The background image is an aerial photograph of a coastal town, likely Trinity, Newfoundland. The town is built on a hillside overlooking a deep blue bay. The town features several houses, some with red roofs, and a winding road. The background is dominated by a large, stylized graphic element. It consists of a large orange triangle pointing downwards, with a smaller blue triangle nested within it. The base of the triangles is a grey diagonal band. The entire graphic is set against a dark, textured background that suggests a sky or water surface.

Town of Trinity

2024 - 2034

# Development Regulations

Development Regulations

**Adopted:** 2024.09.03

**Approved:** 2024.10.07

**Effective:**

**With Amendments to:** n/a



**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO ADOPT**

**TOWN OF TRINITY Development Regulations, 2024**

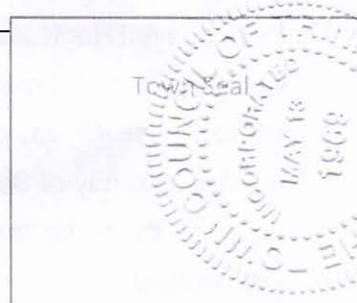
Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Trinity adopts the Town of Trinity Development Regulations, 2024.

Adopted by the Town Council of Trinity on the 3rd day of September, 2024.

Signed and sealed this 31 day of October

Mayor:

Paul Styrud



Clerk:

Kinda Sweet

**Canadian Institute of Planners Certification**

I certify that the attached Town of Trinity Development Regulations, 2024 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP:

Ian J. Watson, MCIP



Development Regulations/Amendment

**REGISTERED**

Number 5155-0008-2024

Date 27 JAN 2025

Signature PJ Blanchard

**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO APPROVE**

**TOWN OF TRINITY Development Regulations, 2024**

Under the authority of sections 16, 17 and 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Trinity:

1. Adopted the Town of Trinity Development Regulations, 2024 on the 3rd day of September, 2024;
2. Having no local newspaper, gave notice of the adoption of the Town of Trinity Development Regulations, 2024 by way of an advertisement posted on the Town's website and social media, as well as physical posters at Town Hall and the Post Office, on the 4th day of September, 2024; and
3. Set the 23rd day of September, 2024 at 7:00 p.m. at the Trinity Town Hall in the Town of Trinity for the holding of a public hearing to consider objections and submissions.

Now, under section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Town of Trinity approves the Development Regulations, 2024 on the 7th day of October, 2024 as was originally adopted.

Signed and sealed this 31 day of October

Mayor:

Paul B. Styrke

Clerk:

Linda Sweet

Town Seal

1969

REGISTRED

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# 1 APPLICATION

## 1.1 Title

- 1.1.1 These Regulations may be cited as the Trinity Development Regulations.

## 1.2 Interpretation

- 1.2.1 Words and phrases used in these Regulations shall have the meanings assigned to them in Part 15, Definitions.
- 1.2.2 Words and phrases not defined in Part 15 shall have the meaning commonly assigned to them in the context in which they are used in these Regulations.
- 1.2.3 Unless otherwise stated, the singular form of a Use includes the plural.
- 1.2.4 Any references to sections made in these Regulations are references to these same Regulations, unless otherwise indicated.
- 1.2.5 Measurements throughout these Regulations are in metric. Submissions in other measurements shall be converted to metric and rounded to two decimal points. The metric measurement of "metres" shall be displayed as "metres" or using the abbreviation "m".
- 1.2.6 Schedules form part of these Regulations and require an amendment to these Regulations if they are to be changed. Appendices are for information purposes and may be replaced or updated without amending these Regulations.

## 1.3 Council

- 1.3.1 In these Regulations, "Council" means the Municipal Council of the Town of Trinity.

## 1.4 Commencement

- 1.4.1 These Regulations come into effect throughout the Trinity Municipal Planning Area (Planning Area) on the date of publication of a notice to that effect in the Newfoundland Labrador Gazette.

## **1.5 Planning Area**

- 1.5.1 These Regulations shall apply only to those areas of land shown on the maps contained in Schedule 'A'.

