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Mr. Brian Winter, CET  
Director of Planning and Development  
Town of Torbay  
1288 Torbay Road  
P.O. Box 1160  
Torbay, NL A1K 1K4

Dear Mr. Winter:

**TORBAY  
DEVELOPMENT REGULATIONS AMENDMENT NO. 5, 2018**

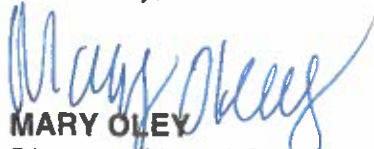
I am pleased to inform you that the **Town of Torbay Development Regulations Amendment No. 5, 2018**, as adopted by Council on the **19<sup>th</sup> day of November, 2018**, has now been registered.

Council must publish a notice in the **Newfoundland and Labrador Gazette** within 10 days of this letter. The Amendment comes into effect on the date that this notice appears in the Gazette. The notice must also appear in a local newspaper.

The Newfoundland and Labrador Gazette is published every Friday. **Notices must be submitted a week in advance.** Council can submit the notice by email [queensprinter@gov.nl.ca](mailto:queensprinter@gov.nl.ca), by fax (729-1900) or by mail (Queen's Printer, P.O. Box 8700, St. John's, and NL, A1B 4J6).

Council's registered copy of the Amendment is enclosed. As it is a legal document, it should be reserved in a safe place.

Yours truly,



**MARY OLEY**  
Director of Local Governance and Land Use Planning

cc: Reginald Garland, MCIP – Plan Tech Environment

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**TOWN OF TORBAY  
MUNICIPAL PLAN 2015 - 2025**



**DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018**

**AMENDMENT TO SCHEDULE 'C'**

**OCTOBER 2018**

PLAN-TECH



ENVIRONMENT

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF TORBAY  
DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Torbay adopts the Town of Torbay Development Regulations Amendment No. 5, 2018.

Adopted by the Town Council of Torbay on the 19<sup>th</sup> day of November, 2018.

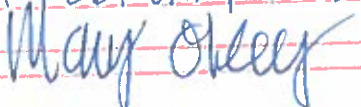
Signed and sealed this 28<sup>th</sup> day of January, 2019.

Mayor:  (Council Seal)

Clerk: 

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Town of Torbay Development Regulations Amendment No. 5, 2018, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

Development Regulations/Amendment	
<b>REGISTERED</b>	
Number	<u>5125-2019-046</u>
Date	<u>11 FEBRUARY 2019</u>
Signature	<u></u>



# TOWN OF TORBAY

## DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018

### BACKGROUND

The Town of Torbay proposes to amend its Development Regulations. Through administration of the Town's Development Regulations, Council has experienced some deficiencies and omissions with the present Development Regulations. This proposed amendment will address these indiscretions.

More specifically, this Amendment proposes to:

- Amend the condition for Accessory Buildings, Schedule C;
- Amend the condition for Row Dwellings and Apartment Buildings, Schedule C;
- Amend the condition for Traditional Agricultural Use, Schedule C;
- Amend the Residential Medium Density (RMD) Land Use Zone Table, Schedule C;

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

This Amendment consists of a changes to the text to the Torbay Development Regulations, particularly to Schedule C. It is determined that an amendment to the St. John's Urban Region Regional Plan is not required to conform with the proposed Torbay Development Regulations Amendment No. 5.

### PUBLIC CONSULTATION

During the preparation of this amendment, Council undertook the following initiative so that individuals and groups could provide input to the proposed Development Regulations Amendment. The Town Council of Torbay published a notice in *The Telegram* newspaper on November 3, 2018 advertising the proposed amendment seeking comments or representations from the public. The Town Council placed the proposed amendment on display at the Town Council Office from November 5, to November 9, 2018, for residents to view and to provide any comments or concerns in writing to the Council concerning the proposed amendment. No written comments or objections were received.

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## DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018

The Town of Torbay Development Regulations is amended by:

- A) **Adding** the following sub-sections to the Accessory Building conditions 5(g) & (h) in the Residential Infill (RI); 5(g) & (h) in Residential Medium Density (RMD); 5(g) & (h) in the Residential Large Lot (RLL) and 2(g) & (h) in the Mixed Development (MIX) Land Use Zone Tables, Schedule C, as shown below:

