

Directive

Department of Municipal and Provincial Affairs Land Use Planning

Protected Road Zoning Plans Exceptions for Lot Size and Frontage Requirements for Pre-existing Lots

Title: Lot Size and Frontage Exceptions – Protected Roads

Ministerial directive for government officials interpreting Protected Road zoning provisions, to permit development on lots in legal existence prior to the implementation of Protected Road Zoning Plans and Regulations, which are non-compliant with respect to lot size and/or frontage requirements.

Application:

Inclusive of all protected roads with building control lines established, with or without plans, within the geographic extent of the Province of Newfoundland and Labrador.

Directive:

- The Minister of Municipal and Provincial Affairs allows government officials to consider the grandfathering of lots in considering development applications for lots within the building control lines of a protected road that legally existed prior to the implementation of a Protected Road Plan and/or Regulations coming into legal effect.
- The Minister gives permission to the Authority who administers the Protected Road Zoning Regulations to:
 - Approve permits for development, as defined by Section 2(g) of the **Urban and Rural Planning Act, 2000**, on lots which are deficient by means of lot frontage or lot area, which existed prior to the implementation of Building Control Lines and/or Protected Road Plans and Regulations on the Province's Protected Road network, provided all other policies and standards are met.

Background:

Whereas it is in keeping with the spirit of the **Urban and Rural Planning Act, 2000**, which provides for continuation of legal non-conforming development; and,

Whereas provisions for Lot Size/ Frontage Exceptions (the “grandfathering of lots”) is a sound planning principle in keeping with principles of common law; and

Whereas the planning framework for guiding development in the context of Protected Roads is silent on this basic planning principle;

This directive is issued to enable government officials to interpret grandfathered lots.

In situations where a Protected Road Zoning Plan has come into force subsequent to existing development, and that plan has created non-conformity with respect to standards regarding lot size, nothing shall prevent the issuance of a permit for a conforming use on the condition that all other regulatory standards and requirements are met (such as requirements for on-site servicing, etc).

Ministerial Approval:

A handwritten signature in black ink, appearing to read "John Hogg", is written over a faint, circular official stamp.

Date: August 17, 2023