## **1.6 Municipal Code and Regulations**

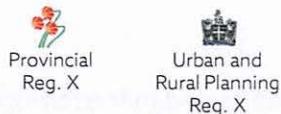
- 1.6.1 Nothing in these Regulations shall exempt any person from complying with other laws or regulations in force in Canada or Newfoundland and Labrador, or from those in force within the Town, or from obtaining any license, permission, permit, authority, or approval required thereunder.
- 1.6.2 Where the provisions of these Regulations conflict with those of any other municipal regulations or federal or provincial regulations, the more stringent provisions shall apply.
- 1.6.3 Where a provision within these Regulations conflicts with another provision within these Regulations, the more stringent provision shall apply unless otherwise stated.
- 1.6.4 The National Building Code of Canada, Fire Code of Canada and any other ancillary code, building regulations, and/or any other municipal regulations regulating or controlling the development, conservation, and use of land in force in the Town of Trinity shall apply to the entire Planning Area.

## **1.7 Delegation of Council**

- 1.7.1 Where the term Council is referenced in these Regulations, Council may, by resolution, delegate its authority to administer the Regulations or part thereof, to an employee of Council or an agent in the employment of Council.

## 1.8 Provincial Regulations

1.8.1 Provincial Development Regulations have been incorporated into the Trinity Development Regulations and are marked as follows:



1.8.2 The Provincial Development Regulations shall be included in their entirety as Appendix 'A'. Where there is conflict between these Development Regulations and the Provincial Development Regulations, the Provincial Development Regulations shall apply.

## 1.9 Repeal of Regulations

1.9.1 The following Regulations are repealed as of the effective date of these Regulations:

- (a) Town of Trinity Development Regulations Gazetted on October 12, 2012.

## 1.10 Severability

1.10.1 If any provision of these Regulations is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of these Regulations.

## 2 ADMINISTRATION

### 2.1 Permit Required

- 2.1.1 Unless otherwise stated in these Regulations, no person shall undertake a development or subdivision of land within the Trinity Planning Area without first obtaining a permit from Council.
- 2.1.2 Applications for a development permit within 150 metres of the centre line of Highway 230 shall also be submitted to Digital Government and Service NL for review under the authority of the *Protected Road Zoning Regulations*.
- 2.1.3 Applications for a development permit for signage fronting on Route 239 shall also be submitted to Digital Government and Service NL for approval.

### 2.2 Decisions of Council

- 2.2.1 Decisions made by Council regarding a permit shall be made in writing, and state the reasons for a refusal of, or conditions attached to, a permit. Council shall also advise the person to whom the decision applies of their right to appeal, in accordance with the Act.

### 2.3 Permit to be Issued

- 2.3.1 Subject to Regulations 2.4 and 2.5, an approval shall be issued for development within the Planning Area that conforms to:
  - (a) the policies expressed in the Municipal Plan and any further scheme, plan, or regulation pursuant thereto;
  - (b) the standards set out within these Regulations;
  - (c) the standards set out in the National Building Code of Canada and/or other ancillary codes, and any building regulations, waste disposal regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings; and,
  - (d) the standards of design and appearance established by Council.

## 2.4 Permit Not to be Issued in Certain Cases

- 2.4.1 In considering an application for a permit or for approval in principle to carry out development, Council shall consider the policies expressed in the Municipal Plan and any further scheme, plan, or regulations made under the policies of the Plan.
- 2.4.2 Notwithstanding the conformity of the application with the requirements of these Regulations, approval shall not be issued for a proposed development where, in the opinion of Council, it is premature by reason of the proposal:
  - (a) conflicting with the matters considered under Subsection 2.4.1;
  - (b) lacking adequate street access;
  - (c) lacking adequate electrical power or access to communications utilities;
  - (d) lacking adequate drainage;
  - (e) lacking adequate sanitary facilities, domestic water supply, or fire suppression flows;
  - (f) being beyond the natural development of the area at the time of application; lacking adequate access to open space, schools, or other necessary amenities; or
  - (g) where the proposal would be detrimental to public safety and convenience.

