35(1) is guilty of an offence under the provisions of the Act.

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

The Council shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act, make that designation in writing.



## PART II - GENERAL DEVELOPMENT STANDARDS

### 37. Accesses and Service Streets

- (1) Access shall be located to the specification of the Council so as to ensure the greatest possible convenience and safety of the street system and the Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (2) No vehicular access shall be closer than 12 metres to the street line of any street intersection.

### 38. Accessory Buildings

- (1) 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.
- (2)
  - (a) No accessory building shall be located closer to the street line than the main building.
  - (b) Notwithstanding Section 38 (2) (a), the Council may approve the location of an accessory building closer to the street line than is the main dwelling where the Council considers that the location of an accessory building as required under Section 38 (2)(a) would pose a severe inconvenience or hazard, and provided that the location of the accessory building would not pose a threat to road safety.
- (3) The sideyard requirements set out in the use zone tables in these Regulations shall apply to accessory buildings wherever they are located on the lot.

**39. Buffer Strips**

Where any industrial development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than ten (10) metres wide between any residential activity and the industrial area. The buffer shall include the provision of such natural or structural barrier as may be required by the Council and shall be maintained by the owner or occupier to the satisfaction of the Council.

**40. Advertisements**

Advertisements shall not be erected or displayed except in accordance with Part III of these Regulations.

**41. Building Height**

The Council may permit the erection of buildings of a height greater than that specified in Schedule C, but in such cases the building line setback and rearyard requirements shall be varied as follows:

- (1) The building line setback shall be increased by 2 metres for every 1 metre increase in height.
- (2) The rearyard shall not be less than the minimum building line setback calculated as described in (1) above plus 6 metres.

**42. Building Line and Setback**

The Council, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations.

- (1) The maximum building line setback in any land use zone of these Regulations, unless otherwise specified within a specific land use zone, shall be 32 metres.
- (2) Notwithstanding 42(1), the Authority may permit any building to be erected along an established building line, where that building line may or may not meet either the minimum building line setback specified by a specific land use zone or the maximum building line setback specified by 42(1) or any specific land use zone.

An established building line shall be determined by drafting of a line from between the main walls of the legally existing structures abutting the subject property on both flanking sides. The Authority, when considering an application under this Regulation, shall require that the main front wall of any new building shall be built within two metres of this line.

#### **43. Family and Group Care Centres**

Family group care centre use may be permitted in any dwelling or apartment that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that in the opinion of the Council, the use of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences, or the neighbourhood in which it is located. The Council may require special access and safety features to be provided for the occupants before occupancy is permitted.

#### **44. Height Exceptions**

The height requirements prescribed in Schedule C of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys, but any such waiver which results in an increase of more than 10% the permitted height of the structure shall only be authorized under the provisions of Regulation 11.

**45. Livestock Structures and Uses**

- (1) No structure designed to contain more than five animal units shall be erected or used unless it complies with the following requirements:
  - (a) The structure shall be at least 330 m from a residence, (except a farm residence or a residence which is a non-conforming use in any zone in which agriculture is a permitted use class in the Use Zone Tables in Schedule C of these Regulations), and, from an area designated for residential use in an approved Plan, and, from a Provincial or Federal Park.
  - (b) The structure shall be at least 60 m from the boundary of the property on which it is to be erected.
  - (c) The structure shall be at least 90 m from the centre line of a street.
  - (d) The erection of the structure shall be approved by the Department of Natural Resources and the Department of Environment and Conservation.
  
- (2) No development for residential use shall be permitted within 330 m of an existing structure designed to contain more than five animal units unless the development is first approved by the Department of Natural Resources.

**46. Lot Area**

- (1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Regulations for the zone in which such lot is located.
  
- (2) Where any part of a lot is required by these Regulations to be reserved as a yard, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof, and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

**47. Lot Frontage**

Where, at the time of coming into effect of these Regulations, one or more lots already exist in any residential zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Authority for the erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Regulations.

**48. Lot Area and Size Exceptions**

Except where specifically provided for in the Use Zone Tables in Schedule C of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a street or forms part of a Comprehensive Development Scheme.

**49. Non-Conforming Use**

- (1) Notwithstanding the Municipal Plan, scheme or regulations made under this Urban and Rural Planning Act, 2001, the Council shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under section 24 of the Act, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed 12 months after that discontinuance.

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- (3) A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under subsection (1)
- (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Council;
  - (b) shall not be structurally modified except as required for the safety of the building, structure or development;
  - (c) may have the existing use for that building, structure or development varied by the Council to a use that is, in the Council's opinion, more compatible with the plan and regulations applicable to it;
  - (d) may have the existing building extended by approval of the Council where, in the Council's opinion, the extension is not more than 50% of the existing building;
  - (e) where the non-conformance is with respect to the standards included in these development regulations, shall not be expanded if the expansion would increase the non-conformity;
  - (f) where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development.
  - (g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the municipal plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.
- (4) Where considering a non conforming building, structure or development and before making a decision to vary an existing use of that non-conforming building, structure or development, the Council, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

**50. Offensive and Dangerous Uses**

No building or land shall be used for any purpose which may be dangerous by causing or promoting fires or other hazards or which may emit noxious, offensive or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an unpleasant effect on the senses unless its use is authorized by the Council and any other council having jurisdiction.

**51. Offstreet Parking Requirements**

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D of these Regulations.
- (3) Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distance from the use concerned.
- (4) The parking facilities required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:

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- (a) parking space shall mean an area of land, not less than 16 m<sup>2</sup> in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas;
  - (b) the parking area shall be constructed and maintained to the specifications of the Council;
  - (c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
  - (d) a structure, not more than 3 m in height and more than 5 m<sup>2</sup> in area may be erected in the parking area for the use of attendants in the area;
  - (e) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
  - (f) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
  - (g) access to parking areas in non-residential zones shall not be by way of residential zones;
  - (h) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines;
  - (i) where, in the opinion of the Council, strict application of the above parking requirements is impractical or undesirable, the Council may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Council for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

#### 52. Off-Street Loading Requirements

- (1) For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise, there shall be provided and maintained for the premises loading facilities on land that is not part of a street comprised of one or more loading spaces, 15 m long, 4 m wide, and having a



vertical clearance of at least 4 m with direct access to a street or with access by a driveway of a minimum width of 6 m to a street.

- (2) The number of loading spaces to be provided shall be determined by the Council.
- (3) The loading facilities required by this Regulation shall be so arranged that vehicles can manoeuvre clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

**53. Parks and Playgrounds, and Conservation Uses**

Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of parks and playgrounds in any zones provided that such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.

**54. Screening and Landscaping**

The Council may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application. The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of the Council, the landscaping or screening is desirable to preserve amenity, or protect the environment.

**55. Services and Public Utilities**

The Council may within any zone permit land to be used in conjunction with the provision of public services and public utilities if the use of that land is necessary to the proper operation of the public service or public utility concerned provided that the design and landscaping of any

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development of any land so used is, in the opinion of the Council, adequate to protect the character and appearance of the area.

#### **56. Service Stations**

The following requirements shall apply to all proposed service stations:

- (a) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side.
- (b) Pump islands shall be set back at least 4 metres from the front lot line.
- (c) Accesses shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 metres and the lot line between entrances shall be clearly indicated.
- (d) All surface run from the parking lot and around the pump island shall drain into an oil/water separator before being discharging into the natural storm drainage system.

#### **57. Side Yards**

A sideyard shall be kept clear of obstruction and shall be provided on the exposed sides of every building in order to provide access for the maintenance of that building. On a corner lot in any zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than 8 metres.

#### **58. Street Construction Standards**

A new street may not be constructed except in accordance with and to the design and specifications laid down by the Council.

**59. Subsidiary Apartments**

Subsidiary apartments may be permitted in single dwellings only, and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling.

**60. Unsubdivided Land**

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

**61. Corner Lot Sight Triangle**

On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than .0.6 metres above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 metres from their point of intersection.

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**PART III - ADVERTISEMENTS****62(a) DEFINITIONS**

For the purpose of this section, the following definitions shall apply:

- a) "Above the surface of the ground" means measured vertically from the horizontal projection of the highest point of the ground immediately below a sign as determined by the Council to the highest point of the sign or the pole as determined by the Council.
- b) "Banner sign" means a sign produced on cloth, paper, fabric or other combustible material of any kind, either with or without frames.
- c) "Bench sign" means a sign painted, located on or attached to any part of the surface of a bench, seat, or chair placed adjacent to a public place or street.
- d) "Billboard" means a sign and its structure and component parts which are intended to advertise or call attention to any matter, object, event or person, where the sign face is usually leasable and where the subject matter is not related to a use at or around the parcel of land on which the billboard is located.
- e) "Building face" means the total area of a building between the finished surface of the ground and the eaves of any architectural elevation.
- f) "Bus shelter advertisement" means an advertisement that is painted, located on, attached, or forms part of a bus shelter placed or erected adjacent to or on a public place or street.
- g) "Canopy sign" means a sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window or outdoor service area.
- h) "Construction sign" means a temporary sign erected on the premises or land on which development or construction is taking place, during the period of such construction, indicating the names of the planners, architects, engineers, landscaped architects, contractors or similar artisans and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.
- i) "Corner lot" means a lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.
- j) "Election sign" means any sign used to promote a candidate or party during a school board or municipal, provincial or federal election.
- k) "Electrical sign" means a sign that utilizes an electrical source.

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- l) "Ground sign or pylon sign" means a sign affixed to, supported by or placed upon the ground whether the ground is paved or unpaved, and which is supported by one or more uprights, in or upon such ground and not attached to any building.
  - m) "Illuminated sign" means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.
  - n) "Inflatable signs" means a sign or display that is capable of being expanded by air or other gas and used as a temporary basis to advertise a product or event.
  - o) "Marquee" means any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.
  - p) "Marquee sign" means a sign printed upon, or attached to a marquee.
  - q) "Menu Board" means a sign erected as part of a drive-through facility and used to display and order products and services available in association with a drive through business.
  - r) "Off-site directional sign" means a sign which directs traffic to a specific property, business or event and the sign is located on a property or building separate from the property, business or event to which it relates. A billboard sign is not an off-site directional sign.
  - s) "Pre-menu board" means a sign erected as part of a drive-through facility and only used to display products and services available in association with a drive through business.
  - t) "Portable sign" means an illuminated or non-illuminated sign which is movable from one location to another and which is not attached to a fixed structure or does not have supports imbedded in the ground.
  - u) "Projecting sign" means a sign other than a wall sign so constructed and so erected as to be rigidly attached at one end to a building, metal pole or other structure and projecting out from the surface of the building pole or other structure to which it is attached.
  - v) "Real estate sign" means a sign pertaining to the sale or lease of the premises or a portion of the premises, on which the sign is located.
  - w) "Roof sign" means a sign that is erected, constructed and maintained above the roof of a building, within the peripheral dimension of such building and fastened or attached to or supported on such roof
  - x) "Sidewalk sign" means a free standing sign erected on but not permanently anchored in the ground. Without limiting the generality of the foregoing, this definition includes signs referred to as A-frame, T-frame, sandwich boards, and menu boards, but shall not include any other sign defined in these regulations.
  - y) "Sign face" means the area or display surface used for the advertisement or message.

- z) "Sight Triangle" means a triangular- shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The triangular-shaped portion of land is formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 7.5 m measured along the street from the point of intersection of the street lines where the posted speed limit is 50 km/h or less. For speed with posted speed limits greater than this, the sign triangle to be determined by the Town's Consulting Engineer.
- aa) "Wall sign" means a sign which is painted on or attached directly against the surface of or against or within a recess in the wall or a column or other perpendicular portion of a building and approximately parallel thereto and which extends not more than 30 cm from the architectural feature on which it is attached, and shall include a fascia sign.

#### **62 (b). Permit Required**

Subject to the provisions of Regulation 67, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Council. Permit for erection or display of advertisement on Provincial Highways shall be obtained from Service NL.

#### **63. Form of Application**

Application for a permit to erect or display an advertisement shall be made to the Council in accordance with Regulation 17.

#### **64. Advertisements Prohibited in Street Reservation**

No advertisement shall be permitted to be erected or displayed within, on or over any highway or street reservation.

#### **65. Permit Valid for Limited Period**

A permit granted under these Regulations for the erection or display of an advertisement shall be for a limited period, not exceeding two years, but may be renewed at the discretion of the Council for similar periods.

**66. Removal of Advertisements**

Notwithstanding the provisions of these Regulations, the Council may require the removal of any advertisement which, in its opinion, is:

- (a) hazardous to road traffic by reason of its siting, colour, illumination, or structural condition, or;
- (b) detrimental to the amenities of the surrounding area.

**67. Advertisements Exempt from Control**

The following advertisements may be erected or displayed in the Planning Area without application to the Council:

- (a) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area;
- (b) on an agricultural holding or farm, a notice board not exceeding 1 m<sup>2</sup> in area and relating to the operations being conducted on the land;
- (c) on land used for forestry purposes, signs or notices not exceeding 1 m<sup>2</sup> in area and relating to forestry operations or the location of logging operations conducted on the land;
- (d) on land used for mining or quarrying operations, a notice board not exceeding 1 m<sup>2</sup> in area relating to the operation conducted on the land;
- (e) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area in connection with the practice of a professional person carried on in the premises;
- (f) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m<sup>2</sup> in area;
- (g) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser;
- (h) on any parking lot directional signs and one sign not exceeding 1 m<sup>2</sup> in size, identifying the parking lot.

**68. Approval Subject to Conditions**

A permit may only be issued for the erection or display of advertisements which comply with the appropriate conditions and specifications set out in the Use Zone Tables in Schedule C of these Regulations.

**69 (a). Non-Conforming Uses**

Notwithstanding the provisions of Regulation 62(b), a permit may be used for the erection or display of advertisements on a building or within the courtyard of a building or on a parcel of land, the use of which is a non conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Council.

**69 (b). Permit Exemptions**

The following signs shall not require permits:

- 1) Election signs of any candidate or political party during a federal, provincial, municipal, or regional school board election, subject to the provisions of Section 69 (c) of these Regulations.
- 2) Temporary signs relating to Federal, Provincial or Municipal public works.
- 3) Notices required by law to be posted.
- 4) Regulatory, warning, directional, guide or informational signs erected by a Federal, Provincial or Municipal Authority or a community group approved by the Council.
- 5) Signs placed by a telephone, telegraph or electric power company to indicate danger.
- 6) Non-illuminated real estate signs not exceeding 0.465 m<sup>2</sup> in total area advertising the sale or rent of a building or lot upon which the sign is located subject to the provisions of Section 69 (d) of these regulations.
- 7) A flag, emblem or insignia of any nation, country or province.
- 8) One construction sign not exceeding 9 m<sup>2</sup> in total area related to the development of a property provided such sign is located on the site on which the work is being carried out and is removed at the conclusion of the development or at such time as determined by Council.



- 9) Signs with existing Provincial and or Municipal approvals.

**69 (c). Election Signs**

Election signs shall be subject to the following conditions:

- 1) The erection of election signs shall be permitted on private property provided the property owner has given consent for the erection of such a sign and that the sign does not cause an obstruction to neighboring properties.
- 2) The erection of election signs shall be permitted on vacant land owned by the Council, provided the signs do not cause an obstruction to the traveling public or the work of the Council, and provided the signs are not located within the far limits of the carriageway at any street intersection.
- 3) Election signs shall not be affixed or attached to existing municipal buildings, structures or signs.
- 4) Candidates shall remove their election signs within 36 hours after the close of polls on Election Day and shall ensure that the site is cleaned up.
- 5) If the Candidate fails to remove his or her election signs within 36 hours after the polls close on Election Day, the Council may remove them and dispose of them and the candidate shall be responsible for the cost of the removal and disposal of such signs.
- 6) No permit fee shall be required for election signs of any candidate or political party during a federal, provincial, municipal or regional school board election; however, if a portable sign is used for the purpose of election signage, permits shall be required as outlined by the portable sign regulations.

**69 (d). Real Estate Signs**

Real estate signs shall be subject to following conditions:

- 1) No real estate sign shall be affixed to any utility pole or municipal building, structure or sign or be erected or placed on publicly owned land without the permission of the property owner.
- 2) There shall be a limit of one double-faced sign per property or for every 30 m of lot frontage.
- 3) A corner lot may carry two double-faced signs, one sign for each street.
- 4) Portable real estate open house signs shall also be permitted provided their placement does not obstruct vehicular or pedestrian movement, and the duration of such placement is limited to the time of the actual open house.

- 5) A real estate sign marking that the property is "sold" may appear for a limit of two weeks from the date of the closing of the transaction.
- 6) If the real estate agent fails to remove his or her signs within two weeks from the date of the closing the transaction, the Council may remove them and dispose of them and the candidate shall be responsible for the cost of the removal and disposal of such signs.

**69 (e). Bench and Bus Shelter Sign and Advertisement**

Bench signs and bus shelter advertisements shall be approved in accordance with the requirements and conditions as determined by the Council.

**69 (f). Prohibited Signs**

Notwithstanding the provisions of this schedule, the Council may refuse any sign or advertisement that, in the opinion of the Council, is considered hazardous to road traffic by reason of its sitting, color, animation, illumination or structural condition or is considered detrimental to the amenities of the surrounding area.

**69 (g). Stationary Vehicle Signs**

Unless otherwise determined by the Council, a sign or advertisement shall not be attached, affixed or displayed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement.

**69 (h). Sight Triangle**

Unless otherwise determined by the Council, no sign or advertisement shall be permitted to be located within the area identified by the Council as the sight triangle at the intersection of streets.

**69 (i). Electrical or Illuminated Signs**

Every electrical or illuminated sign shall be approved by a certified organization that is accepted by the Province of Newfoundland and Labrador and the Standards Council of Canada. A licensed electrician shall undertake the electrical hook up of the sign. Illuminated signs may be required to be switched off during certain periods of the night, depending on their location. This will be determined by Council on a case by case basis.

**69 (j). Easements**

With the exception of portable signs, signs shall not be permitted to be located upon or project within the limits of utility or municipal service easements. Any sign located in close proximity to a utility or municipal service easement shall be located in accordance with the requirements of the

easement owner.

#### **69 (k). Engineering Design Requirements**

Signs shall be designed, constructed and erected to withstand the ice load and wind load requirements as determined by the Town's Consulting Engineer.

The following types of signs will require signed and sealed approval by a Professional Engineer of the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador (APEGN):

- Billboard Signs
- Ground Signs or Pylon Signs greater than 3 m in height
- Portable Signs (at Council's discretion)
- Roof Signs

#### **69 (l). Other Required Information**

Every portable sign or advertisement shall display, in a manner acceptable to the Council, the name and phone number of the sign contractor.

In the case of an electrical or illuminated sign, the electrical certification's approval sticker shall be displayed on the sign.

