

## TOWN OF TORBAY

### SCHEDULE "C"

#### USE ZONE TABLES

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

The schedule contains tables for the following Use Zones:

Land Use Zone	Abbreviation	Page
Residential Infill	RI	2
Residential Medium Density	RMD	10
Residential Small Lot	RSL	20
Residential Large Lot	RLL	24
Town Centre	TC	31
Residential Subdivision Area	RSA	34
Commercial General	CG	36
Commercial Main Street	CM	39
Mixed Development	MIX	45
Industrial General	IG	52
Industrial Hazardous	IH	55
Comprehensive Development Area-Industrial	CDA-I	58
Public Buildings	PB	59
Recreational Open Space	ROS	61
Conservation	CON	63
Watershed	WAT	65
Agriculture	AG	66
Highway Reserve	HR	69
Rural	RUR	70

**USE ZONE TABLE**

<b>ZONE TITLE</b>				<b>RESIDENTIAL INFILL (RI)</b>			
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling and recreational open space.							
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Double dwelling, row dwelling, apartment building, place of worship, educational, convenience store, child care, office, medical and professional, personal service, light industry, traditional agriculture, boarding house residential and antenna.							
<b>STANDARD (Minimum)</b>	Single Dwelling	Double Dwelling	Row Dwelling	1 Bed Apt.	2 Bed Apt.	3 Bed Apt.	4 Bed Apt.
<b>Serviced Lots</b>							
Lot Area (m <sup>2</sup> )	555	400 <sup>a</sup>	350 <sup>a</sup>	200 <sup>a</sup>	250 <sup>a</sup>	280 <sup>a</sup>	300 <sup>a</sup>
Frontage (m) Serviced	18.2f	26.75	12 (average)	42			
Piped Water or Off-site Sewage Disposal <sup>d</sup>	1400	e	e	e			
Piped water or Off-site Sewage Disposal <sup>d</sup>	22.8	e	e	e			
<b>On-Site Services</b>							
On-Site Services <sup>c</sup> Lot Area (m <sup>2</sup> )	3035 <u>or</u> 1860 on existing road	e	e	e			
On-Site Services <sup>c</sup> Frontage (m)	36.4 <u>or</u> 30 on existing road	e	e	e			
<b>Other Requirements</b>							
Floor area (m <sup>2</sup> )	80	80 <sup>a</sup>	65 <sup>a</sup>	40 <sup>a</sup>	50 <sup>a</sup>	60 <sup>a</sup>	70 <sup>a</sup>
Building Line Setback (m) <sup>b</sup>	8	8	8	10			
Min. Rearyard Depth (m)	9g	14	15	15			
Sideyard Width (m)	2	3 & 2	2	5			
Height (m) maximum	8	8	10	10			
Lot Coverage (maximum)	33	33	33	33			

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

### CONDITIONS FOR RESIDENTIAL INFILL ZONE

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

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

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

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

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

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

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

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

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

**5. Accessory Buildings**

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

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

**SEE DEVELOPMENT REGULATIONS AMENDMENT No. 1, 2017**

- (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 located be on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish, and shall be located so as to minimize any visual impacts on adjoining properties.
- (d) An accessory building shall be a minimum of 1.5 m from any property line and 2.4 m from the nearest ~~corner~~ *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 DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018**

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

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

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

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

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

**8. Traditional Agricultural Use**

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

**SEE DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018****9. Convenience Store**

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

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

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

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

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

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

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

- (l) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.
- (m) On site advertisements and signage for a home business shall be at the discretion of Council and shall be a maximum of 0.6m x 1.2m.

#### **11. Boarding House Residential**

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

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

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

**12. Mature trees**

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

**13. Livestock Operations and Buffers**

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

**14. Stewardship Zone**

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

**15. East Cost Trail**

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

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

- a) Minimum lot area shall be determined based on the sum of the number of dwelling units availing of exterior parking and the number of dwelling units availing of interior parking in accordance with requirements outlined in Schedule D. In all respects the minimum lot area shall be adjusted to ensure that all development standards are met.
- b) The developer shall submit at the time of application, a landscaping plan subject to the approval of Council.



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

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

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

**USE ZONE TABLE**

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

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

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

## CONDITIONS FOR RESIDENTIAL MEDIUM DENSITY ZONE

### 1. **Subsidiary Apartments**

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

### 2. **Dwelling Frontage**

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

### 3. **Double Dwellings**

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

### 4. **Row Dwellings**

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

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

**5. Accessory Buildings**

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

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

- (b) An accessory building shall be prohibited to project in front of a building line or in the flanking sideyard of a corner lot, *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 DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018**

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

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

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

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

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

**8. Convenience Store**

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

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

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

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

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

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

- (a) Office uses shall be limited to small business services and professional offices;
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, arts and crafts objects, and workshops;
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.