## 2.5 No Development Permit Required

2.5.1 Unless otherwise specified, the following developments shall not require a development permit:

- (a) Renovations or alterations to a structure that do not result in a change in volume or gross floor area, number of dwelling units, or a change in use of the structure. Exterior renovations to registered heritage properties and properties within the Heritage Area Use Zone shall require a development permit.
- (b) Fences under 2.0 metres in height outside of the Heritage Area Zone.
- (c) Gardens, whether community or private.
- (d) Public and private utilities located within the street reservation.
- (e) Temporary greenhouses, cloches, crop hoops, or other such temporary crop structures.
- (f) Radiocommunication antennas and radiocommunication towers that are subject to Industry Canada regulations.
- (g) Signage exempted under Section 6.5 of these Regulations.
- (h) Home offices meeting the requirements of Section 4.6 of these Regulations.
- (i) Temporary human habitation of a recreational vehicle for periods of 14 days or less in a calendar year and carried out in compliance with Subsection 3.15.4.

2.5.2 For greater clarity, developments not requiring a development permit shall still comply with the requirements of these Regulations and other permits, such as building permits, may still be required. Applicants should inquire with the Town prior to undertaking any development.

## 2.6 Application Requirements

2.6.1 Every application for a development permit shall be made in writing on an approved form and shall include:

- (a) the signature of the registered landowner or their duly authorized agent;
- (b) application fees in conformance with the fee schedule adopted by resolution of Council;
- (c) a statement of the proposed use of land;
- (d) a site plan; and
- (e) any other information required in these Development Regulations.

2.6.2 Site plans prepared for a development permit application shall be drawn to an appropriate scale and showing information as required by Council, such as, but not limited to:

- (a) the true shape and dimensions of all lots for which development is proposed;
- (b) identification of all abutting streets and private roads;
- (c) identification of rights-of-way and easements within the subject property;
- (d) proposed location, height, and dimensions of any building, structure, or work for which the permit is applied;
- (e) location of every building or structure already erected on or partly on the subject property, and the approximate location of every building within 10.0 metres of the subject property on contiguous lots;
- (f) existing and proposed services;
- (g) existing and proposed drainage ditches or culverts;
- (h) location of existing and proposed solid waste storage areas;
- (i) proposed location and dimensions of parking spaces, driveways, and landscaped areas;
- (j) north arrow, scale, date of drawing, and identity of drawing author; and
- (k) other such information as may be necessary to determine whether every such development conforms with the requirements of these Regulations.

2.6.3 In addition to the requirements of Subsection 2.6.1, an application for an approval of a subdivision shall provide the following information:

- (a) the proposed land use of the subdivision;
- (b) a site survey prepared and stamped by a Newfoundland Land Surveyor;
- (c) the proposed method of water and sewer services;
- (d) the proposed street access and layout of internal streets and lots, where applicable;
- (e) the proposed public open spaces if applicable; and,
- (f) any other requirement established in these or other Municipal, Provincial or Federal Regulations.

2.6.4 Council may, as part of a development application and prior to the issuance of a permit, request additional information, studies or plans from an applicant, prepared by a qualified professional at the cost of the applicant, for matters pertaining to the proposed development, including, but not limited to:

- (a) real property report, site survey, and/or site plan prepared and stamped by a Newfoundland Land Surveyor;
- (b) topography and soil conditions of the subject site;
- (c) watercourse delineation study;
- (d) stormwater management plan;
- (e) floor plans and elevation drawings of any proposed structures;
- (f) geotechnical study;
- (g) site grading plans;
- (h) heritage assessment;
- (i) visual impact assessment;
- (j) traffic impact or study; and/or
- (k) groundwater supply study.

## **2.7 Development Permit for Temporary Uses**

2.7.1 Council may issue a temporary development permit subject to the following requirements:

- (a) Any such development permit shall be for a temporary period not to exceed 24 months.
- (b) The temporary development permit may only be renewed a maximum of one (1) time for up to an additional 12 months beyond the original date.