#### **69 (m). Advertisements**

##### **1. Banner Sign**

A banner sign shall not be suspended across any street unless the authority grants its approval. A banner sign attached to a face of a building, fence or other structure shall be considered in a like manner to a wall sign.

##### **2. Billboard Sign**

A billboard sign shall be permitted provided:

- a) The maximum sign face of a single billboard shall not exceed 21.5 m<sup>2</sup>. Where Council deems appropriate, a double or "super sign" may be permitted, but shall not exceed 43 m<sup>2</sup> for a sign face.
- b) Unless otherwise determined by the Council, the maximum overall height of the sign from the surface above the ground to the top of the sign shall be 8.5 m.
- c) The sign shall be set back a minimum distance of 15 m from the intersection of streets.
- d) The sign shall not be located closer than 5 m to the front or flanking street lot line.

- e) The sign shall not be located closer than 3 m to a side lot line.
- f) Not more than two signs are permitted on a lot provided that each sign may have two leasable areas mounted back to back and the total maximum sign face of each sign shall not exceed 21.5 m<sup>2</sup> per sign face, with the exception of a "super sign" which shall not exceed 43 m<sup>2</sup> per sign face and, if approved, would comprise the total number of billboard signs permitted on a single lot.
- g) A minimum separation distance of 100 m shall be maintained between signs when on the same side of the street and in the same line of sight or visual plane.
- h) A single-faced sign shall be located not more than 2 m from the wall of a building and shall be parallel to the wall and shall not extend beyond the end of the wall and the height of the roofline of the building to which it is attached.
- i) A wall-mounted billboard shall not block natural light from a window of the building to which the billboard is attached.
- j) The sign shall not interfere or obstruct access to or from a lot or create a visual obstruction to the traveling public.
- k) The sign shall not conflict with adjoining architectural lines or forms or have the effect of materially obscuring the effect of the landscapes.
- l) The sign shall not be located within 60 m to a residential zone and shall not be oriented such that it faces an abutting residential zone or residential lot.
- m) Lighting of the sign shall not be directed toward the street and shall not adversely affect neighboring areas.
- n) The sign shall be anchored and secured in accordance with the requirements of the Town's Consulting Engineer.
- o) The sign shall be constructed in accordance with engineered drawings approved by the Council.

### 3. Canopy Sign

A canopy or awning sign shall be permitted on a wall of a building provided:

- a) The canopy or awning sign does not abut a residential lot or zone.
- b) The minimum vertical clearance beneath the sign to above the surface of the ground shall be 2.2 m.
- c) The sign may extend the full length of a building and the sign shall not extend beyond the end of the wall to which it is attached with the exception of wrap-around signs.

- d) The sign does not project more than 3 m from the wall of the building or structure to which it is attached.
- e) The sign shall not extend over public land or streets except where approved by the Council.
- f) The sign shall not extend over a driving area or parking surface except where approved by the Council.
- g) The sign shall be anchored or secured to the building in accordance with the requirements of the Town's Consulting Engineer.

#### 4. Ground Sign or Pylon Sign

- a) Unless otherwise determined by the Council, one ground or pylon sign shall be permitted per street frontage of a lot, subject to the following conditions:
- b) The sign shall have a maximum overall vertical height of 8.5 m above the surface of the ground.
- c) The sign shall have a maximum overall horizontal length of 6.0 m.
- d) The maximum area for the sign face shall be 51 m<sup>2</sup> exclusive of the sign's supports and mounts.
- e) The sign shall be setback a minimum distance of half the height of the sign from the property's front lot line.
- f) The sign shall be setback a minimum distance of 1 m from the property's side lot lines.
- g) The sign shall have a minimum separation distance of 2 m to an adjoining dwelling, apartment, school or church.
- h) There shall not be any electrical component of the sign within 1 m above the surface of the ground.
- i) A minimum separation distance of 15m shall be maintained between ground or pylon signs located on abutting properties.
- j) The ground or pylon sign shall not be permitted to be located along the lot line that abuts a residential lot.
- k) Where there is more than one ground or pylon sign permitted per lot, there shall not be more than one ground or pylon sign for every 30 m of lot frontage.
- l) The sign shall be anchored and constructed in accordance with the engineering drawings approved by the Council.

### 5. Inflatable Sign

Inflatable signs shall be permitted subject to the following conditions.

- a) A limit of one rooftop or ground inflatable sign per lot or for every 30 m of lot frontage.
- b) The sign shall be setback from a lot line, a minimum distance of 1.5 m times the inflated height of the sign.
- c) The sign shall not interfere or obstruct access to or from a lot.
- d) The sign may be illuminated internally or externally but shall not contain flashing or intermittent lighting or lighting which creates glare when viewed by on-coming traffic or by abutting residential uses.
- e) The maximum height and size of the sign shall be determined at the discretion of the Town Council but shall be in accordance with and relevant to standard model sizes and dimensions available from balloon or inflatable advertisement manufacturers.
- f) The sign shall be anchored or secured in accordance with the requirements of the Town's Consulting Engineer.
- g) The time limit for the sign permit shall be specific to the duration of the event to which the advertisement is related but shall not exceed 30 days. Upon expiration of the sign permit, the permit may be renewed for another 30 day period provided the Council is satisfied that the sign is being maintained to the Council's satisfaction and the sign conforms to the Regulations and the conditions attached to the permit.
- i) If, in the opinion of the Town Council, the sign is a hazard or unsafe to the public, the advertisement shall be removed immediately upon notice.

### 6. Marquee Sign

A marquee sign shall be permitted on the principle facade of a building subject to the following conditions:

- a) The minimum vertical clearance beneath the sign to above the surface of the ground shall be 3 m.
- b) The sign may extend the full length of a marquee but in no case shall such sign project beyond the ends of such a marquee.
- c) A marquee sign shall not extend over public land or streets except where approved by the Council.

- d) The sign shall be anchored or secured to the building in accordance with the requirements of the Towns Consulting Engineer.

#### 7. Menu Boards

Menu Boards which are used to display and order products on a lot shall be permitted subject to the following conditions:

- a) There shall be one pre-menu board and one menu board per drive-through on a lot.
- b) The maximum area for the sign face of a pre-menu board shall be 2 m<sup>2</sup>.
- c) The pre-menu board sign shall have a maximum height of 3 m above the surface of the ground.
- d) The maximum area for the sign face of a menu board shall be 4.1 m<sup>2</sup> for a single face.
- e) The menu board sign shall have a maximum height of 3 m above the surface of the ground.

#### 8. On- Site Traffic Directional Sign

On-site traffic directional signs which direct motor vehicle or pedestrian traffic on a lot shall be permitted subject to the following conditions:

- a) There shall be no limit to the number of on-site traffic directional signs on a lot.
- b) An on-site traffic directional sign shall be confined to directing motor vehicle or pedestrian traffic and includes such signs as an entrance sign, an exit sign or a motor vehicle parking direction sign.
- c) The maximum area for the sign face shall be 0.75 m<sup>2</sup> for a single face.
- d) The sign shall have a maximum height of 1.2 m above the surface of the ground.

#### 9. Off-Site Directional Sign

Off-site directional signs, which direct traffic to a commercial or industrial development or use, shall not be permitted. Off-site directional signs related to a charitable, non-profit or municipally sponsored event, which direct traffic to a community facility may be permitted as determined by the Council provided only one sign is erected per street frontage, the sign is erected for the duration of the event, and the location, size, and construction of the sign conforms to the requirements of the Council.

**10. Portable Sign (Bold Signs)**

A portable sign shall be permitted provided:

- a) The sign shall have a maximum of two sign faces.
- b) The maximum sign face area shall be 6.0 m<sup>2</sup> each sign face.
- c) The maximum overall height of the sign from ground level to the top of the sign shall be 2.5 m.
- d) The sign shall be set back a minimum distance of 1.5 m from a lot line. Where the sign is on a corner lot, the sign shall not be located within the sight triangle.
- e) Not more than one sign is permitted at any one time on any property having a frontage of less than 20 m. On lots with frontages greater than 20 m, a minimum separation distance of 15 meters shall be maintained between each portable sign.
- e) The sign must be located on the property on which the business is located unless otherwise approved by Council and the property owner.
- f) The sign shall not interfere or obstruct access to or from a lot.
- g) The sign shall not be placed on a portion of a lot that abuts a residential zone or existing residential lot.
- h) If the sign is illuminated, the sign shall be of a design approved by the Canadian Standards Association (CSA) and bear the CSA approval decal on the sign.
- i) The sign shall be constructed in accordance with engineered drawings approved by the Council.
- j) The portable sign permit shall be valid for a period of 90 days from the date of issue by the Council. Upon expiration of the sign permit, the sign is to be removed or a new sign application submitted to the Council and such permits may be renewed for further periods of 90 days upon application and approval.

**11. Sidewalk Sign**

A sidewalk sign shall be permitted subject to the following conditions:

- a) The sign shall only be displayed or erected on the public street abutting the business and only in cases where it is not possible because of the size of the lot, to locate a ground or portable sign entirely on the lot on the same lot as the business for which the sign applies.
- b) The sign shall have a maximum height of 1 m.



- c) The sign shall have a maximum of two sign faces.
- d) The sign shall have a maximum sign face of 0.55 m<sup>2</sup> for each sign face.
- e) The sign shall be displayed only between sunrise and sunset of every business day and shall be taken indoors at all other times.
- f) The sign shall not be located within 3 m of a driveway access.
- g) The sign shall be located as close to the building face as possible and maintain a minimum unobstructed sidewalk width of 1.5 m.
- h) The sign shall be secured in accordance with the requirements of the Town's Consulting Engineer.

#### 12. Projecting Sign

A projecting sign shall be permitted on any principal facade of a building subject to the following conditions:

- a) The minimum vertical clearance beneath the sign above the surface of the ground shall be 3 m.
- b) The maximum overall projection of the sign from the building shall be 3 m.
- c) The sign is a rigid sign and its design and construction does not permit it to swing in the wind.
- d) A projecting sign shall not extend over public land or streets except where approved by the Council.
- e) A projecting sign shall not extend over a driving area or parking surface except where approved by the Council.

#### 13. Roof Sign

One roof sign per building shall be permitted subject to the following conditions:

- a) The sign shall not exceed the maximum permitted height of a building as specified in the use zone in which the building is located.
- b) The height of a roof sign shall respect the scale of the building and neighborhood where it is located. The maximum height of a roof sign located on a flat roof building shall be 2 m, whereas the maximum height of a roof sign located on a pitch roof shall be half the height of the roof pitch.
- c) The sign shall not project beyond the exterior wall or walls of the building to which it is attached.

- d) The electrical wiring of a roof sign shall be in accordance with the requirements of the current National building Code.
- e) The sign shall be anchored or secured to the building in accordance with the requirements of the Towns Consulting Engineering.
- f) The sign shall be constructed in accordance with engineered drawings approved by the Council.

#### 14. Wall Sign

A wall sign shall be permitted subject to the following conditions:

- a) A wall sign may be placed on a wall or building abutting any street or public highway provided the wall sign does not immediately face a residential lot or zone.
- b) Unless otherwise determined by Council, the total area of all wall signs on any one architectural elevation of a building shall not exceed 20% of the building face.
- c) The length of the sign shall not be longer than the horizontal measurement of the wall or building facade to which it is attached and the sign shall not extend beyond the end of the wall to which it is attached with the exception of wrap around signs.
- d) A wall sign shall not project more than 30 cm from the wall of the building.
- e) Where permitted by the Council, a wall sign projecting over public property shall be erected with a vertical clearance not less than 3 m above the surface of the ground.
- f) The wall sign shall be of an architectural scale and styling that is, in the opinion of the Council, in keeping with architectural scale and styling of the building to which it is attached.
- g) No wall sign shall be permitted to cover any part of a required exit in a building or obstruct free access thereto or egress there from.
- h) The sign shall be anchored or secured to the building in accordance with the requirements of the Town's Consulting Engineer.

#### 15. Multi-Tenant Building

Notwithstanding the above requirements, signage for buildings housing two or more uses or occupancy shall be limited to one wall sign per use or occupancy and one pylon or ground sign per street frontage for the whole building. Such pylon or ground sign shall display the advertisement for all uses or occupancies housed in the building.

#### 16. Signs Along Provincially Maintained Roads

The Government of Newfoundland and Labrador Highway Sign Regulations apply to all highways constructed and maintained by the Department Transportation and Works. The erection or

placement of any sign within the road right-of-way that is provincially maintained is therefore subject to dual jurisdiction, and must meet the conditions of the provincial government as well as the Torbay Town Council, as follows:

- a) The sign shall be approved in accordance with the provincial Highway Sign Regulations, and a highway signage permit must be obtained from the appropriate provincial government authority.
- b) The sign shall meet the conditions of the Town of Torbay for the particular type of sign as outlined in the use zone in which the sign is located.

**17. Cessation of Use**

Upon the cessation of a use, event or a business, any sign or advertisement associated with that ceased use, event or business shall be removed within thirty days of the cessation of the use, event or business.

**18. Application to Existing Signs and Advertisement**

Every existing sign and advertisement approved by the Council may be brought into conformity with these Regulations. In the event of their structural alteration, relocation or replacement is required; the sign then shall be brought into conformity with these regulations. Maintenance and repair of the sign or advertisement shall not be deemed in itself to constitute an alteration. In the case of portable or inflatable signs conformity to these Regulations shall be immediate.

**19. Signs or Advertisements not Specifically Covered**

Signs and or advertisements not specifically covered in these regulations shall be considered on a case by case basis at Councils discretion.

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## PART IV - SUBDIVISION OF LAND

### 70. Permit Required

No land in the Planning Area shall be subdivided unless a permit for the development of the subdivision is first obtained from the Council.

### 71. Services to be Provided

No permit shall be issued for the development of a subdivision unless provisions satisfactory to the Council have been made in the application for a supply of drinking water, a properly designed sewage disposal system, and a properly designed storm drainage system.

### 72. Payment of Service Levies and Other Charges

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the Council for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 13 and 14.

### 73. Issue of Permit Subject to Considerations

A permit shall not be issued when, in the opinion of the Council, the development of a subdivision does not contribute to the orderly growth of the municipality and does not demonstrate sound design principles. In considering an application, the Council shall, without limiting the generality of the foregoing, consider:

- (a) the location of the land;
- (b) the availability of and the demand created for schools, services, and utilities;
- (c) the provisions of the Plan and Regulations affecting the site;
- (d) the land use, physical form and character of adjacent developments.
- (e) the transportation network and traffic densities affecting the site;
- (f) the relationship of the project to existing or potential sources of nuisance;

- (g) soil and subsoil characteristics;
- (h) the topography of the site and its drainage;
- (i) natural features such as lakes, streams, topsoil, trees and shrubs;
- (j) prevailing winds;
- (k) visual quality;
- (l) community facilities;
- (m) energy conservation;
- (n) such other matters as may affect the proposed development.

**74. Building Permits Required**

Notwithstanding the approval of a subdivision by the Council, a separate building permit shall be obtained for each building proposed to be erected in the area of the subdivision, and no building permit for any building in the area shall be issued until the developer has complied with all the provisions of these Regulations with respect to the development of the subdivision.

**75. Form of Application**

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

**76. Subdivision Subject to Zoning**

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

**77. Building Lines**

The Council may establish building lines for any subdivision street and require any new building to be located on such building lines.

**78. Land for Public Open Space**

- (1) Before a development commences, the developer shall, if required, dedicate to the Council, at no cost to the Council, an area of land equivalent to not more than 10% of the gross area of the subdivision or for public open space, provided that:
  - (a) where land is subdivided for any purpose other than residential use, the Council shall determine the percentage of land to be dedicated;
  - (b) if, in the opinion of the Council, no public open space is required, the land may be used for such other public use as the Council may determine;
  - (c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Council but in any case, the Council shall not accept land which, in its opinion is incapable of development for any purpose;
  - (d) the Council may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the market value of the land which would otherwise be required to be dedicated. The market value shall be determined by either the Municipal Assessment Agency or by a Current Market Value Appraisal of the raw land (whichever is greater).
  - (e) money received by the Council in accordance with Regulation 78(1)(d) above, shall be reserved by the Council for the purpose of the acquisition or development of land for public open space or other public purpose.
  
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Council and may be sold or leased by the Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
  
- (3) The Council may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Council, constitute the requirement of land for public use under Regulation 78(1).

**79. Structure in Street Reservation**

The placing within any street reservation of any structure (for example, a hydro pole, telegraph or telephone pole, fire hydrant, mail box, fire alarm, sign post) shall receive the prior approval of the Council which shall be satisfied on the question of safe construction and relationship to the adjoining buildings and other structures within the street reservation.

**80. Subdivision Design Standards**

No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the following standards:

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) Every cul-de-sac shall be provided with a turning circle of a diameter of not less than 30m.
- (c) The maximum length of any cul-de-sac shall be:
  - (i) 200 m in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by the Municipality and the Minister of Municipal Affairs in connection with municipal five-year capital works program eligibility.
  - (ii) 490 m in areas not served by or planned to be served by municipal piped water and sewer services.
- (d) Emergency vehicle access to a cul-de-sac shall be not less than 3 m wide and shall connect the head of the cul-de-sac with an adjacent street.
- (e) No cul-de-sac shall be located so as to appear to terminate a collector street.
- (f) New subdivisions shall have street connections with an existing street or streets.
- (g) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- (h) No street intersection shall be closer than 60 m to any other street intersection.
- (i) No more than four streets shall join at any street intersection.
- (j) No residential street block shall be longer than 490 m between street intersections.
- (k) Streets in residential subdivisions shall be designed in accordance with the approved Torbay Engineering Design Guidelines for Subdivisions attached to these Regulations.
- (l) No lot intended for residential purposes shall have a depth exceeding four times the

frontage.

- (m) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- (n) The Council may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (o) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

#### **81. Engineer to Design Works and Certify Construction Layout**

- (1) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Council to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer. Such designs and specifications shall, upon approval by the Council, be incorporated in the plan of subdivision.
- (2) Upon approval by the Council of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by the Council to service the said area.

#### **82. Developer to Pay Engineer's Fees and Charges**

The developer shall pay to the Council all the Engineer's fees and charges for the preparation of designs and specifications and for the layout and supervision of construction; such fees and charges being percentages of the total cost of materials and labour for the construction and installation of all works calculated in accordance with the Schedule of Fees recommended by the Association of Professional Engineers of Newfoundland and in effect at the time the work is carried out.



**83. Street Works May Be Deferred**

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Council as being necessary, may, at the Council's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the Council before approval of his application, an amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works. In the later stage of the work of development, the Council shall call for tenders for the work of construction and installation of the works, and the amount so deposited by the developer shall be applied towards payment of the contract cost. If the contract cost exceeds the deposit, the developer shall pay to the Council the amount of the excess. If the contract price is less than the deposit, the Council shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the Council by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

**84. Transfer of Streets and Utilities to Council**

- (1) The developer shall, following the approval of the subdivision of land and upon request of the Council, transfer to the Council, at no cost to the Council, and clear of all liens and encumbrances:
  - (a) all lands in the area proposed to be developed or subdivided which are approved and designated by the Council for public uses as streets, or other rights-of-way, or for other public use;
  - (b) all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by the Council.
- (2) Before the Council shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify his satisfaction with their installation.