### Accessory Buildings

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

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

- (b) An accessory building shall be prohibited to project in front of a building line or in the flanking sideyard of a corner lot, *but may be permitted in the flanking sideyard where the main dwelling has a minimum setback of 15 m.*
- (c) Accessory buildings shall be located on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish, and shall be located so as to minimize any visual impacts on adjoining properties.
- (d) An accessory building shall be a minimum of 1.5 m from any property line and 2.4 m from the nearest ~~corner~~ *point* of a residential dwelling.
- (e) Accessory buildings (private garages only) may be permitted in the sideyard, but not in the flanking sideyard of a corner lot.
- (f) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.
- (g) *School buses, semi-trailers, freight containers or other vehicle body types shall be prohibited from being used as accessory buildings.*
- (h) *Greenhouses with an area of 12 m<sup>2</sup> or less shall not be included in the area calculation for an accessory building(s).*

(See also General Development Regulation 38, Accessory Buildings)

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- B) **Deleting** with ~~strikeout~~ and **adding** the following to Condition 4 of the Residential Infill (RI) and Condition 4 of the Residential Medium Density (RMD) Land Use Zone Tables, Schedule C, as shown below:

#### 4. Row Dwellings and Apartment Buildings

Row dwellings and apartment buildings shall be limited to residential housing. Off street parking spaces shall be provided ~~for every four (4) dwelling units~~ *in accordance with the requirements outlined in Schedule D.*

- C) **Adding** the following sub-sections to the **Traditional Agriculture Use**, condition 8 in the Residential Infill (RI); condition 15 in Residential Medium Density (RMD) and condition 8 in the Residential Large Lot (RLL) Land Use Zone Tables, Schedule C, as shown below:

#### Traditional Agricultural Use

- a) Traditional small-scale hobby and subsistence agricultural uses may be permitted within this zone. The minimum lot area required for a particular use shall be determined by Council in conjunction with the Department of Natural Resources and the Department of Environment and Conservation, considering factors outlined in the Torbay Municipal Plan.
- b) Land uses such as the keeping of livestock (farm animals), or large animals as pets, shall be at the discretion of Council. Existing livestock uses associated with hobby farming shall be allowed to continue as a non-conforming use. The minimum lot area for livestock (farm animals), or large animals as pets shall be no less than 2,500 m<sup>2</sup>.
- c) *Traditional agricultural uses such as root cellars may be permitted as stand-alone structures, at the discretion of Council, provided it can be clearly demonstrated that the root cellar is ancillary to an existing small-scale hobby and/or subsistence agricultural use. The height of traditional root cellars shall be no more than 2 m with a floor area of no more than 12 m<sup>2</sup>.*
- d) *Agricultural uses such as bee keeping which also involves the raising of bees for honey may be permitted at the discretion of Council.*
- e) *Agricultural uses such as the keeping of chickens for personal use may be permitted on lots with a minimum area of 1860 m<sup>2</sup> and at the discretion of Council. The number of chickens shall be limited to six (6).*

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D) **Adding** a minimum lot area of 1860 m<sup>2</sup> and a minimum frontage of 30 m for unserviced development to the Residential Medium Density (RMD) Land Use Zone Table, Schedule C, as shown below:

ZONE TITLE		RESIDENTIAL MEDIUM DENSITY (RMD)					
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling and recreational open space.							
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Double dwelling, row dwelling, apartment building, place of worship, educational, convenience store, child care, office, medical and professional, personal service, light industry, boarding house residential, antenna, catering and traditional agriculture.							
STANDARDS	Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING			
				1 Bed Apt.	2 Bed Apt.	3 Bed Apt.	4 Bed Apt.
Lot area (m <sup>2</sup> ) minimum	555	410 <sup>a</sup>	450 <sup>a</sup> (average)	300 <sup>a</sup>	400 <sup>a</sup>	450 <sup>a</sup>	500 <sup>a</sup>
Floor area (m <sup>2</sup> ) minimum	80	80 <sup>a</sup>	100 <sup>a</sup>	50 <sup>a</sup>	60 <sup>a</sup>	70 <sup>a</sup>	80 <sup>a</sup>
Frontage (m) Serviced *	18.2	26.75	14 <sup>a</sup> (av)	42			
Piped Water or of-site Sewage Disposal <sup>d</sup>	1400	c	c	c			
Piped water or Off-site Sewage Disposal <sup>d</sup>	22.8	c	c	c			
Lot Area (m <sup>2</sup> ) on-site services	1860	c	c	c			
Frontage (m) unserviced	30	c	c	c			
Building Line Setback (m) (minimum) <sup>b</sup>	8	8	10	10			
Sidyard Width (m)(min.)	2	3 & 2	2	5			
Rearyard Depth * (m)(min.)	9	14	15	15			
Lot Coverage %(max.)	33	33	33	33			
Height (max.)	8	8	10	10			

1860  
30