## **2.8 Register of Application**

2.8.1 The Town shall keep a public register of all applications for development, including Council's decision on each application and the result of any appeal from that decision.

## **2.9 Time Period for Approval**

- 2.9.1 An application properly submitted in accordance with these Regulations shall be determined within eight (8) weeks of the receipt by Council.
- 2.9.2 Where no decision on an application has been made within eight (8) weeks of its submission, the application shall be deemed to be refused.

## **2.10 Deferment of Application**

- 2.10.1 Notwithstanding Section 2.9, Council may defer consideration of an application where additional information or consideration is required.
- 2.10.2 Council may defer decisions on an application within a specified area where Council has directed that a planning study or other similar study pertaining to the future use and development of the specified area be undertaken.
- 2.10.3 Council shall notify the applicant that a deferral has been made and the reason for deferral.

## **2.11 Approval in Principle**

2.11.1 An application for Approval in Principle shall include;

- (a) a description of the proposed development;
- (b) a description of the limits of the land to be used with the proposed development, and may include a survey description of the subject lands;
- (c) submission of a detailed site plan, conforming to Subsection 2.6.2; and
- (d) any additional information that may be required by Council.

2.11.2 Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Regulations.

2.11.3 An Approval in Principle shall be valid for a period of (2) years.

2.11.4 No development shall be carried out under an Approval in Principle.

2.11.5 Council may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the application.

## **2.12 Heritage Referral**

2.12.1 Council may refer any development applications to the Heritage Advisory Committee where it requires additional advice before making a decision on an application.

## **2.13 Approval**

- 2.13.1 Approval for an application shall be granted by Council in the form of a Development Permit for applications approved under these Regulations.
- 2.13.2 A plan or drawing that has been approved by Council and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop. Such permission shall not relieve the applicant from:
  - (a) full responsibility of obtaining permits, approvals, or inspections under any other regulation or statute prior to and following commencing the development, as applicable;
  - (b) having the work carried out in accordance with these Regulations or any other regulations or statutes; and,
  - (c) compliance with all conditions attached to an approval or a permit.
- 2.13.3 Council may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purpose and intent of these Regulations.
- 2.13.4 A development permit shall be valid for two (2) years. If the development has not commenced, the permit may be renewed for a further period of not more than one (1) year, but a permit shall not be renewed more than once, except in the case for advertising signage, which may be renewed in accordance with Part 6 of these Regulations.
- 2.13.5 The approval of any application and plans or drawing, or the issue of a permit shall not prevent Council from requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried that is in violation of this or any other regulations or statute.
- 2.13.6 No person shall ease, alter, or modify any drawings or specifications upon which a permit to develop has been issued by Council.
- 2.13.7 There shall be kept available on the premises where any development is being done for which a permit has been issued, a copy of the permit and any plans, drawings, or specifications on which the issue of the permit was based until completion of the development.

## **2.14 Revocation of Permit**

2.14.1 Council may revoke an approval and any subsequent permits where:

- (a) the applicant fails to comply with these Regulations or any condition attached to the permit;
- (b) the permit was issued in error or was issued contrary to the applicable regulations; or
- (c) the permit was issued based on incorrect information.

## **2.15 Applications and Approvals within the Heritage Area Zone**

2.15.1 In addition to the requirements Subsection 2.6.1, applications within the Heritage Area Zone shall include elevation drawings as necessary to illustrate compliance with the design requirements of the zone.

2.15.2 Except for signs, fences, interior work, and minor repairs, Council shall refer all development applications within the Heritage Area Zone to the Heritage Advisory Committee for review and recommendation on its compliance with the design standards for the zone. Minor repairs shall include replacing decking, replacing hardware, replacing roof shingles, and similar repairs which do not alter the original appearance or materials of the structure.

2.15.3 Prior to providing a recommendation to Council on new main buildings in the Heritage Area Zone, the Heritage Advisory Committee shall provide an opportunity for public review and comment on the proposal in compliance with Section 2.16.