- (3) The Council shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by the Council.

**85. Restriction on Sale of Lots**

The developer shall not develop or dispose of any lot within a subdivision for the purposes of development and no building permit shall be issued until the Council is satisfied that:

- (a) the lot can be served with satisfactory water supply and sewage disposal systems, and;
- (b) satisfactory access to a street is provided for the lots.

**86. Grouping of Buildings and Landscaping**

- (1) Each plan of subdivision shall make provision for the grouping of building types and for landscaping in order to enhance the visual aspects of the completed development and to make the most use of existing topography and vegetation.
- (2) Building groupings, once approved by the Council, shall not be changed without written application to and subsequent approval of the Council.

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**PART V - USE ZONES**

**87. Use Zones**

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Regulation 87(3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Council may in its discretion, determine the standards, requirements and conditions which shall apply.

**88. Use Classes**

The specific uses to be included in each Use Class set out in the Use Zone Tables in Schedule C shall be determined by the Council in accordance with the classification and examples set out in Schedule B.

**89. Permitted Uses**

Subject to these Regulations, the uses that fall within the Permitted Use Classes set out in the appropriate Use Zone Table in Schedule C shall be permitted by the Council in that Use Zone.

**90. Discretionary Uses**

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto,

and to the public interest, and if the Council has given notice of the application in accordance with Regulation 33 and has considered any objections or representations which may have been received on the matter.

**91. Uses Not Permitted**

Uses that do not fall within the Permitted Use Classes or Discretionary Use Classes set out in the appropriate Use Zone Tables in Schedule C, shall not be permitted in that Use Zone.

**The Town of Torbay**  
**Minister's Regulations**  
**2015-2025**



PLAN-TECH



ENVIRONMENT

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**NEWFOUNDLAND REGULATION 3/01**  
Development Regulations under the Urban and Rural Planning Act, 2000.

(Filed January 2, 2001)

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

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

**Joan Marie Aylward**  
**Minister of Municipal and Provincial Affairs**

**REGULATIONS**

Analysis

1. Short title
2. Definitions
3. Application
4. Interpretation
5. Notice of right to appeal
6. Appeal requirements
7. Appeal registration
8. Development prohibited
9. Hearing notice and meetings
10. Hearing of evidence
11. Board decision
12. Variances
13. Notice of variance
14. Residential non conformity
15. Notice and hearings on change of use
16. Non-conformance with standards
17. Discontinuance of non-conforming use
18. Delegation of powers
19. Commencement

### 1. Short title

These regulations may be cited as the Development Regulations.

### 2. Definitions

In these regulations,

- (a) "Act", unless the context indicate otherwise, means the *Urban and Rural Planning Act, 2000*;
- (b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a development;
- (c) "authority" means a council, authorized administrator or regional authority; and
- (d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

### 3. Application

- (1) These regulations shall be included in the development regulations of an authority and shall apply to all planning areas.
- (2) Where there is a conflict between these regulations and development regulations or other regulations of an authority, these regulations shall apply.
- (3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.

### 4. Interpretation

- (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section
  - (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
  - (b) "accessory building" includes
    - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,

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- (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
    - (iii) for commercial uses, workshops or garages, and
    - (iv) for industrial uses, garages, offices, raised ramps and docks;
  - (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
  - (d) "building height" means the vertical distance, measured in metres from the established grade to the
    - (i) highest point of the roof surface of a flat roof,
    - (ii) deck line of a mansard roof, and
    - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
  - (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
  - (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
  - (g) "established grade" means,
    - (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
    - (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
  - (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
  - (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
  - (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
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- (k) "lot area" means the total horizontal area within the lines of the lot;
  - (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
  - (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
  - (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
  - (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;
  - (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;
  - (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;
  - (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
  - (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
  - (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
  - (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
  - (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
  - (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
  - (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and

- (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.
- (2) An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the authority's regulations as discretionary, permitted or prohibited uses for that area.

### **5. Notice of right to appeal**

Where an authority makes a decision that may be appealed under section 42 of the Act, that authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the

- (y) person's right to appeal the decision to the board;
- (b) time by which an appeal is to be made;
- (c) right of other interested persons to appeal the decision; and
- (d) manner of making an appeal and the address for the filing of the appeal.

### **6. Appeal requirements**

- (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.
- (2) Notwithstanding subsection (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's appoints an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.
- (3) The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
- (4) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.
- (5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

**7. Appeal registration**

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.
- (3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.
- (4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.
- (5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

**8. Development prohibited**

- (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.
- (2) Sections 102 and 104 of the Act apply to an authority acting under subsection (1).
- (3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

**9. Hearing notice and meetings**

- (1) A board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.
- (2) A board may meet as often as is necessary to conduct its work in an expeditious manner.

**10. Hearing of evidence**

- (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.
- (2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.
- (4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

**11. Board decision**

A decision of the board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.

**12. Variances**

- (1) Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.
- (2) An authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
- (3) An authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

**13. Notice of variance**

Where an authority is to consider a proposed variance, that authority shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance.

**14. Residential non conformity**

A residential building or structure referred to in paragraph 108(3)(g) of the Act must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

**15. Notice and hearings on change of use**

Where considering a non conforming building, structure or development under paragraph 108(3)(d) of the Act and before making a decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

**16. Non-conformance with standards**

Where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development.

**17. Discontinuance of non-conforming use**

An authority may make development regulations providing for a greater period of time than is provided under subsection 108(2) of the Act with respect to the time by which a discontinued non-conforming use may resume operation.

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**18. Delegation of powers**

An authority shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act, make that designation in writing.

**19. Commencement**

These regulations shall be considered to have come into force on January 1, 2001.

# The Town of Torbay

## Schedule A 2015-2025



PLAN-TECH



ENVIRONMENT

## SCHEDULE A - DEFINITIONS

**ACCESS** means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street.

**ACCESSORY BUILDING** is:

- (a) A detached subordinate building not used as a dwelling, located on the same lot as the main building or use to which it is accessory, and which has a use which is customarily incidental or complimentary to the main use of the building or land:
- (b) for residential uses such as 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 such as workshops, garages, and
- (d) for industrial uses such as garages, offices, raised ramps and docks.

**ACCESSORY DWELLING UNIT** means a separate dwelling unit constructed within and subsidiary to the main use. The main use shall not be a single dwelling, double dwelling, row dwelling, and apartment building.

**ACCESSORY USE** means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.

**ACT** unless the context indicates otherwise, means the *Urban and Rural Planning Act, 2000*.

**AGRICULTURE** means horticulture, fruit growing, grain growing, crop growing, seed growing, dairy farming, bee keeping, the breeding or keeping of animals for food, skins, or fur, the use of land, meadow land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of the land. Agriculture includes primary processing of onsite products. For the purposes of these regulations, agriculture also includes the keeping or boarding of horses.

**AMUSEMENT USE** means the use of land or buildings equipped for the playing of electronic, mechanical, or other games and amusements including electronic games, pinball games and slot machine arcades and billiard and pool halls.

**ANTENNA** means a system that involves the transmission or receiving of data through radio waves, air monitoring, weather collection devices or other sources, typically forming part of a mast or tower which may be several hundred metres tall, either guyed or freestanding. Small monitoring structures are typically located near the base.



**APARTMENT BUILDING** means a building containing three or more dwelling units, but does not include a row dwelling or a single dwelling with a subsidiary apartment.

**APEAL BOARD** means the appropriate Appeal Board established under the Act.

**APPLICANT** means a person who has applied to Council for approval to carry out development.

**APPROVAL IN PRINCIPLE** means that Council when considering a development application shall evaluate the application to the development requirements within the Town. If the proposed development meets the development requirements of the Town an approval in principle maybe given to the application. Final approval and issuance of a permit to commence development are subject to the agreement by the applicant to meet specified conditions as outlined by Council.

**ARTERIAL STREET** means the streets in the Planning Area constituting the main traffic arteries of the area and defined as arterial streets or highways in the Municipal Plan or on the Zoning Map.

**ASSISTED RESIDENTIAL LIVING** means a residential building designed for people seeking assisted home care by the content and layout of the dwelling units (varying in size, number of bedrooms, shared kitchens), provisions for common dining facilities, recreation areas, lounges, libraries, respite units, and the accessibility of all units and facilities to the physically challenged. Personal care homes shall have the same meaning, but does not include a hospital.

**ATTACHED GARAGE** means a residential garage typically used for the storage of motor vehicles and shares a portion of one of its walls with the main residence or is attached to the main residence by an extension of the roof line.

**AUTHORITY** means a council, authorized administrator or regional authority.

**BAR** means a building licensed under the *Liquor Control Act* wherein meals and food may be served for consumption on the premises and in which entertainment may be provided.

**BED AND BREAKFAST** means a detached dwelling occupied by the property owner or the bed and breakfast host as a primary residence in which overnight accommodation and a breakfast meal are offered to registered guests for a fee.

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

**BUFFER** means a berm, row of trees or shrubs, hedge, fence, or distance separation that provides a barrier between incompatible sites, uses or districts.

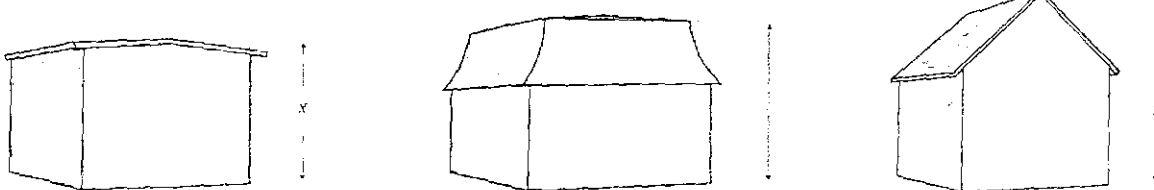
**BUILDING** means:

- a) A structure, erection, alteration or improvement placed on, over or under land, or attached, anchored or moored to land;
- b) Mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses;
- c) A part of and fixtures on buildings referred to in (a) and (b); and
- d) An excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in (a) to (c).  
(Same definition as the *Urban and Rural Planning Act, 2000* Section 2(c))

**BUILDING HEIGHT** means the vertical distance, in metres, from established grade to the:

- a) highest point of the roof surface of a flat roof;
- b) deck line of a mansard roof; and
- c) mean height level between the eave and ridge of a gable, hip or gambrel roof.

In any case, a Building Height shall not include mechanical structures, smokestacks, steeples, and purely ornamental structures above a roof.



**BUILDING LINE** means a line established by the Council that runs parallel to the street line and is set at the closest point to a street that a building may be placed. A corner lot is deemed to have a building line setback on both the primary and flanking streets.

**BULK STORAGE FACILITY** means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids (fuel oil), gases, minerals, pipes, gravel, fertilizers and grain.

**CHILD CARE** means a building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the *Day Nurseries Act*, but does not include a school as defined by the *Schools Act*.

**CLINIC** means a building used for medical, dental, surgical or therapeutical treatment of patients, but does not include overnight facilities and does not include a professional office of a doctor located in a residence.

**CONDOMINIUM** means a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**CONDOMINIUM CORPORATION** means the association which administers and maintains the common property and common elements of a condominium.

**CONVENIENCE STORE** means a building used for the sale of goods required by area residents or employees on a day-to-day basis.

**CORNER LOT** means a lot deemed to have street frontages on both a primary and a flanking (secondary) street.

**CORNER LOT SIGHT TRIANGLE** means a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 1 metres above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 metres from the point of intersection.

**COUNCIL** means the Municipal Council of the Town of Torbay.

**CUL-DE-SAC** means a local dead-end street or road, terminating in a turnaround, with only one entrance and exit. Generally, a cul-de-sac ends in a circle, bulb.

**DEVELOPMENT** means the carrying out of building, engineering, mining or other operations in, on, over, or under land, or the making of a material change in the use, or the intensity of use of land, buildings, or premises and the:

- (a) making of an access onto a highway, road or way,
- (b) erection of an advertisement or sign,

- (c) construction of a building,
- (d) the parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation, and excludes,
- (e) the carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
- (f) the carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,
- (g) the carrying out by a local authority or statutory undertaker of works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of streets or other land for that purpose,
- (h) the use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of a dwelling house as a dwelling.

**DEVELOPMENT AGREEMENT** means a written agreement between the municipality and a developer which establishes particular circumstances and conditions under which a development may be carried out.

**DISCRETIONARY USE** means a use that is listed within the discretionary use classes established in the use zone tables of the Council's Development Regulations.

**DOUBLE DWELLING** means one building containing two dwelling units, placed one above the other, side by side, or joined by a carport with separate lot areas dedicated to each unit, but does not include a single dwelling containing a subsidiary apartment.

**DRIVEWAY** means a private road for vehicles that connects a house, garage, or other building with a public road.

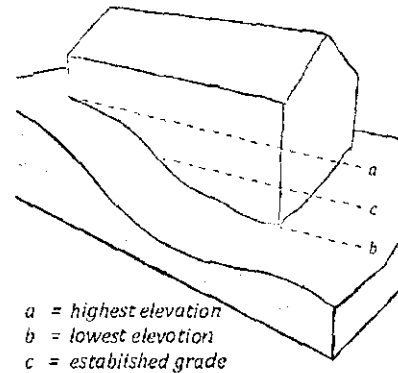
**DWELLING UNIT** means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one or more persons.

**ENGINEER** means an engineer who is a member of the Association of Professional Engineers and Geoscientists of Newfoundland, employed or retained by the Council.

**ESTABLISHED BUILDING LINE** means the average distance from the street line of existing buildings in any block where more than half the frontage has been built upon in the past.

**ESTABLISHED GRADE** means:

- a) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of that building exclusive of any artificial embankment or entrenchment;
- b) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment.



**FAMILY AND GROUP CARE CENTRE** means a dwelling accommodating up to but no more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, facilities referred to as "group homes", "halfway houses", and "foster homes".

**FLANKING YARD** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flanking lot line and the nearest main wall of any main building or structure.

**FLANKING STREET** means the secondary street bordering a corner lot.

**FLOODWAY** means the inner portion of a flood risk area where the risk of flood is greatest, on average once in twenty years and where the flood depths and water velocities are greatest.

**FLOODWAY FRINGE** means the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years, and flood waters are shallower and slower.

**FLOOD PROOFING** means structural and/or non-structural measures incorporated in the design of a building or structure which reduce or eliminate the risk of flood damage by ensuring that the ground floor elevation is higher than the projected flood level and that the building can be exited without hindrance in the event of a flood.

**FLOOR AREA** means the total area of all floors of a building measured to the outside face of exterior walls.

**FORESTRY** means the use of land for the purpose of forest and woodland management including the felling, cutting, trimming and thinning of forest or woodland for the extraction of timber, and includes reforestation and silviculture.

**FRONTAGE** means the horizontal distance between side lot lines measured at the building line.

**FRONT YARD (DEPTH)** means the distance between the front lot line of a lot and the front wall of the main building on the lot.

**GENERAL GARAGE** means land or buildings used for the repair, maintenance and storage of motor vehicles and may include the sale of petroleum products.

**GENERAL INDUSTRY** means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, preparing, processing, testing, salvaging, breaking up, demolishing, or treating any article, commodity or substance, and "Industry" shall be construed accordingly.

**GROUP CHILD CARE USE** means a building or part of a building in which services and activities are regularly provided for seven (7) or more children as defined in the Child Care Services Act, but do not include a school as defined by the Schools Act.

**GROUP HOME** means a dwelling unit accommodating not more than 6 persons, exclusive of staff, in a home-like setting where staff provide care and supervision. This definition includes, but is not limited to, the facilities called "Transition House" and "Foster Home".

**HAZARDOUS INDUSTRY** means the use of land or buildings for industrial purposes involving the use of materials or processes, which because of their inherent characteristics constitute a special fire, explosion, radiation or other hazard.

**HERITAGE PROPERTY** means any building, structure or land designated by Council as an historic heritage property under the Town's Heritage Regulations.

**HOME OCCUPATION (OFFICE)** means a secondary use of a dwelling by at least one of the residents of the dwelling to conduct business activity with such occupation or business activity being restricted to office uses which may involve limited visitation by clients, customers, or the general. Also referred to as a Home Based Business use.

**HOSPITALITY HOME** means a dwelling unit in which at least 1 room is regularly rented, and includes the uses commonly referred to as "Bed and Breakfast", and "Boarding House".

**IN-LAW SUITE (APARTMENT)** means a small one bedroom apartment that forms part of the primary residence and used to accommodate an in-law relative. The apartment may have a communicating door to the residence, but has a separate entrance.

**INSPECTOR** means a person appointed as an inspector by the Council.

**LAND** includes land covered by water, and buildings and structures on, over, or under the soil and fixtures that form part of those buildings and structures.

**LAND USE IMPACT ASSESSMENT** means an evaluation of a proposed development in the form of a written report identifying significant impacts, evaluation and constraints, with recommendations for measures of control or mitigation. The Land Use Impact Assessment process may provide opportunities for public review and comment of the report prior to its approval by Council.

**LANDSCAPING** means the development of land by altering the topography and ground cover and may include the use of turf, plants, shrubs, trees, retaining walls and fences.

**LANDSCAPE PLAN** means a two dimensional scaled concept plan showing the land or lot boundaries which would include proposed development of the land by using turf, plants, shrubs, trees, retaining walls and fences for aesthetic or practical purposes. A Landscape Plan may include, but not limited to, the arrangement or modifying land features, such as tree retention or planting, garden edging or retaining, planting, screening, fencing or earthwork (alteration or drainage).

**LIGHT INDUSTRY** means the use of land or buildings for industrial use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance.

**LIVESTOCK OPERATION** means a livestock operation of agricultural animals confined in one location which consists of 5 or more animal units at a given point in time.

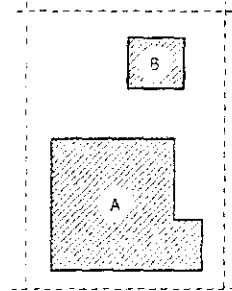
**LOCAL STREET** means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan, or on the Zoning Map.

**LOT** means a plot, tract or parcel of land that can be considered as a unit of land for a particular use or building.

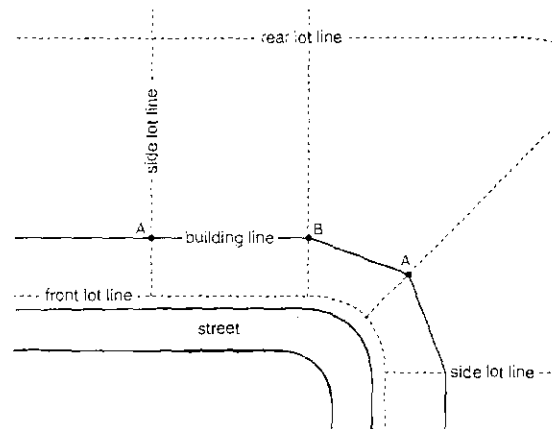
**LOT AREA** means the total horizontal area within the lines of a lot.