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

#### **10. Boarding House Residential**

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

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

- (a) the use does not detract from the residential character of the neighbourhood and the building in which the use takes place is similar in exterior finish, design, height, and scale to a private dwelling;
- (b) the use is carried out by a resident of the dwelling unit;

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

#### **11. Mature trees**

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

#### **12. Livestock Operations and Buffers**

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

#### **13. Stewardship Zone**

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

**14. Catering**

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

**15. Traditional Agricultural Use**

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

**SEE DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018****16. Infill Lot**

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

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



**17. East Cost Trail**

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

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

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

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

**19. Storm and Construction Water Management**

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

**20. Floodway**

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

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

**21. Floodway Fringe**

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

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

- a) The ground floor elevation of the structure is higher than the 1:100 year flood level.
- b) The structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties.
- c) The structure and associated utilities must be designed and constructed in accordance with approved flood proofing guidelines of the Department of Environment and Conservation.

- d) The proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.
- e) Development in the Floodway Fringe shall require the approval of the Water Resources Management Division, Department of Environment and Conservation.

**USE ZONE TABLE**

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

**CONDITION FOR RESIDENTIAL SMALL LOT ZONE**

**1. Mobile Home Development Density**

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

**2. Mobile Home Lot Clearance**

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

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

### 3. Dwelling Frontage

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

### 4. Accessory Buildings

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

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

### 5. Single Dwellings

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

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

**6. Mature trees**

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

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

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

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

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

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

## **8. Stewardship Zone**

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

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

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

**USE ZONE TABLE**

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

**CONDITION FOR RESIDENTIAL LARGE LOT ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows:

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

**2. Dwelling Frontage**

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

**3. Double Dwellings**

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



**4. Row Dwellings**

Row dwellings 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.*

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

**5. Accessory Buildings**

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

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

**SEE DEVELOPMENT REGULATIONS AMENDMENT No. 1, 2017**

- (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 located be on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish, and shall be located so as to minimize any visual impacts on adjoining properties.
- (d) An accessory building shall be a minimum of 1.5 m from any property line and 2.4 m from the nearest ~~corner~~ *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 DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018**

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

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

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

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

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

**8. Traditional Agricultural Use**

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

**SEE DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018****9. Convenience Store**

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

properties.

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

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

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

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

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

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

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

**11. Boarding House Residential**

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

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

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

- (h) the establishment is licensed under the Tourist Establishment Regulations, as amended from time to time.

**12. Mature trees**

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

**13. Livestock Operations and Buffers**

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

**14. Stewardship Zone**

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

**15. Management Unit**

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

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

- a) Minimum lot area shall be determined based on the sum of the number of dwelling units availing of exterior parking and the number of dwelling units availing of interior parking in accordance with requirements outlined in Schedule D. In all respects the minimum lot area shall be adjusted to ensure that all development standards are met.
- b) The developer shall submit at the time of application, a landscaping plan subject to the approval of Council.

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

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

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

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

**USE ZONE TABLE**

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

**CONDITIONS FOR TOWN CENTRE**

**1. Development Standards**

The development standards for this zone shall be as follows:

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

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

**2. Buffer and Residential Uses**

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

**3. Mature Trees**

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

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

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

**5. Residential Use**

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

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

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

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

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



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

**10. Storm and Construction Water Management**

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

**USE ZONE TABLE**

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

**CONDITIONS FOR RESIDENTIAL SUBDIVISION AREA ZONE**

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

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

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

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

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

**2. Advertisements**

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

**3. Mature Trees**

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

**4. Livestock Operations and Buffers**

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

**5. Stewardship Zone**

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

**USE ZONE TABLE**

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

**CONDITIONS FOR COMMERCIAL GENERAL ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows:

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

**2. Buffer and Residential Uses**

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

**3. Mature Trees**

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

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

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

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

#### **5. Stewardship Zone**

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

#### **6. General Industry**

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

#### **7. Commercial and General Industry Uses**

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

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

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

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

**9. Storm and Construction Water Management**

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

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

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

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

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

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

### **2. Child Care Use**

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

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

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

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

### **4. Site Plan**

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

### **5. Commercial Sites**

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

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



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

## **6. Residential Use**

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

## **7. Apartment Uses**

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

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

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

## **9. Home Office**

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

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

## **10. Home Based Business**

Home Based Businesses (professional and medical services, personal services, general services, and office uses) may be permitted as discretionary uses within existing residential dwellings provided that:

- a) The dwelling unit is occupied as a residence by the professional or business user;

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

## **11. Automotive Sales**

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

- a) The developer shall submit to the Council an acceptable development plan including the following:
  - i) The number and location of parking spaces;
  - ii) Ingress and egress of the parking lot;
  - iii) Motor vehicle circulation pattern around the lot;
  - iv) Location of buildings on the lot;
  - v) Area to be landscaped and screened and the type of landscaping to be used;
  - vi) Customer parking in accordance with Schedule D of these Regulations.
- b) The automotive sales use shall have a main building on the lot in which the business is conducted. The main building will include washroom facilities and shall be connected to municipal water and sewer services where such services exist. Where municipal water and sewer services do not exist, the washroom facilities of the main building shall be approved by and meet the requirements of Service NL.