## **2.16 Public Notice**

- 2.16.1 Council shall provide public notice for a period of not less than:
  - (a) 7 days - when considering a variance in accordance with Section 2.27; and
  - (b) 14 days - when considering a change in a non-conforming use in accordance with Section 3.25; development which is listed as a discretionary use in the applicable Use Zone; or when considering new main buildings within the Heritage Area Use Zone.
- 2.16.2 Council may require public notice of any development application where, in the opinion of Council, such notice is required for information and public consultation purposes.
- 2.16.3 Council shall require the cost of the public notice or portion thereof be paid by the applicant. Notice shall be by public advertisement in a newspaper circulating in the area or by any other means deemed necessary by the Council.

## **2.17 Right of Entry**

- 2.17.1 Subject to Section 105 of the Act, Council, or other persons authorized by Council, may enter upon any public or private land and may at all reasonable times enter any development or building upon the land for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any development, construction, alteration, repair, or any other works whatsoever that Council is empowered to regulate.

## **2.18 Restoration to a Safe Condition**

- 2.18.1 Nothing in these Regulations shall prevent the restoration of any building or structure to a safe condition, as determined by a designated official of the Town.

## **2.19 Stop Work Order and Prosecution**

- 2.19.1 Subject to Section 102 of the Act, where a person begins a development contrary or apparently contrary to these Regulations, Council may order that person to stop the development.
- 2.19.2 Council may further order a person to pull down, remove, stop construction, fill in, or destroy that building or development, and restore the site or area to its original state, pending final adjudication in any prosecution arising out of the development.
- 2.19.3 A person who does not comply with an order made under Subsection 2.19.1 is guilty of an offence under the provisions of the Act.

## **2.20 Service Levy**

- 2.20.1 In accordance with Section 149(2) of the Act, Council may require an owner of property to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by carrying out of public works either on or off the site of the development.
- 2.20.2 A service levy shall not exceed the cost, or estimated cost, including finance charges, to the Town, of constructing or improving the public works referred to in Subsection 2.20.1 that are necessary for the real property to be developed in accordance with the standards required by Council and for uses that are permitted on that property.
- 2.20.3 A service levy shall be assessed on the property based on:
  - (a) the amount of real property benefitted by the public works; and,
  - (b) the density of development made capable or increased by the public works.
- 2.20.4 Council may require a service levy to be paid by the owner of the property:
  - (a) at the time the levy is imposed;
  - (b) at the time development of the property commences;
  - (c) at the time development of the property is completed; or,
  - (d) at such other time as Council may decide.

## **2.21 Financial Guarantees by Developer**

- 2.21.1 Council may require a developer, before commencing a development, to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or license.
- 2.21.2 The financial provisions made under Subsection 2.21.1 may be in the form of:
  - (a) a cash deposit from the developer, to be held in trust by the Town;
  - (b) an irrevocable Letter of Credit issued by a bank; or,
  - (c) a performance bond provided by an insurance company or a bank.

## **2.22 Dedication of Land for Public Use**

- 2.22.1 Council may, for a development not involving a subdivision, require a portion of the land to be developed to be conveyed to the Town for a public purpose where public works are required to accommodate the proposed development.

## **2.23 Reinstatement of Land**

- 2.23.1 Council may order a developer, the occupier of a site, the owner, or any of them to restore a site to the satisfaction of Council where:
  - (a) the use of land is discontinued;
  - (b) the intensity of the use is decreased;
  - (c) a development permit has been revoked; or,
  - (d) a Temporary Permit to Develop has expired.

## **2.24 Notice of Right to Appeal**

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

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

## **2.25 Appeal Requirements**

2.25.1 An appeal shall be filed with an appeal officer not more than 14 days after the person who made the original application receives the decision.

2.25.2 An appeal shall be made in writing and shall include:

- (d) a summary of the decision being appealed;
- (e) the grounds for the appeal; and
- (f) the required fee.

## **2.26 Development Prohibited**

2.26.1 Where an appeal is made under Section 41 of the Act, the development with respect to the appeal, work related to that development or an order that is under appeal shall not proceed or be carried out pending a decision of the adjudicator.