**LOT COVERAGE** means the combined area of all buildings on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot.

$$\text{Lot coverage} = \frac{\text{Area of A} + \text{Area of B}}{\text{Lot area}}$$



**LOT FRONTAGE** means the horizontal distance between side lot lines measured at the building line (the distance between points **A** and **B** in illustration at right).



**LOT LINE, REAR** means the lot line on the opposite side of the front lot line.

**LOT LINE, SIDE** means the lot lines perpendicular to the front and rear lot lines.

**LOT LINE, FLANKING** means a lot line which abuts the street on a corner lot.

**MINERAL WORKING** means land or buildings used for the working, stockpiling or extraction of rock, mineral, peat or aggregate material, and will include a "quarry".

**MINI HOME** means a factory produced form of a mobile home which has a pitched roof and traditional house-type exterior siding designed to be connected to services, electricity and telephone suitable for year round occupancy.

**MINISTER** shall mean the Minister of Municipal and Intergovernmental Affairs, unless otherwise specified.



**MODULAR HOME** means a residential dwelling built in modules in a factory complete with kitchen, bedrooms, bath, etc, as may be pre-set in a house and transported to the building site for joining and placement on a foundation. Modular home construction shall conform to the National Building Code and the Town of Torbay Development Regulations.

**MUNICIPAL PLAN** means a plan adopted by the Council as a Municipal Plan pursuant to the *Urban and Rural Planning Act, 2000*.

**NON-CONFORMING USE** means a legally existing use that is not listed as a permitted use or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.

**OUTDOOR LIVING SPACE** means that part of the residential lot, usually located in the back yard that may be utilized for a patio that may be covered or enclosed, a swimming pool, or a well designed landscape and garden area to add ambiance.

**OUTDOOR MARKET** means a building or vending site where individual vendors operating from stalls, booths or other defined areas, offer for sale food or goods items such as fresh fruit and vegetables, meat, fish and eggs, garden plants, baked foodstuffs, handicrafts and goods. Automobile lots may also be considered as Outdoor Markets.

**OUTDOOR STORAGE** means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.

**OWNER** means a person or an organization or persons owning or having legal right to use the land under consideration.

**PARKING LOT** means an open area of land other than a street or an area within a structure for the parking of vehicles.

**PARKING SPACE** means an area of land or building for the temporary parking or storage of vehicles.

**PERMIT TO DEVELOP** means the general term referring to all permits or licenses approved by Council and shall include all conditions, agreements or provisions attached thereto.

**PERMITTED USE** means a use that is listed within the permitted use classes set out in the use zone tables of these Development Regulations.

**PLANNING AREA** means a regional planning area and a municipal planning area established under section 6 and 11 of the *Urban and Rural Planning Act, 2000*. For the purpose and context of these regulations, the Planning Area shall mean the area within the municipal boundaries of the Town of Torbay.

**PRIMARY STREET** means the street on which a development fronts and is referenced in the civic address.

**PRIVATE BOATHOUSE** means a building constructed to house a boat, boats or related material, in which no business, occupation or service is conducted for profit and which excludes a private garage.

**PRIVATE ROAD (SHARED DRIVEWAY)** means a roadway within private property that are privately owned, maintained and used for vehicular travel by the owner and those having express or implied permission from the owner, but not other persons. Their main function is to provide access to the private land. Most private roads are not designed to the same standards as public streets. Municipal services are not available to the buildings or dwellings on private streets.

**PROHIBITED USE** means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that Council specifies as not permitted within a use zone.

**PUBLIC STREET** means a main road or thoroughfare owned and maintained by the Authority, such as a provincial highway or local street, available to the public for pedestrian use or vehicular transportation.

**PUBLIC USE** means land, structure or building constructed for use by the general public. Public Use may include parks, playgrounds, trails, paths and other recreational and open spaces, scenic and historic sites, publicly funded buildings such as schools, hospitals, libraries and other public buildings and structures.

**REAR YARD (DEPTH)** means the mean distance between the rear lot line and the rear of the main building on the lot.

**RECREATIONAL USE** means land used as parks, playgrounds, tennis courts, ball fields, golf courses, picnic areas, swimming pools, walking trails, and such similar uses.

**RESTAURANT** means a building or part of a building, licensed for the purpose of serving meals and includes a "Snack Bar".

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

**SALVAGE YARD** means land used for the storage, handling or processing of and sale of scrap material, and may include storage of recycling uses such as waste paper, metals, vehicles, tires, or other scrap material or salvage, but shall not include a hazardous waste material storage or disposal site.

**SCREENING** means a fence, berm, trees, hedge, wall or building used to separate areas or functions which detract from the appearance of the streetscape and the view from the surrounding areas.

**SERVICE STATION** means a building, including gas pumps, used for the sale of petroleum products, and may include general merchandise, minor automotive repairs, and washing of vehicles.

**SERVICE STREET** means a street constructed parallel to or close to another street for the purpose of limiting direct access to that street.

**SHOP** means a building or part thereof used for retail trade wherein the primary purpose is the selling or offering for sale of goods, wares or merchandise by retail or the selling or offering for sale of retail services but does not include an establishment wherein the primary purpose is the serving of meals or refreshments, an amusement use, a general garage, or a service station.

**SHOPPING CENTRE** means a group of retail stores with integrated parking which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

**SHOWROOM** means a building or part of a building in which samples or patterns are displayed and in which orders may be taken for goods, wares or merchandise, including vehicles and equipment, for later delivery.

**SIDEYARD (WIDTH)** means the distance between a side lot line and the nearest side wall of a building on the lot.

**SIGN** means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement, or direction and excludes those things employed wholly as a memorial, advertisements or local government, utilities and boarding or similar structures used for the display of advertisements.

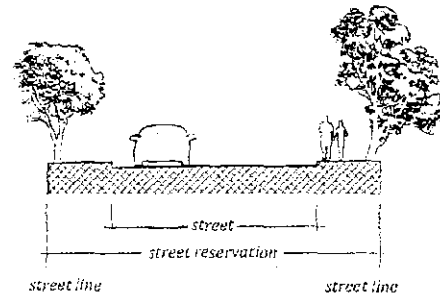
**SINGLE DWELLING** means one building containing a single dwelling unit for the use of one family, placed on its own lot, and can include a subsidiary apartment.

**SITE PERMIT** means a permit issued by the Town of Torbay for any earth disturbance or other earthwork including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, road maintenance, and the moving, depositing, stockpiling or storing of soil, rock, or earth materials.

**STREET** means a street, road, highway or other way designed for the passage of vehicles and pedestrians, and which is accessible by fire department and other emergency vehicles.

**STREET LINE** means the edge of the right of way of a street reservation as defined by the authority having jurisdiction.

**STREET RESERVATION** means an area determined by Council that is reserved for a street, a future street or future street improvements.



**STRUCTURE** means anything constructed or installed on the ground, consisting of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure may include buildings, radio and TV towers, sheds and permanent signs.

**SUBDIVISION** means the dividing of land, whether in single or joint ownership, into 2 or more pieces (including lots), for the purpose of development.

**SUBDIVISION (RESIDENTIAL)** means a concept proposal to subdivide property into building lots. It generally shows topographic information, natural features, such as rivers and vegetation, and the proposed lots and streets. It typically involves the construction of new streets and infrastructure for public use and requires the execution of a development agreement.

**SUBSIDIARY APARTMENT** means a separate dwelling unit constructed within and subsidiary to a single dwelling.

**SWIMMING POOL (Residential)** means any in-ground or above-ground structure that is located in a rear yard of a residential lot capable of containing water. Includes swimming pools, non-portable wading pools, and landscape water features, but excludes hot tubs and existing natural bodies of water or streams.

**TAKE-OUT FOOD** means a building in which the primary purpose is the preparation and sale of meals and refreshments for consumption off the premises.

**TEMPORARY USE** means a use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

**USE** means a building or activity situated on a lot or a development permitted on a lot.

**USE ZONE or ZONE** means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply.

**UTILITY** means any public or private system, works, plant, equipment or services which furnishes services at approved rates to or for the use of the general public.

**VARIANCE** means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage, or any other numeric requirement of the applicable use zone table of the Council's regulations.

**VETERINARY CLINIC** means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels or enclosures.

**WAREHOUSE** means a building used primarily for the storage of goods and materials.

**WATERCOURSE** means any lake, pond, river, stream or other body of water.

**WETLAND** means the land usually occupied by water, where the water table is at or is just above the surface of the land either permanently or intermittently, depending upon the class of the wetland which includes bogs, fens, marshes, swamps and shallow water zones along shorelines of bodies of water.

**YARD** means an open uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures except as specifically permitted elsewhere in these Regulations.

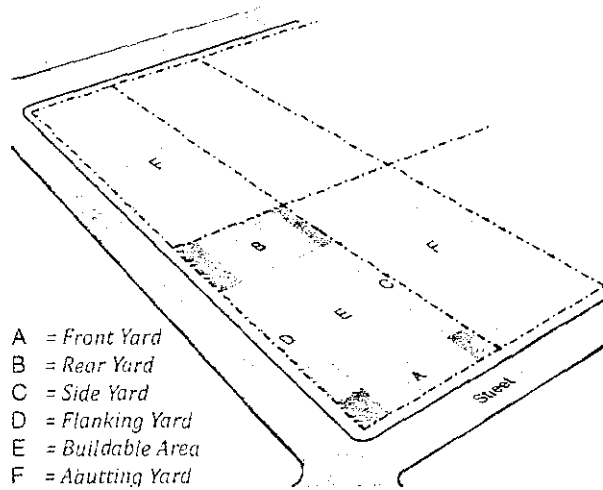
**YARD, ABUTTING** means the yard of an abutting lot which shares a lot line of subject property.

**YARD, REAR** means the distance between the rear lot line and the rear wall of the main building on a lot.

**YARD, SIDE** means the distance between the side lot line and the nearest side wall of a building on the lot.

**YARD, FLANKING** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flanking lot line and the nearest main wall of any main building or structure

**YARD, FRONT** means the distance between the front lot line of a lot and the front wall of the main building on the lot.



**ZERO NET RUNOFF** means a process that will evaluate and calculate the waste water generated by new construction, in addition to the water runoff produced by normal rains, and develop techniques to capture and manage water runoff where the water is retained and allowed to percolate through the soil to assist in water quality improvement and groundwater recharge.

**ZONING MAP** means the map or maps attached to and forming part of the Town of Torbay Development Regulations.

# The Town of Torbay

## Schedule B 2015-2025



PLAN-TECH



ENVIRONMENT



**SCHEDULE B**

**CLASSIFICATION OF USES OF LAND AND BUILDINGS**

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	Community Halls Lodge Halls Dance Halls Gymnasias Auditoria Bowling Alleys
		(c) Educational	Schools Colleges (non- residential)
		(d) Place of Worship	Churches and similar places of worship. Church Halls
		(e) Passenger Assembly	Passenger Terminals
		(f) Club and Lodge	Private Clubs and Lodges (non-residential)
		(g) Catering	Restaurants Bars Lounges
		(h) Funeral Home	Funeral Homes and Chapels
		(i) Child Care	Day Care Centres
(j) Amusement	Electronic Games Arcades Pinball Parlours Poolrooms		

GROUP	DIVISION	CLASS	EXAMPLES
<p>A. ASSEMBLY USES (continued)</p>	<p>3. Arena-type Uses</p>	<p>(a) Indoor Assembly</p>	<p>Arenas Armouries Ice Rinks Indoor Swimming Pools Gymnasium Community/Fitness Centre</p>
	<p>4. Open-air Assembly Uses</p>	<p>(a) Outdoor Assembly</p>	<p>Bleachers Grandstands Outdoor Concert Area Outdoor Ice Rinks Swimming Pools Amusement Parks Fair-grounds/Exhibition Grounds Splash Pad Playground Outdoor Play Courts Camping Grounds R. V. Camping Parks</p>
<p>B. INSTITUTIONAL USES</p>	<p>1. Penal and Correctional Institutional Uses</p>	<p>(a) Penal and Correctional Detention</p>	<p>Jails Penitentiaries Police Stations (with detention quarters) Prisons Psychiatric Hospitals (with detention quarters) Reformatories</p>
	<p>2. Special Care Institutional Uses</p>	<p>(a) Medical Treatment and Special Care</p>	<p>Children's Homes Convalescent Homes Homes for Aged Hospitals Infirmaries Orphanages Psychiatric Hospitals Sanatoria</p>
<p>C. RESIDENTIAL USES</p>	<p>1. Residential Dwelling Uses</p>	<p>(a) Single Dwelling</p>	<p>Single Detached Dwellings Family &amp; Group Homes</p>
		<p>(b) Double Dwelling</p>	<p>Semi-detached Dwelling Duplex Dwellings Family &amp; Group Homes In-Law Suites</p>
		<p>(c) Row Dwelling</p>	<p>Row Houses Town Houses Family &amp; Group Homes</p>
		<p>(d) Apartment Building</p>	<p>Apartments Family &amp; Group Homes</p>

**CLASSIFICATION OF USES OF LAND AND BUILDINGS**

GROUP	DIVISION	CLASS	EXAMPLES
<p>C. RESIDENTIAL USES (continued)</p>	<p>2. General Residential Uses (continued)</p>	<p>(a) Collective Residential</p>	<p>Residential Colleges &amp; Schools University &amp; College Halls of Residence Convents &amp; Monasteries Nurses and Hospital Residences</p>
		<p>(b) Boarding House Residential</p>	<p>Boarding Houses Lodging Houses Bed and Breakfast</p>
		<p>(c) Commercial Residential</p>	<p>Hotels &amp; Motels Hostels Residential Clubs</p>
		<p>(d) Seasonal Residential</p>	<p>Summer Homes &amp; Cabins Hunting &amp; Fishing Cabins</p>
		<p>(e) Mobile Homes</p>	<p>Mobile Homes</p>
<p>D. BUSINESS &amp; PERSONAL SERVICE USES</p>	<p>1. Business, Professional, and Personal Service Uses</p>	<p>(a) Office</p>	<p>Offices (including Government Offices) Banks</p>
		<p>(b) Medical &amp; Professional</p>	<p>Medical Offices and Consulting Rooms Dental Offices &amp; Surgeries Legal Offices Similar Professional Offices</p>
		<p>(c) Personal Service</p>	<p>Barbers Hairdressers Beauty Parlours Small Appliance Repairs Pet Grooming</p>
		<p>(d) General Service</p>	<p>Self-service Laundries Dry Cleaners (not using flammable or explosive substances) Small Tool and Appliance Rentals Travel Agents</p>

### CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
D. BUSINESS & PERSONAL SERVICE USES (continued)	1. Business, Professional & Personal Service Uses (continued)	(e) Communica-tions	Radio Stations Telephone Exchanges
		(f) Police Station	Police Stations
		(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	(a) Shopping Centre	Shopping Centres
		(b) Shop	Retail Shops, Stores and Showrooms Department Stores Pharmacy and drugstore
		(c) Indoor Market	Market Halls Auction Halls
		(d) Outdoor Market	Market Grounds Animal Markets Produce and Fruit Stands Fish Stalls Sale of Firewood Sale of Garbage Box Sale of New or Used Automobiles
		(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops
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

**CLASSIFICATION OF USES OF LAND AND BUILDINGS**

GROUP	DIVISION	CLASS	EXAMPLES
F. INDUSTRIAL USES (continued)	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 Outdoor Storage Heavy Equipment Storage
		(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 and Workshops
G. NON-BUILDING USES 1. Uses not directly related to building.		(a) Agriculture	Commercial Farms Hobby Farms Market Gardens & Nurseries
		(b) Forestry	Tree Nurseries Silviculture
		(c) Mineral Working	Quarries and Pits Mines Oil Wells
		(d) Recreational Open Space	Playing Fields Sports Grounds Parks Playgrounds
		(e) Conservation	Watersheds Buffer Strips Flood Plains Architectural, Historical and Scenic Sites Steep Slopes Wildlife Sanctuaries
		(f) Cemetery	Cemeteries and Graveyards
		(g) Scrap Yard	Car Wrecking Yards Junk Yards Scrap Dealers
		(h) Wind Power	Wind Turbine(s)

### CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
G. NON-BUILDING USES (continued)	1. Uses not directly related to building.	(h) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators
		(i) Animal	Animal Pounds Kennels Zoos Dog Grooming
		(j) Antenna	TV, Radio and Communications Transmitting, Receiving Masts and Antennae
		(k) Transportation	Airfields Railway Yards Docks and Harbours
		(l) Sewerage treatment	Sewerage Treatment Plant Sewerage Outfall

# The Town of Torbay

## Schedule C 2015-2025



PLAN-TECH



ENVIRONMENT

## TOWN OF TORBAY

### SCHEDULE "C"

#### USE ZONE TABLES

**NOTE:** This schedule contains tables showing the use classes which may be permitted or which may be treated as discretionary use classes for the purpose of these Regulations. The tables also indicate the required standards of development and may also include conditions affecting some or all of the use classes.

