

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

**2015-2025**



**PLAN-TECH**



**ENVIRONMENT**



# TABLE OF CONTENTS

<b>Regulation</b>	<b>Page #</b>
<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.

- (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:
- (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 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, is 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.

## 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.

## 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.