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

**11. Drive Through Restaurant Use**

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

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

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

**12. Storm and Construction Water Management**

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

### **13. Floodway**

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

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

### **14. Floodway Fringe**

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

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

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

**USE ZONE TABLE**

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

**CONDITIONS FOR MIXED DEVELOPMENT ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows:

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

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

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

**2. Accessory Buildings for Residential Use**

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

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

(b) An accessory building shall be prohibited to project in front of a building line or in the flanking sideyard of a corner lot, *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 DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018**

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

**3. Dwelling Frontage**

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

**4. Discretionary Use Classes**

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

**5. Buffer for Residential Uses**

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

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

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

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

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

- (l) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.
- (m) On site advertisements and signage for a home business shall be at the discretion of Council and shall be a maximum of 0.3m x 1.2m.

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

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

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

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

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

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

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

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

#### **11. Other Requirements**

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

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

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



**13. Drive Through Restaurant Use**

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

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

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

**14. Stewardship Zone**

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

**15. Storm and Construction Water Management**

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

**16. Floodway**

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

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

**17. Floodway Fringe**

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

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

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

- e) Development in the Floodway Fringe shall require the approval of the Water Resources Management Division, Department of Environment and Conservation.

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

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

**USE ZONE TABLE**

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

**CONDITIONS FOR INDUSTRIAL-GENERAL ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows:

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

**2. Services**

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

**3. Requirements Adjacent to Navigable Water**

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

**4. Outdoor Storage**

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

**5. Storage of Flammable Liquids**

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

**6. Buffer for Residential Uses**

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

**7. Shops**

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

**8. Mature Trees**

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

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

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**11. Storm and Construction Water Management**

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

**USE ZONE TABLE**

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

**CONDITIONS FOR INDUSTRIAL-GENERAL ZONE****1. Development Standards**

The development standards for this zone shall be as follows:

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

**2. Industrial/Hazardous Use**

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

**3. Discretionary Uses**

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

**4. Services**

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

**5. Requirements Adjacent to Navigable Water**

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

**6. Outdoor Storage**

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

**7. Storage of Flammable Liquids**

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

**8. Buffer from Adjoining Uses**

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

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

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

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

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



**10. Stewardship Zone**

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

**11. Storm and Construction Water Management**

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

**USE ZONE TABLE**

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

**CONDITIONS FOR CDA - INDUSTRIAL ZONE**

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

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

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

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

**2. Advertisements**

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

**3. Stewardship Zone**

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

**USE ZONE TABLE**

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

**SEE DEVELOPMENT REGULATIONS AMENDMENT No. 4, 2018****CONDITIONS FOR PUBLIC BUILDINGS ZONE****1. Development Standards**

The development standards for this zone shall be as follows:

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

**2. Discretionary Use Classes**

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

**3. Offices**

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

**4. Mature Trees**

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

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

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

**6. Stewardship Zone**

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

**7. Storm and Construction Water Management**

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

**USE ZONE TABLE**

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

**CONDITIONS FOR RECREATIONAL OPEN SPACE ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows:

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

**2. Discretionary Use Classes**

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

**3. Take-Out Food Service**

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

**4. Mature Trees**

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

**5. Stewardship Zone**

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

**6. Storm and Construction Water Management**

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

**USE ZONE TABLE**

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

**CONDITIONS FOR CONSERVATION ZONE**

**1. Discretionary Use Classes**

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

**2. Mature Trees**

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

**3. Stewardship Zone**

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

**4. East Cost Trail**

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

**5. Sewerage Treatment**

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



**USE ZONE TABLE**

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

**CONDITIONS FOR WATERSHED ZONE**

**1. Discretionary Use Classes**

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

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

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

**3. Stewardship Zone**

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

**USE ZONE TABLE**

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

**CONDITIONS FOR AGRICULTURAL ZONE****1. Discretionary Use Classes**

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

**2. Forestry and Silviculture**

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

**3. Single Dwellings**

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

**4. The Lands Act and Regulations**

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

**5. Livestock Operations and Buffers**

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

**6. Mineral Working**

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

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

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

**8. Stewardship Zone**

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

**9. East Cost Trail**

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

**10. Storm and Construction Water Management**

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

**USE ZONE TABLE**

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

**CONDITIONS FOR HIGHWAY RESERVE ZONE**

**1. Torbay Bypass Highway**

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

**2. Stewardship Zone**

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

**USE ZONE TABLE**

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

**CONDITIONS FOR RURAL ZONE**

**1. Discretionary Use Classes**

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

**2. Development Standards**

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

**3. Single Dwellings**

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

**4. Livestock Operations and Buffers**

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

**5. General Industry**

General industry shall be restricted to sawmills or planning mills.

**6. Mineral Working**

Council may permit mineral working subject to the following conditions:

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

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

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

**8. Stewardship Zone**

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

**9. Management Unit**

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

**10. Storm and Construction Water Management**

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