The schedule contains tables for the following Use Zones:

Land Use Zone	Abbreviation	Page
Residential Infill	RI	1
Residential Medium Density	RMD	9
Residential Small Lot	RSL	17
Residential Large Lot	RLL	22
Town Centre	TC	37
Residential Subdivision Area	RSA	45
Commercial General	CG	47
Commercial Main Street	CMS	
Mixed Development	MIX	51
Industrial General	IG	60
Industrial Hazardous	IH	68
Comprehensive Development Area-Industrial	CDA-I	72
Public Buildings	PB	74
Recreational Open Space	ROS	77
Conservation	CON	79
Watershed	WAT	81
Agriculture	AG	82
Highway Reserve	HR	85
Rural	RUR	86



**USE ZONE TABLE**

<b>ZONE TITLE</b>				<b>RESIDENTIAL INFILL (RI)</b>			
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling and recreational open space.							
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Double dwelling, row dwelling, apartment building, place of worship, educational, convenience store, child care, office, medical and professional, personal service, light industry, traditional agriculture, boarding house residential and antenna.							
<b>STANDARD (Minimum)</b>	Single Dwelling	Double Dwelling	Row Dwelling	1 Bed Apt.	2 Bed Apt.	3 Bed Apt.	4 Bed Apt.
<b>Serviced Lots</b>							
Lot Area (m <sup>2</sup> )	55S	400 <sup>a</sup>	350 <sup>a</sup>	200 <sup>a</sup>	250 <sup>a</sup>	280 <sup>a</sup>	300 <sup>a</sup>
Frontage (m) Serviced	18.2f	26.75	12 (average)	42			
Piped Water or Off-site Sewage Disposal <sup>d</sup>	1400	e	e	e			
Piped water or Off-site Sewage Disposal <sup>d</sup>	22.8	e	e	e			
<b>On-Site Services</b>							
On-Site Services <sup>c</sup> Lot Area (m <sup>2</sup> )	3035 or 1860 on existing road	e	e	e			
On-Site Services <sup>c</sup> Frontage (m)	36.4 or 30 on existing road	e	e	e			
Floor area (m <sup>2</sup> )	80	80 <sup>a</sup>	65 <sup>a</sup>	40 <sup>a</sup>	50 <sup>a</sup>	60 <sup>a</sup>	70 <sup>a</sup>
Building Line Setback (m) <sup>b</sup>	8	8	8	10			
Min. Rearyard Depth (m)	9g	14	15	15			
Sideyard Width (m)	2	3 & 2	2	5			
Height (m) maximum	8	8	10	10			
Lot Coverage (maximum)	33	33	33	33			

- a. Per Dwelling Unit
- b. Except where designated by Dept. of Transportation and Works
- c. On-site well or private well and sewage disposal on site (e.g. septic or drain field)
- d. Municipal piped water and on-site sewage disposal or on-site well and sewage disposal off-site
- e. Size shall be determined by Council in consultation with the Service NL.
- f. Where a serviced infill lot meets all development standards for this zone, but cannot meet the minimum frontage requirement, then the minimum frontage shall be determined by Council.
- g. Where a serviced infill lot meets all development standards for this zone, but cannot meet the minimum rearyard depth requirement, then the minimum rearyard depth shall be determined by Council.

### CONDITIONS FOR RESIDENTIAL INFILL ZONE

#### 1. **Subsidiary Apartments**

- (a) One subsidiary apartment may be permitted in a single dwelling.
- (b) For the purpose of calculating lot area and yard requirements, the apartment shall be considered part of the single dwelling.
- (c) Two off street parking spaces shall be required for the apartment.
- (d) The minimum floor area required is 40 m<sup>2</sup> for a one bedroom subsidiary apartment, plus ten square metres for each additional bedroom.
- (e) For lots without municipal water and sewer services, Service NL shall determine water and sewage disposal requirements and a permit will be issued subject to its approval.

#### 2. **Dwelling Frontage**

The front wall of a dwelling shall be parallel to the street on which it is fronting and has a civic number.

#### 3. **Double Dwellings**

Council shall prevent an excessive concentration of double dwellings. The definition of excessive will be determined case-by-case and will take into account community character, generation of traffic, and demand on services (e.g., water, sewer, and recreation facilities).

#### 4. **Row Dwellings and Apartment Buildings**

Row dwellings and apartment buildings shall be limited to residential housing. One off street parking space shall be provided for every four (4) dwelling units.

**5. Accessory Buildings**

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

Lot Area (m <sup>2</sup> )	Accessory Building Max. Lot Coverage	Accessory Building Max. Height
Less than 555 m <sup>2</sup>	40 m <sup>2</sup>	4.0 m
Between 555 m <sup>2</sup> and 1860 m <sup>2</sup>	48 m <sup>2</sup>	4.0 m
1860 m <sup>2</sup> and over	85m <sup>2</sup>	4.0 m

- (b) An accessory building shall be prohibited to project in front of a building line or in the flanking sideyard of a corner lot.
- (c) Accessory buildings shall be located on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish, and shall be located so as to minimize any visual impacts on adjoining properties.
- (d) An accessory building shall be a minimum of 1.5 m from any property line and 2.4 m from the nearest corner of a residential dwelling.
- (e) Accessory buildings (private garages only) may be permitted in the sideyard, but not in the flanking sideyard of a corner lot.
- (f) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.

*(See also General Development Regulation 38, Accessory Buildings)*

**6. Airport Noise Exposure Forecast (NEF)**

Residential development shall take account of the Noise Exposure Forecast (NEF) lines issued by Transport Canada. In areas above the 30 NEF line, new residential uses shall include sufficient sound insulation as established from time to time by appropriate authorities.

**7. Place of Worship and Education Use**

Where permitted as a discretionary use, a place of worship and an educational use shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling.

**8. Traditional Agricultural Use**

- a) Traditional small-scale hobby and subsistence agricultural uses may be permitted within this zone. The minimum lot area required for a particular use shall be determined by Council in conjunction with the Department of Natural Resources and the Department of Environment and Conservation, considering factors outlined in the Torbay Municipal Plan.
- b) Land uses such as the keeping of livestock (farm animals), or large animals as pets, shall be at the discretion of Council. Existing livestock uses associated with hobby farming shall be allowed to continue as a non-conforming use. The minimum lot area for livestock (farm animals), or large animals as pets shall be no less than 2,500 m<sup>2</sup>.

**9. Convenience Store**

Convenience stores shall not exceed 140 m<sup>2</sup> of floor area. The retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities of adjoining properties.

A building containing a convenience store shall be of a design and sited, and any lighting or signs arranged, so as to blend in with the character of and to minimize its effect on the adjacent residential uses.

Not more than two convenience stores shall be located in close proximity to each other and not more than three shall be located within a radius of 0.4 kilometres.

**10. Home Businesses - Office, Medical and Professional Service, Personal Service, Child Care and Light Industry Uses as Home Occupations**

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations, businesses operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and meet the following requirements.

- (a) Office uses shall be limited to small business services and professional offices;
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, arts and crafts objects, and workshops;
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.

- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone; child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for child care, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) Activities associated with the use are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (k) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (l) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.
- (m) On site advertisements and signage for a home business shall be at the discretion of Council and shall be a maximum of 0.6m x 1.2m.

**11. Boarding House Residential**

A boarding or lodging house is permitted in any dwelling that can adequately accommodate the specified number of persons. The total number of boarders or lodgers shall not exceed (5) persons.

A "bed and breakfast" use in a dwelling may be permitted as a discretionary use to provide room and board for tourists or the travelling public, under the following conditions:

- (a) the use does not detract from the residential character of the neighbourhood and the building in which the use takes place is similar in exterior finish, design, height, and scale to a private dwelling;
- (b) the use is carried out by a resident of the dwelling unit;
- (c) the building lot shall have a minimum lot area of 600 m<sup>2</sup> and a minimum frontage of 20 metres;
- (d) a non-illuminated, free-standing sign not exceeding 0.3 m<sup>2</sup> in area and a fascia sign not exceeding 0.2 m<sup>2</sup> in area shall be permitted provided that the signs are consistent with the residential character of the neighbourhood;
- (e) paved parking shall be provided as required in Schedule D;
- (f) a parking area abutting a residential lot shall be screened by a fence, wall or hedge no less than 1 metre high and located a minimum distance of 1 metre from the edge of the parking area;
- (g) no change in the type, class or extent of the use shall be permitted except in accordance with a permit issued by Council;
- (h) the establishment is licensed under the Tourist Establishment Regulations, 1994, as amended from time to time.

## **12. Mature trees**

Because of their importance to the landscape and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

## **13. Livestock Operations and Buffers**

The Torbay zoning maps show a 330 metre buffer around existing livestock operations. No development within a livestock buffer shall be permitted without the approval of the Department of Natural Resources, and the Department of Environment and Conservation; (see Development Regulation 45).

**14. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

**15. East Cost Trail**

The East Coast Trail Association has developed a natural walking/hiking trail within the Town of Torbay along the coastline of Torbay Bight and the Atlantic Ocean as part of a larger coastal trail system. Council shall encourage the maintenance of a buffer along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

**16. Apartment Buildings (including Condominiums)**

- a) Minimum lot area shall be determined based on the sum of the number of dwelling units availing of exterior parking and the number of dwelling units availing of interior parking in accordance with requirements outlined in Schedule D. In all respects the minimum lot area shall be adjusted to ensure that all development standards are met.
- b) The developer shall submit at the time of application, a landscaping plan subject to the approval of Council.
- c) If the proposed development complies with all development standards excepting provision for outdoor living space, and the standard cannot otherwise be accommodated by way of a variance under General Development Regulation 11, Council may at its discretion, accept a sum of money up to a maximum of 10% of the assessed value of the gross lot area. This compensation shall be held in reserve for the development or enhancement of land or property designated for public use as may be determined by Council and the development shall be considered to be in full compliance with the standard for the provision of outdoor living space. Value shall be the assessed value as determined by the Municipal Assessment Agency.
- d) Parking – refer to General Development Regulation 51, Part II and Schedule D.
- e) No outdoor parking, garbage collection, common amenity areas, or outdoor storage areas shall be developed within 3.0m of the building and industrial dumpsters shall be a minimum of

7.6 m from any building. Unless otherwise approved by Council, uses as described shall be limited to the rear and side yards with provision for screening as may be directed by Council.

- f) Design techniques including but not limited to, the use of slope roofs, variations in building setbacks and articulation of building facades, shall be employed in order to minimize the perception of massing of the building when viewed from adjacent residential areas and roadways.
- g) Building finishes shall be compatible with the exterior finishing materials and colours typical of adjacent development.
- h) Design of an apartment building immediately adjacent to another development, shall take into consideration location of windows of the adjacent property in order to maintain privacy.

**17. Storm and Construction Water Management**

- a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.



**USE ZONE TABLE**

<b>ZONE TITLE</b>		<b>RESIDENTIAL MEDIUM DENSITY (RMD)</b>					
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling and recreational open space.							
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Double dwelling, row dwelling, apartment building, place of worship, educational, convenience store, child care, office, medical and professional, personal service, light industry, boarding house residential, antenna, catering and traditional agriculture.							
STANDARDS	Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING			
				1 Bed Apt.	2 Bed Apt.	3 Bed Apt.	4 Bed Apt.
Lot area (m <sup>2</sup> ) minimum	555	410 <sup>a</sup>	450 <sup>a</sup> (average)	300 <sup>a</sup>	400 <sup>a</sup>	450 <sup>a</sup>	500 <sup>a</sup>
Floor area (m <sup>2</sup> ) minimum	80	80 <sup>a</sup>	100 <sup>a</sup>	50 <sup>a</sup>	60 <sup>a</sup>	70 <sup>a</sup>	80 <sup>a</sup>
Frontage (m) Serviced <sup>a</sup>	18.2	26.75	14 <sup>a</sup> (av)	42			
Piped Water or of-site Sewage Disposal <sup>d</sup>	1400	c	c	c			
Piped water or Off-site Sewage Disposal <sup>d</sup>	22.8	c	c	c			
Building Line Setback (m) (minimum) <sup>b</sup>	8	8	10	10			
Sidyard Width (m)(min.)	2	3 & 2	2	5			
Rearyard Depth <sup>e</sup> (m)(min.)	9	14	15	15			
Lot Coverage %(max.)	33	33	33	33			
Height (max.)	8	8	10	10			

- a. Per Dwelling Unit
- b. Except where designated by Dept. of Transportation and Works
- c. Size shall be determined by Council, in consultation with the Service NL
- d. Municipal piped water and on-site sewage disposal or on-site well and sewage disposal off-site
- e. See Condition 17.

## CONDITIONS FOR RESIDENTIAL MEDIUM DENSITY ZONE

### 1. **Subsidiary Apartments**

- (a) One subsidiary apartment may be permitted in a single dwelling.
- (b) For the purpose of calculating lot area and yard requirements, the apartment shall be considered part of the single dwelling.
- (c) Two off street parking spaces shall be required for the apartment.
- (d) The minimum floor area required is 40 m<sup>2</sup> for a one bedroom subsidiary apartment, plus ten square metres for each additional bedroom.
- (e) For lots without municipal water and sewer services, Service NL shall determine water and sewerage disposal requirements and a permit will be issued subject to its approval.

### 2. **Dwelling Frontage**

The front wall of a dwelling shall be parallel to the street on which it is fronting and has a civic number.

### 3. **Double Dwellings**

Council shall, where possible, avoid an excessive concentration of double dwellings. The definition of excessive will be determined case-by-case and will take into account community character, generation of traffic, and demand on services (e.g., water, sewer, and recreation facilities).

### 4. **Row Dwellings**

Row dwellings ~~and apartment buildings~~ shall be limited to residential housing. One off street parking space shall be provided for every four (4) dwelling units.

### 5. **Accessory Buildings**

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

Lot Area (m <sup>2</sup> )	Accessory Building Max. Lot Coverage	Accessory Building Max. Height
Less than 555 m <sup>2</sup>	40 m <sup>2</sup>	4.0 m
Between 555 m <sup>2</sup> and 1860 m <sup>2</sup>	48 m <sup>2</sup>	4.0 m
1860 m <sup>2</sup> and over	85m <sup>2</sup>	4.0 m

- (b) An accessory building shall be prohibited to project in front of a building line or in the flanking sideyard of a corner lot.
- (c) Accessory buildings shall located be on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish, and shall be located so as to minimize any visual impacts on adjoining properties.
- (d) An accessory building shall be a minimum of 1.5 m from any property line and 2.4 m from the nearest corner of a residential dwelling.
- (e) Accessory buildings (private garages only) may be permitted in the sideyard, but not in the flanking sideyard of a corner lot.
- (f) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.  
(See also General Development Regulation 38, Accessory Buildings)

**6. Airport Noise Exposure Forecast (NEF)**

Residential development shall take account of the Noise Exposure Forecast (NEF) lines issued by Transport Canada. In areas above the 30 NEF line, new residential uses shall include sufficient sound insulation as established from time to time by appropriate authorities.

**7. Place of Worship and Educational Use**

Where permitted, a place of worship and an educational use shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling. The only educational uses that may be permitted on a discretionary basis are elementary and junior high schools.

**8. Convenience Store**

Convenience stores shall not exceed 140 m<sup>2</sup> of floor area. The retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities of adjoining properties.

A building containing a convenience store shall be of a design and sited, and any lighting or signs arranged, so as to blend in with the character of and to minimize its effect on the adjacent residential uses.

Not more than two convenience stores shall be located in close proximity to each other and not more than three shall be located within a radius of 0.4 km.

**9. Home Businesses - Office, Medical and Professional Service, Personal Service, Child Care and Light Industry Uses as Home Occupations**

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations, businesses operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and meet the following requirements.

- (a) Office uses shall be limited to small business services and professional offices;
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, arts and crafts objects, and workshops;
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone; child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for child care, no more than 30% of the total floor area of the dwelling is devoted to the use.

- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) Activities associated with the use are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (k) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (l) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.
- (m) On site advertisements and signage for a home business shall be at the discretion of Council and shall be a maximum of 0.6m x 1.2m.

#### 10. Boarding House Residential

A boarding or lodging house is permitted in any dwelling that can adequately accommodate the specified number of persons. The total number of boarders or lodgers shall not exceed (5) persons.

A "bed and breakfast" use in a dwelling may be permitted as a discretionary use to provide room and board for tourists or the travelling public, under the following conditions:

- (a) the use does not detract from the residential character of the neighbourhood and the building in which the use takes place is similar in exterior finish, design, height, and scale to a private dwelling;
- (b) the use is carried out by a resident of the dwelling unit;
- (c) the building lot shall have a minimum lot area of 600 m<sup>2</sup> and a minimum frontage of 20 metres;
- (d) a non-illuminated, free-standing sign not exceeding 0.3 m<sup>2</sup> in area and a fascia sign not exceeding 0.2 m<sup>2</sup> in area shall be permitted provided that the signs are consistent with the residential character of the neighbourhood;
- (e) paved parking shall be provided as required in Schedule D;
- (f) a parking area abutting a residential lot shall be screened by a fence, wall or hedge no less than 1 metre high and located a minimum distance of 1 metre from the edge of the parking area;

- (g) no change in the type, class or extent of the use shall be permitted except in accordance with a permit issued by Council;
- (h) the establishment is licensed under the Tourist Establishment Regulations, as amended from time to time.

**11. Mature trees**

Because of their importance to the landscape and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

**12. Livestock Operations and Buffers**

The Torbay zoning maps show a 330 metre buffer around existing livestock operations. No development within a livestock buffer shall be permitted without the approval of the Department of Natural Resources, and the Department of Environment and Conservation; (see Development Regulation 45).

**13. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

**14. Catering**

Catering use shall be permitted as a discretionary use to a permitted use within the Residential Medium Density land use zone. The Catering uses shall be a minor use and be located within the permitted use building.

**15. Traditional Agricultural Use**

- a) Traditional small-scale hobby and subsistence agricultural uses may be permitted within this zone. The minimum lot area required for a particular use shall be determined by Council in conjunction with the Department of Natural Resources and the Department of Environment and Conservation, considering factors outlined in the Torbay Municipal Plan.
- b) Land uses such as the keeping of livestock (farm animals), or large animals as pets, shall be at the discretion of Council. Existing livestock uses associated with hobby farming shall be allowed to continue as a non-conforming use. The minimum lot area for livestock (farm animals), or large animals as pets shall be no less than 2,500 m<sup>2</sup>.

**16. Infill Lot**

Where a potential serviced infill lot has been identified and that lot meets all of the development standards specified in this Land Use Zone, with the exception of minimum frontage or rearyard depth, the Authority may approve the lot for development with a reduced frontage or rearyard depth, but not both. In such a case, the Authority shall determine the minimum frontage requirements or rearyard depth requirement.

Where a lot is considered for development under this condition with either a reduced frontage or rearyard depth requirement, the lot may not be considered for further variance of other development standards as provided by Regulation 11 of the Development Regulations.

**17. East Coast Trail**

The East Coast Trail Association has developed a natural walking/hiking trail within the Town of Torbay along the coastline of Torbay Bight and the Atlantic Ocean as part of a larger coastal trail system. Council shall encourage the maintenance of a buffer along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

**18. Apartment Buildings (including Condominiums)**

- a) Minimum lot area shall be determined based on the sum of the number of dwelling units availing of exterior parking and the number of dwelling units availing of interior parking in accordance with requirements outlined in Schedule D. In all respects the minimum lot area shall be adjusted to ensure that all development standards are met.

- b) The developer shall submit at the time of application, a landscaping plan subject to the approval of Council.
- c) If the proposed development complies with all development standards excepting provision for outdoor living space, and the standard cannot otherwise be accommodated by way of a variance under General Development Regulation 11, Council may at its discretion, accept a sum of money up to a maximum of 10% of the assessed value of the gross lot area. This compensation shall be held in reserve for the development or enhancement of land or property designated for public use as may be determined by Council and the development shall be considered to be in full compliance with the standard for the provision of outdoor living space. Value shall be the assessed value as determined by the Municipal Assessment Agency.
- d) Parking – refer to General Development Regulation 51, Part II and Schedule D.
- e) No outdoor parking, garbage collection, common amenity areas, or outdoor storage areas shall be developed within 3.0m of the building and industrial dumpsters shall be a minimum of 7.6 m from any building. Unless otherwise approved by Council, uses as described shall be limited to the rear and side yards with provision for screening as may be directed by Council.
- f) Design techniques including but not limited to, the use of slope roofs, variations in building setbacks and articulation of building facades, shall be employed in order to minimize the perception of massing of the building when viewed from adjacent residential areas and roadways.
- g) Building finishes shall be compatible with the exterior finishing materials and colours typical of adjacent development.
- h) Design of an apartment building immediately adjacent to another development, shall take into consideration location of windows of the adjacent property in order to maintain privacy.

**19. Storm and Construction Water Management**

- a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.



**20. Floodway**

Development within the Floodway (1:20 year flood levels) designation shall be restricted to:

- a) Temporary alterations in a buffer zone, a designated floodway or the body of water itself.
- b) Non-structural uses such as open space recreation, pasture, and wildlife habitat enhancement.
- c) Development in the Floodway shall require the approval of the Water Resources Management Division, Department of Environment and Conservation

**21. Floodway Fringe**

Development in the Floodway Fringe (1:100 year flood zone) shall include public utilities, roads, bridges, marine related uses, industrial, commercial, and residential Uses.

Development within the Floodway Fringe designation shall meet the following conditions:

- a) The ground floor elevation of the structure is higher than the 1:100 year flood level.
- b) The structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties.
- c) The structure and associated utilities must be designed and constructed in accordance with approved flood proofing guidelines of the Department of Environment and Conservation.
- d) The proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.
- e) Development in the Floodway Fringe shall require the approval of the Water Resources Management Division, Department of Environment and Conservation.

**USE ZONE TABLE**

ZONE TITLE	RESIDENTIAL SMALL LOT (RSL)
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, mobile home, conservation and recreational open space.	
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Place of worship, educational office, personal service, light industry and traditional agriculture.	

**CONDITION FOR RESIDENTIAL SMALL LOT ZONE**

**1. Mobile Home Development Density**

The number of mobile homes in the Mobile Home Park shall not exceed 12.

**2. Mobile Home Lot Clearance**

- (a) Minimum setback for each mobile home unit including each attached structure on a mobile home lot shall be 3.6 m from a lot line abutting a street allowance or public space.
- (b) One long side of every single-wide mobile home unit, in which the main entrance or living room window is located, shall be sited a minimum distance of 6.7 m from the adjacent lot line.
- (c) One long side of every expandable or double-wide mobile home unit, in which the main entrance or living room window is located, shall be sited a minimum distance of 3.6 m from the adjacent lot line.
- (d) The remaining long side of every mobile home unit shall be sited a minimum distance of 1.2 m from the adjacent lot line.
- (e) No part of a mobile home unit shall be sited less than 3.6 m from the rear lot line in a mobile home park.
- (f) Where a second entrance is located on a side of a mobile home unit other than that containing the main entrance, the distance to the adjacent lot line shall be not less than 1.2 m from the outside edge of any steps or landing.

- (g) Where each mobile home unit is laid out in each mobile home park in such a manner as to provide for the siting of units at angles other than at right angles to the street, the distance between each mobile home unit shall not be less than 7.6 m unless otherwise approved by the Authority.
- (h) No mobile home unit shall be sited in a manner which will ultimately place such mobile home unit closer than 2.4 m from another mobile home unit.
- (h) No site coverage for a mobile home unit including attached structures shall be greater than thirty-five (35) percent of the lot upon which such mobile home unit including attached structures is situated.

**3. Dwelling Frontage**

The front wall of a dwelling shall be parallel to the street on which it is fronting and has a civic number.

**4. Accessory Buildings**

No permanent structures other than mobile homes shall be permitted on mobile home lots except accessory buildings, provided the floor area of all accessory buildings taken together shall be less than seven (7) percent of the area of the lot on which the mobile home unit is located or 55 m<sup>2</sup>, whichever is the lesser.

*(See also General Development Regulation 38, Accessory Buildings)*

**5. Single Dwellings**

Single dwellings permitted within this zone shall be provided with municipal water and sewage services and shall meet the following standards:

Minimum Lot Area	450 m <sup>2</sup>
Minimum Floor Area	80 m <sup>2</sup>
Minimum Frontage	15 m
Minimum Building Line Setback	8 m
Minimum Sideyard Width	2 m
Minimum Rearyard Depth	9 m
Maximum Lot Coverage	33%
Minimum Height	8 m

**6. Mature trees**

Because of their importance to the landscape and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

**7. Home Businesses - Office, Medical and Professional Service, Personal Service, Child Care and Light Industry Uses as Home Occupations**

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, personal service, and light industry uses may be permitted provided they are carried out as home occupations, businesses operated in the dwelling, by the occupants of the dwelling, and meet the following requirements:

- (a) Office uses shall be limited to small business services and consultant offices;
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, arts and crafts objects, and workshops;
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling.
- (g) No more than 30% of the total floor area of the dwelling is devoted to the use.
- (h) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (i) Activities associated with the use are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.

- (j) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (k) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.
- (m) On site advertisements and signage for a home business shall be at the discretion of Council and shall be a maximum of 0.3m x 1.2m.

**8. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

**9. Storm and Construction Water Management**

- a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

**USE ZONE TABLE**

<b>ZONE TITLE</b>	<b>RESIDENTIAL LARGE LOT (RLL)</b>
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling and recreational open space.	
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Double dwelling, row dwelling, apartment building, place of worship, educational, convenience store, child care, office, medical and professional services, personal service, light industry, traditional agriculture, boarding house residential and antenna.	

**CONDITION FOR RESIDENTIAL LARGE LOT ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows:

- |                                  |                     |
|----------------------------------|---------------------|
| a) Minimum Lot Size              | 3035 m <sup>2</sup> |
| b) Minimum Frontage              | 36.4 m              |
| c) Minimum Floor Area            | 100 m <sup>2</sup>  |
| d) Minimum Building Line Setback | 15 metres           |
| e) Maximum Building Line setback | 32 metres           |
| f) Minimum Sideyard Width        | 3 metres            |
| g) Minimum Rearyard Depth        | 15 metres           |
| h) Maximum Height                | 8 metres            |
| i) Maximum Lot Coverage          | 33 %                |

**2. Dwelling Frontage**

The front wall of a dwelling shall be parallel to the street on which it is fronting and has a civic number.

**3. Double Dwellings**

Council shall avoid an excessive concentration of double dwellings. The definition of excessive will be determined case-by-case and will take into account community character, generation of traffic, and demand on services (e.g., water, sewer, and recreation facilities).

**4. Row Dwellings**

Row dwellings shall be limited to residential housing. One off street parking space shall be provided for every four (4) dwelling units.

**5. Accessory Buildings**

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

Lot Area (m <sup>2</sup> )	Accessory Building Max. Lot Coverage	Accessory Building Max. Height
Less than 555 m <sup>2</sup>	40 m <sup>2</sup>	4.0 m
Between 555 m <sup>2</sup> and 1860 m <sup>2</sup>	48 m <sup>2</sup>	4.0 m
1860 m <sup>2</sup> and over	85m <sup>2</sup>	4.0 m

- (b) An accessory building shall be prohibited to project in front of a building line or in the flanking sideyard of a corner lot.
- (c) Accessory buildings shall be located on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish, and shall be located so as to minimize any visual impacts on adjoining properties.
- (d) An accessory building shall be a minimum of 1.5 m from any property line and 2.4 m from the nearest corner of a residential dwelling.
- (e) Accessory buildings (private garages only) may be permitted in the sideyard, but not in the flanking sideyard of a corner lot.
- (f) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.

*(See also General Development Regulation 38, Accessory Buildings)*

**6. Airport Noise Exposure Forecast (NEF)**

Residential development shall take account of the Noise Exposure Forecast (NEF) lines issued by Transport Canada. In areas above the 30 NEF line, new residential uses shall include sufficient sound insulation as established from time to time by appropriate authorities.

**7. Place of Worship and Education Use**

Where permitted as a discretionary use, a place of worship and an educational use shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling.

**8. Traditional Agricultural Use**

- a) Traditional small-scale hobby and subsistence agricultural uses may be permitted within this zone. The minimum lot area required for a particular use shall be determined by Council in conjunction with the Department of Natural Resources and the Department of Environment and Conservation, considering factors outlined in the Torbay Municipal Plan.
- b) Land uses such as the keeping of livestock (farm animals), or large animals as pets, shall be at the discretion of Council. Existing livestock uses associated with hobby farming shall be allowed to continue as a non-conforming use. The minimum lot area for livestock (farm animals), or large animals as pets shall be no less than 2,500 m<sup>2</sup>.

**9. Convenience Store**

Convenience stores shall not exceed 140 m<sup>2</sup> of floor area. The retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities of adjoining properties.

A building containing a convenience store shall be of a design and sited; and any lighting or signs arranged, so as to blend in with the character of and to minimize its effect on the adjacent residential uses.

Not more than two convenience stores shall be located in close proximity to each other and not more than three shall be located within a radius of 0.4 kilometres.

**10. Home Businesses - Office, Medical and Professional Service, Personal Service, Child Care and Light Industry Uses as Home Occupations**

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional services, personal service, and light industry uses may be permitted provided they are carried out as home occupations, businesses operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and meet the following requirements.



- (a) Office uses shall be limited to small business services and professional offices;
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, arts and crafts objects, and workshops;
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone; child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for child care, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) Activities associated with the use are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (k) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (l) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.
- (m) On site advertisements and signage for a home business shall be at the discretion of Council and shall be a maximum of 0.3m x 1.2m.

**11. Boarding House Residential**

A boarding or lodging house is permitted in any dwelling that can adequately accommodate the specified number of persons. The total number of boarders or lodgers shall not exceed (5) persons.

A "bed and breakfast" use in a dwelling may be permitted as a discretionary use to provide room and board for tourists or the travelling public, under the following conditions:

- (a) the use does not detract from the residential character of the neighbourhood and the building in which the use takes place is similar in exterior finish, design, height, and scale to a private dwelling;
- (b) the use is carried out by a resident of the dwelling unit;
- (c) the building lot shall have a minimum lot area of 600 m<sup>2</sup> and a minimum frontage of 20 metres;
- (d) a non-illuminated, free-standing sign not exceeding 0.3 m<sup>2</sup> in area and a fascia sign not exceeding 0.2 m<sup>2</sup> in area shall be permitted provided that the signs are consistent with the residential character of the neighbourhood;
- (e) paved parking shall be provided as required in Schedule D;
- (f) a parking area abutting a residential lot shall be screened by a fence, wall or hedge no less than 1 metre high and located a minimum distance of 1 metre from the edge of the parking area;
- (g) no change in the type, class or extent of the use shall be permitted except in accordance with a permit issued by Council;
- (h) the establishment is licensed under the Tourist Establishment Regulations, as amended from time to time.

**12. Mature trees**

Because of their importance to the landscape and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

**13. Livestock Operations and Buffers**

The Torbay zoning maps show a 330 metre buffer around existing livestock operations. No development within a livestock buffer shall be permitted without the approval of the Department of Natural Resources, and the Department of Environment and Conservation; (see Development Regulation 45).

**14. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

**15. Management Unit**

There shall be no development within any area of this Land Use Zone that encroaches into a Management Unit as defined by the Habitat Management Plan adopted by the Town of Torbay.

**16. Apartment Buildings (including Condominiums)**

- a) Minimum lot area shall be determined based on the sum of the number of dwelling units availing of exterior parking and the number of dwelling units availing of interior parking in accordance with requirements outlined in Schedule D. In all respects the minimum lot area shall be adjusted to ensure that all development standards are met.
- b) The developer shall submit at the time of application, a landscaping plan subject to the approval of Council.
- c) If the proposed development complies with all development standards excepting provision for outdoor living space, and the standard cannot otherwise be accommodated by way of a variance under General Development Regulation 11, Council may at its discretion, accept a sum of money up to a maximum of 10% of the assessed value of the gross lot area. This compensation shall be held in reserve for the development or enhancement of land or property designated for public use as may be determined by Council and the development shall be considered to be in full compliance with the standard for the provision of outdoor living space. Value shall be the assessed value as determined by the Municipal Assessment Agency.

- d) Parking – refer to General Development Regulation 51, Part II and Schedule D.
- e) No outdoor parking, garbage collection, common amenity areas, or outdoor storage areas shall be developed within 3.0m of the building and industrial dumpsters shall be a minimum of 7.6 m from any building. Unless otherwise approved by Council, uses as described shall be limited to the rear and side yards with provision for screening as may be directed by Council.
- f) Design techniques including but not limited to, the use of slope roofs, variations in building setbacks and articulation of building facades, shall be employed in order to minimize the perception of massing of the building when viewed from adjacent residential areas and roadways.
- g) Building finishes shall be compatible with the exterior finishing materials and colours typical of adjacent development.

Design of an apartment building immediately adjacent to another development, shall take into consideration location of windows of the adjacent property in order to maintain privacy.

**17. Storm and Construction Water Management**

- a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

**USE ZONE TABLE**

ZONE TITLE	TOWN CENTRE (TC)
<p>PERMITTED USE CLASSES - (see Regulation 89)                      Theatre, cultural and civic, general assembly, club and lodge, child care, office, medical and professional, personal service, general service, taxi stand, shop and convenience store, place of worship, recreational open space and conservation.</p>	
<p>DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)                      Single dwelling, row dwelling, funeral home, apartment building, catering (lounge), hotels and motels, indoor and outdoor markets, recreational open space, light industry, indoor assembly, communications, service station, and antenna.</p>	

**CONDITIONS FOR TOWN CENTRE**

**1. Development Standards**

The development standards for this zone shall be as follows:

- |  |            |
|--|------------|
| a) Minimum Building Line Setback<br>(Subject to requirements of Dept. of Transportation and Works) | 10 metres* |
| b) Minimum Sideyard Width<br>(except where buildings are built with adjoining party walls)         | 5 metres   |
| c) Minimum Rearyard Depth  | 10 metres  |
| d) Maximum Height  | 10 metres  |

All development shall conform to the Architectural Guidelines for the Torbay Town Centre

**2. Buffer and Residential Uses**

Where a non-residential use abuts a residential use, Council may require a screen or barrier such as a fence, landscaped embankment, or trees to be erected on the non-residential site along the lot lines, consistent with the visibility requirements for traffic safety. Alternatively, Council may increase the sideyard and rearyard requirements on the non-residential site to provide additional separation from the abutting residential use.

**3. Mature Trees**

Because of their importance to the landscape and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

**4. Advertisements for Onsite and Offsite Uses**

The conditions for the erection or display of an advertisement on any site shall conform to the General Development Regulations, Part III, Advertisements, Sections 62-69 inclusive.

**5. Residential Use**

Re-development of existing residential use shall be at the discretion of Council. New residential development shall be prohibited.

6. Council may consider a general industry use within this Land Use Zone such that the proposed use is associated with an existing commercial or industrial property. Re-development of existing residences shall conform to the standards of the Residential Medium Density Land Use Zone Table.

7. Where a proposed commercial or general industry use abuts a non-industrial use, Council may require adequate buffering, screening and/or separation distance as determined by the Authority. Such buffering and screening requirements and/or separation distances may vary from use to use by the Authority on the basis of the following:

- a) An Environmental Impact Study undertaken by a qualified consultant and paid for by the developer in accordance with the requirements of the Authority; and/or
- b) The type of commercial or general industry use proposed and the type of existing and proposed non-industrial uses located along the boundary of the property where the general industry use is proposed.

8. Outdoor storage associated with a commercial or general industry use shall be permitted in side and rear yards subject to adequate buffering, screening and/or separation distance as determined by the Authority.

9. Outdoor storage associated with a commercial or general industry use shall be permitted in front yards at the discretion of the Authority, such that the Authority is satisfied that the property will not be unsightly.

**10. Storm and Construction Water Management**

- a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

**USE ZONE TABLE**

ZONE TITLE	RESIDENTIAL SUBDIVISION AREA (RSA)
PERMITTED USE CLASSES - (see Regulation 89) None except maintenance and operation of existing uses.	

**CONDITIONS FOR RESIDENTIAL SUBDIVISION AREA ZONE**

**1. Purpose of the Residential Subdivision Area Zone**

Lands zoned Residential Subdivision Area may be suitable for large-scale residential development. The Residential Subdivision Area zoning prevents development until comprehensive planning has been carried out as specified in the Torbay Municipal Plan.

In Residential Subdivision Area zones which require municipal water and sewage, the developer shall submit a plan of subdivision for all or a part of the Residential Subdivision zone, showing how the proposed development will connect to the remainder of the Residential Subdivision Area zone and to adjacent development.

In Residential Subdivision Area zones which may permit unserviced development, the developer shall submit a development scheme for the entire Residential Subdivision zone, showing how the proposed development will connect to adjacent development. Unserved lot sizes shall conform to standards of the Residential Large Lot zone.

Development shall not be permitted in a Residential Subdivision Area zone until the land has been appropriately rezoned.

**2. Advertisements**

The conditions for the erection or display of an advertisement on any site shall conform to the General Development Regulations, Part III, Advertisements, Sections 62-69 inclusive.

**3. Mature Trees**

Because of their importance to the landscape, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.



**4. Livestock Operations and Buffers**

The Torbay zoning maps show a 330 metre buffer around existing livestock operations. No development within a livestock buffer shall be permitted without the approval of the Department of Natural Resources, and the Department of Environment and Conservation; (see Development Regulation 45).

**5. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

### USE ZONE TABLE

ZONE TITLE	COMMERCIAL GENERAL (CG)
PERMITTED USE CLASSES - (see Regulation 89) Medical and professional, personal services, convenience store and apartment (over a permitted use).	
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Shop, take-out food service, child care and general industry.	

### CONDITIONS FOR COMMERCIAL GENERAL ZONE

#### 1. Development Standards

The development standards for this zone shall be as follows:

- |  |           |
|--|-----------|
| e) Minimum Building Line Setback   | 4 metres  |
| f) Minimum Sideyard Width<br>(except where buildings are built with adjoining party walls) | 5 metres  |
| g) Minimum Rearyard Depth  | 10 metres |
| h) Maximum Height  | 8 metres  |

#### 2. Buffer and Residential Uses

Where a non-residential use abuts a residential use, Council may require a screen or barrier such as a fence, landscaped embankment, or trees to be erected on the non-residential site along the lot lines, consistent with the visibility requirements for traffic safety. Alternatively, Council may increase the sideyard and rearyard requirements on the non-residential site to provide additional separation from the abutting residential use.

#### 3. Mature Trees

Because of their importance to the landscape and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they

are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

**4. Advertisements for Onsite and Offsite Uses**

The conditions for the erection or display of an advertisement on any site shall conform to the General Development Regulations, Part III, Advertisements, Sections 62-69 inclusive.

**5. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

**6. General Industry**

Council may consider a general industry use within this Land Use Zone such that the proposed use is associated with an existing commercial or industrial property.

**7. Commercial and General Industry Uses**

Where a proposed commercial or general industry use abuts a non-industrial use, Council may require adequate buffering, screening and/or separation distance as determined by the Authority. Such buffering and screening requirements and/or separation distances may vary from use to use by the Authority on the basis of the following:

- a) An Environmental Impact Study undertaken by a qualified consultant and paid for by the developer in accordance with the requirements of the Authority; and/or
- b) The type of commercial or general industry use proposed and the type of existing and proposed non-industrial uses located along the boundary of the property where the general industry use is proposed.

**8. Outdoor Storage for Commercial or General Industry Use**

- (a) Outdoor storage shall be permitted in side and rear yards subject to adequate buffering, screening and/or separation distance as determined by Council.
- (b) Outdoor storage may be permitted in front yards at the discretion of Council, provided Council is satisfied that the property will not be unsightly

**9. Storm and Construction Water Management**

- a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

<b>ZONE TITLE</b>		<b>COMMERCIAL MAIN STREET (CM)</b>			
<b>PERMITTED USES</b> – see Regulation 89. Shop, convenience store, home office, personal service, general service, medical and professional, take-out food service (no drive-thru), catering (not lounges), licensed restaurant, places of worship, service station, educational, funeral home, veterinary clinic; cultural & civic, indoor assembly, indoor market, child care, recreational, and home office.					
<b>DISCRETIONARY USES</b> – see Regulation 33 and 90. Single dwelling, take-out drive-thru, apartment building, commercial residential, boarding house residential, outdoor market, lounges & pubs, taxi stand, general garages, automotive sales, theatre, general assembly, light industry, amusement, police station, antenna, recreational open space and home based business.					
<b>STANDARDS – ALL USES (Excluding Apartments/Condominiums)</b>					
Minimum Building Line Set back (m)	10*				
Minimum Side Yard (m)	5 & 3				
Minimum Rear Yard (m)	10				
Minimum Flanking Road Side Yard (m)	10				
Maximum Height (m)	14				
<b>STANDARDS – APARTMENT BUILDINGS/CONDOMINIUMS</b>					
	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom	
Minimum Lot Area Per Unit (m <sup>2</sup> )	120	150	170	190	
Minimum Floor Area Per Unit (m <sup>2</sup> )	40	50	60	70	
Minimum Frontage (m)	25	25	25	25	
Minimum Building Line Set Back (m)	7.6	7.6	7.6	7.6	
Minimum Side Yard (m)	5.0 (Flanking Road – 10.0) for all apartment buildings				
Minimum Rear Yard (m)	14	14	14	14	
Maximum Lot Coverage	33%	33%	33%	33%	
Maximum Height (m)	14	14	14	14	

\*(Subject to requirements of Dept. of Transportation and Works)

**1. Convenience Stores and Take Out Food Services**

A convenience store or takeout food service will be subject to the following conditions:

- a) Access points shall be limited in number and located on a Torbay Road, and
- b) Provision for off-street parking shall be as required in Schedule D of these Regulations.

**2. Child Care Use**

A group day care or day nursery (ie: a child care operation in which services are regularly provided up to five or more children) is a permitted use, subject to the following conditions:

- a) The operation is in accordance with all applicable provincial laws and regulations;
- b) Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency;
- c) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- d) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.

**3. Advertisement for Onsite and Offsite Uses**

The conditions for the erection or display of an advertisement on any site shall conform to the General Development Regulations, Part III, Advertisements, Sections 62-69 inclusive.

**4. Site Plan**

The development of land uses in this zone may be subject to a site development plan that has been approved by Council.

**5. Commercial Sites**

Any commercial development in this zone will be subject to the following:

- a) It must be located and designed to minimize the impact of traffic, noise, lighting, and signage on surrounding residential uses. Where necessary, screening will be required through the provision of trees, shrubs, berms, landscaping or fencing;
- b) It must be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses;
- c) Access points to the street must be limited in number and designed for maximum safety of pedestrians and vehicles;
- d) It must provide for adequate off-street parking and loading facilities;
- e) It must have adequate water and sewer services for its needs; and

- f) The installation of sidewalk along the street frontage will be required.

**6. Residential Use**

Re-development of existing residential use shall be at the discretion of Council. New residential development shall be prohibited.

**7. Apartment Uses**

Apartment Uses (includes apartment buildings and condominium buildings) shall be permitted where commercial uses are located on the main floor.

**8. Access Points, Streets, and Municipal Services**

All uses shall be required to access Torbay Road and shall be limited in number.

**9. Home Office**

A Home Office use in apartment unit and in existing single family dwelling shall be permitted subject to the following conditions:

- a) The use is restricted to one person who is a resident of the dwelling unit;
- b) The use is clearly a subsidiary use to the residential use;
- c) Not more than 20% percent of the total floor area of the dwelling up to a maximum of 20 square metres is devoted to the use;
- d) The home office use is strictly limited to administrative and computer oriented work;
- e) The use does not alter the residential appearance or require external modification of the dwelling unit, and the gross floor area of the dwelling unit is not increased;
- f) Retail sales of any kind are prohibited from the property;
- g) A non-illuminated identification sign not exceeding 0.2 square metres in area shall be permitted provided that the sign is consistent with the residential character of the neighbourhood;
- h) The residential lot has sufficient area to accommodate the parking requirements of both the dwelling unit and the office use;
- i) No change in the type, class or extent of the use shall be permitted except in accordance with a permit issued by Council.

**10. Home Based Business**

Home Based Businesses (professional and medical services, personal services, general services,

and office uses) may be permitted as discretionary uses within existing residential dwellings provided that:

- a) The dwelling unit is occupied as a residence by the professional or business user;
- b) Where the property abuts another residential lot, visual screening may be required consisting of a fence, treed buffer or other such measures.
- c) Not more than 25% of the total floor area, up to a maximum of 45 m<sup>2</sup> is devoted to the business use;
- d) No wholesale sales or storage of goods is carried out, retail sales are incidental and subsidiary to the approved use, and no repairs to vehicles or heavy machinery is carried out;
- e) Not more than two non-resident employees will work regularly in the business use;
- f) No regular parking of more than three non-resident owned vehicles will be permitted on the residential lot.
- g) On-street parking for the business use shall be prohibited.
- h) Activities associated with the use shall not be hazardous, and shall not cause noticeable noise, odour, dust, fumes, night lights, or any other inconvenience or nuisance to the neighbouring residents;
- i) Automotive repair, major maintenance, dismantling, or scrapping of vehicles shall be prohibited;
- j) Signage shall conform to the General Development Regulations, Part III, Advertisements, Sections 62-69 inclusive;
- k) Outdoor storage of unsightly materials or waste shall be prohibited;
- l) No change shall be made in the type, class, intensity or extent of the business or service without approval of Council;
- m) The development and operation of the home based business shall be subject to conditions outlined in a development conditions issued by the Town of Torbay

## 11. Automotive Sales

An automotive sales use may be permitted as a discretionary use subject to the following conditions:

- a) The developer shall submit to the Council an acceptable development plan including the following:
  - i) The number and location of parking spaces;
  - ii) Ingress and egress of the parking lot;
  - iii) Motor vehicle circulation pattern around the lot;
  - iv) Location of buildings on the lot;
  - v) Area to be landscaped and screened and the type of landscaping to be used;
  - vi) Customer parking in accordance with Schedule D of these Regulations.
- b) The automotive sales use shall have a main building on the lot in which the business is conducted. The main building will include washroom facilities and shall be connected to municipal water and sewer services where such services exist. Where municipal water and



sewer services do not exist, the washroom facilities of the main building shall be approved by and meet the requirements of Service NL.

- c) The automotive sales lot shall be paved and shall provide drainage, lighting, curbs, and landscaping in accordance with the requirements of the Council.
- d) The automotive sales use may be carried out in an existing residential dwelling subject to discretion of Council.
- e) The automotive sales use shall be licensed under the *Automotive Dealers Act* prior to the use commencing.

#### 11. Drive Through Restaurant Use

- a) A Drive-Through Restaurant or Take-Out Food Use shall have a stacking lane with a minimum length before the pick-up window, as determined by the Authority on the level of traffic generated by the drive-through use as listed below, and the stacking lane length may be modified on the basis of traffic flow use:

<i>Level of Use</i>	<i>Minimum Stacking Lane Length</i>
High Use	72 m
Medium Use	54 m
Low Use	36 m

- b) A minimum of 6 m after the pick-up window to on-site aisle or parking area.
- c) A Drive-Through Use related to a shop or bank use shall have a stacking lane with a minimum length of 18 m from the pick-up window or automated teller machine and a minimum of 6 m after the pick-up window or automated teller machine to the on-site aisle or parking area.
- d) Drive-through stacking lanes should be separated by raised islands, be well signed to provide for ease of use and located so as to avoid crisscrossing of lanes.
- e) Order boards with an intercom shall be designed to minimize noise impact on adjacent residential or institutional uses. The Authority may require the applicant to undertake a Land Use Impact Assessment to assess the proposed Drive-Through Use and mitigation measures where the Drive-Through Use is in close proximity to residential uses.
- f) No drive-through stacking lane, order window, or order board shall be located within 3 m of a lot line abutting a residential use.
- g) A buffer consisting of a sound-proof fence and landscaping shall be provided adjacent to residential uses. A fence, berm, and landscaping or a combination of these elements shall be used to reduce headlight glare, order board lighting, and noise from the Drive-Through Use.

**12. Storm and Construction Water Management**

- a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

**13. Floodway**

Development within the Floodway (1:20 year flood levels) designation shall be restricted to:

- a) Temporary alterations in a buffer zone, a designated floodway or the body of water itself.
- b) Non-structural uses such as open space recreation, pasture, and wildlife habitat enhancement.
- c) Development in the Floodway shall require the approval of the Water Resources Management Division, Department of Environment and Conservation

**14. Floodway Fringe**

Development in the Floodway Fringe (1:100 year flood zone) shall include public utilities, roads, bridges, marine related uses, industrial, commercial, and residential Uses.

Development within the Floodway Fringe designation shall meet the following conditions:

- a) The ground floor elevation of the structure is higher than the 1:100 year flood level.
- b) The structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties.
- c) The structure and associated utilities must be designed and constructed in accordance with approved flood proofing guidelines of the Department of Environment and Conservation.
- d) The proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.
- e) Development in the Floodway Fringe shall require the approval of the Water Resources Management Division, Department of Environment and Conservation.

**USE ZONE TABLE**

ZONE TITLE	MIXED DEVELOPMENT (MIX)
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, theatre, cultural and civic, general assembly, club and lodge, child care, office, medical and professional, personal service, general service, taxi stand, shop and convenience store.	
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Apartment building, funeral home, amusement, indoor assembly, commercial residential, boarding house residential, communications, service station, catering, take-out food service (includes drive-through restaurant), outdoor market, light industry, special care-institutional and animal (dog kennel).	

**CONDITIONS FOR MIXED DEVELOPMENT ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows:

- |                                  |              |
|----------------------------------|--------------|
| a) Minimum Building Line Setback | 15 metres*   |
| b) Minimum Sideyards             | 4 & 1 metres |
| c) Minimum Rearyard              | 6 metres     |
| d) Maximum Height                | 10 metres    |

Residential development shall conform to the standards of the Residential Infill zone.

\* requirement of the Department of Transportation and Works which shall apply to non-residential development.

## 2. Accessory Buildings for Residential Use

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

Lot Area (m <sup>2</sup> )	Accessory Building Max. Lot Coverage	Accessory Building Max. Height
Less than 555 m <sup>2</sup>	40 m <sup>2</sup>	4.0 m
Between 555 m <sup>2</sup> and 1860 m <sup>2</sup>	48 m <sup>2</sup>	4.0 m
1860 m <sup>2</sup> and over	85m <sup>2</sup>	4.0 m

- (b) An accessory building shall be prohibited to project in front of a building line or in the flanking sideyard of a corner lot.
- (c) Accessory buildings shall located be on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish, and shall be located so as to minimize any visual impacts on adjoining properties.
- (d) An accessory building shall be a minimum of 1.5 m from any property line and 2.4 m from the nearest corner of a residential dwelling.
- (e) Accessory buildings (private garages only) may be permitted in the sideyard, but not in the flanking sideyard of a corner lot.
- (f) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.

*(See also General Development Regulation 38, Accessory Buildings)*

## 3. Dwelling Frontage

The front wall of a dwelling shall be parallel to the street on which it is fronting and has a civic number.

## 4. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council, provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.

**5. Buffer for Residential Uses**

Where a non-residential use abuts a residential use, Council may require a screen or barrier such as a fence, landscaped embankment, or trees to be erected on the non-residential site along the lot lines, consistent with the visibility requirements for traffic safety. Alternatively, Council may increase the sideyard and rearyard requirements on the non-residential site to provide additional separation from the abutting residential use.

**6. Home Businesses - Office, Medical and Professional Service, Personal Service, Child Care and Light Industry Uses as Home Occupations**

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional, personal service, and light industry uses as a home occupation for the occupants of the dwelling may be permitted as a discretionary use in a dwelling unit or in an accessory building on the same lot as the dwelling unit, subject to the following conditions:

- (a) Office uses shall be limited to small business services and professional offices;
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, arts and crafts objects, and workshops;
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone.
- (h) No more than 30% of the total floor area of the dwelling is devoted to the use.
- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is

normal in the residential area.

- (j) Activities associated with the use are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (k) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (l) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.
- (m) On site advertisements and signage for a home business shall be at the discretion of Council and shall be a maximum of 0.3m x 1.2m.

#### **7. Outdoor Storage**

Outdoor storage will not be permitted in frontyards. It may be permitted in sideyards and rear yards. Council may require fencing or other forms of screening to prevent an unsightly appearance.

#### **8. Outdoor Market**

An outdoor market may include a used car lot, provided due consideration is given to the size and scale of the development relative to the site and to surrounding uses. Due consideration shall also be given to buffering, off-street parking, traffic movement, congestion, and safe access.

#### **9. Airport Noise Exposure Forecast (NEF)**

Residential development shall take account of the Noise Exposure Forecast (NEF) lines issued by Transport Canada. In areas above the 30 NEF line, new residential uses shall include sufficient sound insulation as established from time to time by appropriate authorities.

#### **10. Mature Trees**

Because of their importance to the landscape and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

**11. Other Requirements**

Other standards or conditions attached to residential or commercial zones in these Development Regulations may be applied by Council to uses permitted in the Mixed Development zone.

**12. Advertisements for Onsite and Offsite Uses**

The conditions for the erection or display of an advertisement on any site shall conform to the General Development Regulations, Part III, Advertisements, Sections 62-69 inclusive.

**13. Drive Through Restaurant Use**

- (a) A Drive-Through Restaurant or Take-Out Food Use shall have a stacking lane with a minimum length before the pick-up window, as determined by the Authority on the level of traffic generated by the drive-through use as listed below, and the stacking lane length may be modified on the basis of traffic flow use:

<i>Level of Use</i>	<i>Minimum Stacking Lane Length</i>
High Use	72 m
Medium Use	54 m
Low Use	36 m

- (b) A minimum of 6 m after the pick-up window to on-site aisle or parking area.
- (c) A Drive-Through Use related to a shop or bank use shall have a stacking lane with a minimum length of 18 m from the pick-up window or automated teller machine and a minimum of 6 m after the pick-up window or automated teller machine to the on-site aisle or parking area.
- (d) Drive-through stacking lanes should be separated by raised islands, be well signed to provide for ease of use and located so as to avoid crisscrossing of lanes.
- (e) Order boards with an intercom shall be designed to minimize noise impact on adjacent residential or institutional uses. The Authority may require the applicant to undertake a Land Use Impact Assessment to assess the proposed Drive-Through Use and mitigation measures where the Drive-Through Use is in close proximity to residential uses.
- (f) No drive-through stacking lane, order window, or order board shall be located within 3 m of a lot line abutting a residential use.
- (g) A buffer consisting of a sound-proof fence and landscaping shall be provided adjacent to residential uses. A fence, berm, and landscaping or a combination of these

elements shall be used to reduce headlight glare, order board lighting, and noise from the Drive-Through Use.

**14. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

**15. Storm and Construction Water Management**

- a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

**16. Floodway**

Development within the Floodway (1:20 year flood levels) designation shall be restricted to:

- a) Temporary alterations in a buffer zone, a designated floodway or the body of water itself.
- b) Non-structural uses such as open space recreation, pasture, and wildlife habitat enhancement.
- c) Development in the Floodway shall require the approval of the Water Resources Management Division, Department of Environment and Conservation

**17. Floodway Fringe**

Development in the Floodway Fringe (1:100 year flood zone) shall include public utilities, roads, bridges, marine related uses, industrial, commercial, and residential Uses.



Development within the Floodway Fringe designation shall meet the following conditions:

- a) The ground floor elevation of the structure is higher than the 1:100 year flood level.
- b) The structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties.
- c) The structure and associated utilities must be designed and constructed in accordance with approved flood proofing guidelines of the Department of Environment and Conservation.
- d) The proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.
- e) Development in the Floodway Fringe shall require the approval of the Water Resources Management Division, Department of Environment and Conservation.

**18. Apartment Buildings (including Condominiums)**

- a) Minimum lot area shall be determined based on the sum of the number of dwelling units availing of exterior parking and the number of dwelling units availing of interior parking in accordance with requirements outlined in Schedule D. In all respects the minimum lot area shall be adjusted to ensure that all development standards are met.
- b) The developer shall submit at the time of application, a landscaping plan subject to the approval of Council.
- c) If the proposed development complies with all development standards excepting provision for outdoor living space, and the standard cannot otherwise be accommodated by way of a variance under General Development Regulation 11, Council may at its discretion, accept a sum of money up to a maximum of 10% of the assessed value of the gross lot area. This compensation shall be held in reserve for the development or enhancement of land or property designated for public use as may be determined by Council and the development shall be considered to be in full compliance with the standard for the provision of outdoor living space. Value shall be the assessed value as determined by the Municipal Assessment Agency.
- d) Parking – refer to General Development Regulation 51, Part II and Schedule D.
- e) No outdoor parking, garbage collection, common amenity areas, or outdoor storage areas shall be developed within 3.0m of the building and industrial dumpsters shall be a minimum of 7.6 m from any building. Unless otherwise approved by Council, uses as described shall be limited to the rear and side yards with provision for screening as may be directed by Council.

- f) Design techniques including but not limited to, the use of slope roofs, variations in building setbacks and articulation of building facades, shall be employed in order to minimize the perception of massing of the building when viewed from adjacent residential areas and roadways.
- g) Building finishes shall be compatible with the exterior finishing materials and colours typical of adjacent development.
- h) Design of an apartment building immediately adjacent to another development, shall take into consideration location of windows of the adjacent property in order to maintain privacy.

**USE ZONE TABLE**

ZONE TITLE	INDUSTRIAL - GENERAL (IG)
PERMITTED USE CLASSES - (see Regulation 89) General Industry and light industry.	
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Shop and antenna.	

**CONDITIONS FOR INDUSTRIAL-GENERAL ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows:

- a) Minimum Building Line Setback 10 metres
- b) Minimum Sideyards 5 metres
- c) Minimum Rearyard 15 metres
- d) Maximum Height 15 metres

**2. Services**

Industrial development shall not be permitted in this zone unless adequate municipal services and fire fighting capability are available to meet the needs of the particular industrial use.

**3. Requirements Adjacent to Navigable Water**

All development occurring in, on, over or under navigable water must have the approval of Transport Canada under the Navigable Waters Protection Act. Where the development would occupy Crown land covered by water, an appropriate lease or grant from the Crown must first be obtained.

**4. Outdoor Storage**

Outdoor storage will not be permitted in front yards. It may be permitted in side yards and rear yards. Council may require fencing or other forms of screening to prevent an unsightly appearance.

**5. Storage of Flammable Liquids**

All uses and structures for the bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as Council may require to prevent damage to adjacent uses by fire, explosion, or spills of flammable liquid.

**6. Buffer for Residential Uses**

Where an industrial development abuts a residential use or proposed residential area or is separated from it by a road only, the developer shall provide a buffer strip not less than 10 metres wide between any residential activity or area and the industrial use. The buffer shall include a natural or structural barrier, as deemed necessary by Council, and shall be maintained by the owner or occupier to the satisfaction of Council.

**7. Shops**

Retail shops may be permitted at the discretion of Council if they are accessory to an industrial use or if they directly service the industrial uses or the industrial employees.

**8. Mature Trees**

Because of their importance to the landscape of the Town, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

**9. Advertisements for Onsite and Offsite Uses**

The conditions for the erection or display of an advertisement on any site shall conform to the General Development Regulations, Part III, Advertisements, Sections 62-69 inclusive.

**10. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

**11. Storm and Construction Water Management**

- a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

**USE ZONE TABLE**

ZONE TITLE	INDUSTRIAL/HAZARDOUS (IH)
PERMITTED USE CLASSES - (see Regulation 89) Hazardous industry	
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Office and light industry.	

**CONDITIONS FOR INDUSTRIAL-GENERAL ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows:

- a) Minimum Building Line Setback 10 metres
- b) Minimum Sideyards 5 metres
- c) Minimum Rearyard 15 metres
- d) Maximum Height 15 metres

**2. Industrial/Hazardous Use**

The only Industrial/Hazardous use to be permitted within this lands use is a Regional Fire Training Centre and any associated uses that form part of it. No other Industrial/Hazardous use shall be permitted within this land use designation.

**3. Discretionary Uses**

The only discretionary uses permitted shall be an office that is related to the permitted use and light industry use which would be for the storage of equipment or other firefighting supplies. No other discretionary uses shall be permitted.

**4. Services**

Industrial development permitted in this zone shall be required to have adequate on-site services capability of meeting the needs of the particular industrial use.

**5. Requirements Adjacent to Navigable Water**

All development occurring in, on, over or under navigable water must have the approval of Canadian Coast Guard under the Navigable Waters Protection Act. Should the development utilize Picco's Brook as a source of water supply, then approvals shall be required from all Government Regulatory bodies. Should the development occupy Crown land, covered by water, or within the 15m public shoreline reservation, then approval in the form of a License to Occupy; a lease, or Crown grant is required from the Department of Environment and Conservation.

**6. Outdoor Storage**

Outdoor storage will not be permitted in front yards. It may be permitted in side yards and rear yards. Car wrecks and other equipment used for training purposes with rescue equipment may be stored on site on a temporary basis. Council may require fencing or other forms of screening to prevent an unsightly appearance of stored materials or vehicles.

**7. Storage of Flammable Liquids**

All uses and structures for the bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner Office and the Department of Government Services. Storage areas shall be surrounded by such buffers and landscaping as Council may require to prevent damage to adjacent uses by fire, explosion, or spills of flammable liquid.

**8. Buffer from Adjoining Uses**

Where an industrial/hazardous use abuts other development that may be negatively effected by the industrial/hazardous use, a buffer shall be required either of a natural or structural barrier, as deemed necessary by Council, and shall be maintained by the owner or occupier to the satisfaction of Council.

**9. Advertisements for Onsite and Offsite Uses**

The conditions for the erection or display of an advertisement on any site shall conform to the General Development Regulations, Part III, Advertisements, Sections 62-69 inclusive.

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 5 m<sup>5</sup> in area.

#### **10. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

#### **11. Storm and Construction Water Management**

- a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.



## USE ZONE TABLE

ZONE TITLE ...	COMPREHENSIVE DEVELOPMENT AREA - INDUSTRIAL (CDA-I)
PERMITTED USE CLASSES - (see Regulation 89) (Maintenance of existing uses).	

### CONDITIONS FOR CDA - INDUSTRIAL ZONE

#### 1. Purpose of CDA-I Zone

Lands in the zone are intended to be developed as a fully serviced industrial park. Before development takes place, a development scheme for the park shall be prepared under the *Urban and Rural Planning Act 2000*. The scheme shall take account of buffering for residential uses, access to and from Torbay Road and the bypass highway, and airport operations. The road links shown on the zoning map will form the basic road network for the scheme and park.

Any proposed development shall require prior approval based on a concept plan of subdivision for all or a part of the CDA-I zone, showing how the proposed development will connect to existing or future development.

Development shall not be permitted in a CDA-I zone until the land has been appropriately rezoned.

#### 2. Advertisements

The conditions for the erection or display of an advertisement on any site shall conform to the General Development Regulations, Part III, Advertisements, Sections 62-69 inclusive.

#### 3. Stewardship Zone

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

**USE ZONE TABLE**

<b>ZONE TITLE</b>	<b>PUBLIC BUILDINGS (PB)</b>
PERMITTED USE CLASSES - (see Regulation 89) Educational, general assembly, place of worship, child care, recreational open space, cultural and civic, office, medical care and special treatment.	
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Indoor assembly, outdoor assembly, collective residential, antenna, cemetery, club and lodge.	

**CONDITIONS FOR PUBLIC BUILDINGS ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows:

- a) Minimum Building Line Setback 10 metres
- b) Minimum Sideyards 5 metres
- c) Minimum Rearyard 15 metres
- d) Maximum Height 15 metres

**2. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.

**3. Offices**

Government offices, banks, and other offices of a public nature shall be permitted in this zone. Commercial offices or offices associated with a business operation shall not be permitted.

**4. Mature Trees**

Because of their importance to the landscape of the Town and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction. In particular, the row of trees off Convent Lane along the west boundary of the Holy Trinity Church site shall be retained.

**5. Advertisements for Onsite and Offsite Uses**

The conditions for the erection or display of an advertisement on any site shall conform to the General Development Regulations, Part III, Advertisements, Sections 62-69 inclusive.

**6. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

**7. Storm and Construction Water Management**

- a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

**USE ZONE TABLE**

ZONE TITLE	RECREATIONAL OPEN SPACE (ROS)
PERMITTED USE CLASSES - (see Regulation 89) Recreational open space and conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)	Indoor assembly, outdoor assembly, take-out food service, antenna and child care.

**CONDITIONS FOR RECREATIONAL OPEN SPACE ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows:

- a) Minimum Building Line Setback 10 metres
- b) Minimum Sideyards 5 metres
- c) Minimum Rearyard 6 metres
- d) Maximum Height 15 metres

**2. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.

**3. Take-Out Food Service**

A take-out food service use may be considered on a discretionary basis provided it serves recreational activities only.

**4. Mature Trees**

Because of their importance to the landscape and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

**5. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

**6. Storm and Construction Water Management**

- a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

**USE ZONE TABLE**

<b>ZONE TITLE</b>	<b>CONSERVATION (CON)</b>
PERMITTED USE CLASSES - (see Regulation 89) Conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Agriculture, forestry, sewerage treatment, and antenna.	

**CONDITIONS FOR CONSERVATION ZONE**

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.

**2. Mature Trees**

Because of their importance to the landscape, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

**3. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

**4. East Coast Trail**

The East Coast Trail Association has developed a natural walking/hiking trail within the Town of Torbay along the coastline of Torbay Bight and the Atlantic Ocean as part of a larger coastal trail system. Council shall encourage the maintenance of a buffer along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

**5. Sewerage Treatment**

Uses associated with the treatment of sewerage that have to be located along the shoreline may be permitted at the discretion of Council. Structures shall be located so as to prevent any negative impacts on surrounding areas

**USE ZONE TABLE**

ZONE TITLE	WATERSHED (WAT)
PERMITTED USE CLASSES - (see Regulation 89) Conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Forestry, agriculture, and antenna.	

**CONDITIONS FOR WATERSHED ZONE**

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not adversely affect the quality or quantity of water in the pond identified as a water supply source.

**2. Forestry, Agriculture, and Existing Uses**

Selective forestry activities, agriculture, and the maintenance and limited extension of existing uses may be permitted provided they cause no detrimental effect on water quality.

**3. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.



### USE ZONE TABLE

ZONE TITLE	AGRICULTURAL (AG)
PERMITTED USE CLASSES - (see Regulation 89) Agriculture.	
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Single dwelling, veterinary, mercantile uses (related directly to agriculture), mineral working, antenna, forestry, and recreational open space.	

### CONDITIONS FOR AGRICULTURAL ZONE

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.

**2. Forestry and Silviculture**

Where forest cover exists, it shall be maintained, managed and harvested until the land is cleared for agricultural use.

**3. Single Dwellings**

Only single dwellings solely related to agricultural operations may be permitted as discretionary uses within this zone.

**4. The Lands Act and Regulations**

No development shall be permitted in this zone unless a permit or Crown Lease has been issued by the Department of Environment and Conservation according to the regulations made under the *Lands Act*.

**5. Livestock Operations and Buffers**

The Torbay zoning maps show a ~~610~~ 330 metre buffer around existing livestock operations. No development within a livestock buffer shall be permitted without the approval of the Department of Natural Resources, and the Department of Environment and Conservation; (see Development Regulation 45).

**6. Mineral Working**

Mineral working shall be restricted to the extraction of peat. Council may apply the conditions set out for mineral workings in the Rural Zone.

**7. Advertisements for Onsite and Offsite Uses**

The conditions for the erection or display of an advertisement on any site shall conform to the General Development Regulations, Part III, Advertisements, Sections 62-69 inclusive.

**8. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

**9. East Cost Trail**

The East Coast Trail Association has developed a natural walking/hiking trail within the Town of Torbay along the coastline of Torbay Bight and the Atlantic Ocean as part of a larger coastal trail system. Council shall encourage the maintenance of a buffer along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

**10. Storm and Construction Water Management**

- a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

**USE ZONE TABLE**

<b>ZONE TITLE</b>	<b>HIGHWAY RESERVE (HR)</b>
PERMITTED USE CLASSES - (see Regulation 89) Highway.	

**CONDITIONS FOR HIGHWAY RESERVE ZONE**

**1. Torbay Bypass Highway**

Lands within this zone are reserved for the Torbay Bypass Highway. Concerns about the North Pond, and Great Pond watersheds are outlined in the Torbay Municipal Plan.

**2. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

### USE ZONE TABLE

ZONE TITLE	RURAL (RUR)
PERMITTED USE CLASSES - (see Regulation 89) Agriculture, forestry, recreational open space, and conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Single dwelling, general industry, mineral working, antenna, place of worship and cemetery.	

### CONDITIONS FOR RURAL ZONE

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.

**2. Development Standards**

The development standards for uses in this zone shall be determined case-by-case and shall conform to the standards for the same uses in other zones.

**3. Single Dwellings**

Single dwellings may be permitted in this zone only as accessory to agriculture or forestry uses.

**4. Livestock Operations and Buffers**

The Torbay zoning maps show a 330-metre buffer around existing livestock operations. No development within a livestock buffer shall be permitted without the approval of the Department of Natural Resources, and the Department of Environment and Conservation; (see Development Regulation 45).

**5. General Industry**

General industry shall be restricted to sawmills or planing mills.

**6. Mineral Working**

Council may permit mineral working subject to the following conditions:

- (a) Effective tree screens shall be maintained around the periphery of any mineral working. Where trees are not present to create an effective screen, Council may require the installation of a landscaped embankment or fence.
- (b) Topsoil removed for mineral working shall be retained for restoration of the site.
- (c) No mineral working shall be conducted which causes danger or nuisance to the public.
- (d) No mineral working shall be permitted within the view of a designated scenic road.
- (e) Proposed mineral working operations will be evaluated carefully by Council in conjunction with the Department of Natural Resources.
- (f) No mineral working shall unacceptably reduce the quality of water in a watercourse or waterbody. Any access road which crosses a watercourse shall have a bridge or culvert according to the regulations of the Department of Environment and Conservation.
- (g) No mineral working shall result in the excavation of land below the level of the water table nor cause the ponding of water. However, settling ponds may be permitted with the approval of the Department of Environment and Conservation.
- (h) No mineral working shall be carried out in a manner which causes the erosion of adjacent land.
- (i) The mineral working shall be kept clean of refuse, abandoned vehicles and equipment, and derelict buildings.
- (j) Upon completion of mineral working, and when there is no intention to re-open such operations, all buildings and machinery shall be removed from the site and the site restored so as not to constitute a danger to the public or present an unsightly appearance.

**7. Advertisements for Onsite and Offsite Uses**

The conditions for the erection or display of an advertisement on any site shall conform to the General Development Regulations, Part III, Advertisements, Sections 62-69 inclusive.

**8. Stewardship Zone**

The Torbay Zoning maps show a Stewardship Zone covering the western half of the Town and a section along North Pond River. Any application for development within wetlands areas within the Stewardship Zone shall be reviewed by Council to ensure that the proposed development does not have negative impacts on sensitive wetlands used by waterfowl for habitat. Where any development may have impacts, Council will establish mitigating measures to be used by the developer to reduce any habitat degradation that may result from development within the Zone.

**9. Management Unit**

The Torbay Zoning maps show Western Island Pond and Goose Pond within the boundaries of a Management Unit. The Management Unit buffer shall be 30 metres from the high water mark around the shorelines of the ponds. No development shall be permitted within the Management Unit. Passive recreation uses may be permitted provided no motorized recreation vehicles are used. Any application for development on lands adjacent to Management Unit that may have negative impact on the sensitive wetlands or waterfowl habitat may be referred to Inland Fish and Wildlife Division for review and comments before the Council issues any permits for development.

**10. Storm and Construction Water Management**

- a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

# The Town of Torbay

## Schedule D 2015-2025



PLAN-TECH



ENVIRONMENT



**OFF-STREET PARKING REQUIREMENTS**

<b>CLASS - ASSEMBLY USES</b>	
(a) Theatre	Two spaces for every 5 seats
(b) Cultural and Civic	One space for every 50m <sup>2</sup> of gross floor area
(c) Educational	K - 12 - 3 spaces for every classroom. Other facilities - 1 space for every 5 persons using the facilities (students, faculty and staff)
(d) Place of Worship	Two spaces for every 5 seats
(e) Passenger Assembly	As specified by the Council
(f) Private Club	One space for every 3 persons that may be accommodated at one time
(g) Catering	One space for every 3 persons that may be accommodated at one time
(h) Lounges and Bars	One space for every 3 persons that may be accommodated at one time
(i) Funeral Home	One space for every 10m <sup>2</sup> of gross floor area
(j) Child Care	One space for every 20m <sup>2</sup> of gross floor area
(k) Amusement	One space for every 10m <sup>2</sup> of gross floor area
(l) Indoor Assembly	One space for every 10 persons that may be accommodated at one time
(m) Outdoor Assembly	As specified by the Council

<b>CLASS - INSTITUTIONAL USES</b>	
(a) Detention Centre	As specified by the Council.
(b) Medical Treatment and Special Care	One space for every 20m <sup>2</sup> of gross floor area
(c) Special Care	One space for every bed
(d) Collective Residential	As specified by the Council

<b>CLASS - RESIDENTIAL USES</b>	
(a) Single Dwelling	Two spaces for every dwelling unit
(b) Double Dwelling	Two spaces for every dwelling unit
(c) Row Dwelling	Two spaces for every dwelling unit
(d) Apartment Building	Three spaces for every 2-dwelling units
(e) Subsidiary Apartment	Two spaces for every apartment unit
(f) Hospitality Home	As specified by the Council
(g) Boarding House Residential	One space for every residential unit
(h) Mobile Home	Two spaces for every residential unit

<b>CLASS - BUSINESS AND PERSONAL SERVICES</b>	
(a) Office	One space for every 20m <sup>2</sup> of gross floor area
(b) Professional Service	One space for every 20m <sup>2</sup> of gross floor area
(c) Personal Service	One space for every 20m <sup>2</sup> of gross floor area
(d) General Service	One space for every 20m <sup>2</sup> of gross floor area
(e) Communications	As specified by the Council
(f) Home Occupation	Minimum of 1 space per non-resident employee

<b>CLASS - COMMERCIAL USES</b>	
(a) Shopping Centre	One space for every 20m <sup>2</sup> of gross floor area
(b) Shop	Min. of 2 spaces plus one space for every 20m <sup>2</sup> of gross floor area
(c) Convenience Store	Min. of 2 spaces plus one space for every 20m <sup>2</sup> of gross floor area
(d) Take-Out Food	Min. of 2 spaces plus one space for every 15m <sup>2</sup> of gross floor area
(e) Vending Stand	Minimum of 2 spaces plus additional as specified by the Council
(f) Indoor Market	As specified by the Council
(g) Outdoor Market	As specified by the Council
(h) Service Station	One space for every 20m <sup>2</sup> of gross floor area
(i) Commercial Residential	One space for every rental room

<b>CLASS - INDUSTRIAL USES</b>	
(a) Hazardous Industry	One space for every employee, plus 3
(b) General Industry	One space for every employee, plus 3
(c) Light Industry	One space for every employee, plus 3

<b>CLASS - NON-BUILDING USES</b>	
(a) Outdoor Recreation	As specified by the Council
(b) Conservation	As specified by the Council
(c) Cemetery	As specified by the Council
(d) Scrap Yard	As specified by the Council
(e) Animal	Min. of 2 spaces plus one space for every 20m <sup>2</sup> of gross floor area
(f) Transportation	As specified by the Council

Typical Parking Space Standards:

- Minimum 2.75x 5.8
- Minimum size 16 m<sup>2</sup> (General Regulations 51)
- Must be graded and surfaced with concrete, asphalt, or other hard dustless surface material as approved by Council
- Parking Space surface shall not conceal or alter municipal infrastructure
- Retaining walls shall taper down flush with the sidewalk or curb
- Parking Spaces shall not adversely affect adjacent properties.