2.26.2 Where, on appeal, a permit to develop is confirmed or ordered to be issued Council shall issue the permit as confirmed or ordered.

## 2.27 Variances



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

## 2.28 Notice of Variance



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

## 3 GENERAL PROVISIONS

### 3.1 Application

3.1.1 The provisions of Part 3 and Part 4 of these Regulations shall apply to all zones and shall take priority over all zone requirements, unless otherwise specified.

### 3.2 Access and Service Streets

3.2.1 Access shall be located to the specification of Council so as to ensure the greatest possible convenience and safety of the street system.

3.2.2 Notwithstanding Subsection 3.2.1, access to Route 230 shall be to the specifications of the Department of Transportation and Infrastructure.

3.2.3 Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.

3.2.4 No vehicular access shall be closer than 10 metres to the street line of any intersection.

### 3.3 Accessory Buildings

3.3.1 Unless otherwise prohibited, accessory buildings and structures shall be permitted in all zones, and shall be subject to the following regulations:

- (a) Accessory buildings shall meet any use-specific requirements outlined elsewhere in these Regulations.
- (b) Accessory buildings may be located on the same lot as the main building to which it is accessory, or on an abutting lot where both lots are under the same ownership.
- (c) Accessory buildings shall not be erected or placed upon any easements.
- (d) Unless otherwise addressed in these Regulations, the floor area of all accessory buildings on a lot shall not exceed 50 percent of the lot area.
- (e) Accessory buildings shall not be used for human habitation except where a development permit has been acquired for a secondary dwelling.

- (f) No accessory building or part thereof shall project in front of any building line.
- (g) Accessory buildings shall be complementary with the main building in terms of exterior finish, roofline, and pitch.

3.3.2 Notwithstanding Regulation 3.3.1 (f), an accessory building may be permitted in front of a building line where Council is satisfied:

- (a) the topography is such that placement in a rear yard is not possible;
- (b) it is effectively screened from adjacent properties by the topography, natural buffers, or landscaping; and
- (c) the placement of the building will not have a negative impact on neighbouring properties.

### **3.4 Accessory Uses**

3.4.1 Where these Regulations provide for any land to be used, or a building to be erected or used for a purpose, the purpose shall include any accessory use. Such uses shall be clearly incidental and complementary to the main use and be contained on the same lot as the main building or an adjoining lot where both lots are under the same ownership.

### **3.5 Alterations to the Natural Environment**

3.5.1 Alterations to the natural environment or landscape that could adversely affect watercourses or adjacent properties as a result of alterations to watercourses, drainage, or grading shall not be permitted.

3.5.2 Where development is proposed for a site with slopes greater than 15%, Council may, at the applicant's expense, require submission of a review of the development proposal by a certified engineer, landscape architect, or similar qualified professional licensed to practice in Newfoundland and Labrador. The review shall evaluate the adequacy of site grading, drainage, and landscaping in relation to storm drainage, erosion onto and flooding of adjacent development, streets, lands, and waterbodies receiving run-off from the site, and any other matter that Council deems necessary. Schedule 'C' illustrates areas that may have slopes greater than 15%; however, on-site verification may be required.

### **3.6 Archaeological Assessment**

- 3.6.1 Where archeological resources are known to exist, or where they are likely to exist based on location or historical evidence, applications for development shall be forwarded to the Arts and Heritage Division, Department of Tourism, Culture, Arts and Recreation for review and consideration under the *Historic Resources Act*. Council or the Arts and Heritage Division may require an archaeological assessment. This assessment must be reviewed by the Arts and Heritage Division. Council may apply conditions for the protection and preservation of any archaeological resources.
- 3.6.2 Where any public works project or development disturbs 4,000 square metres or more of ground, Council may refer the project or development to the Arts and Heritage Division, Department of Tourism, Culture, Arts and Recreation for review and consideration under the *Historic Resources Act*.

### **3.7 Buffers**

- 3.7.1 Where development is proposed that, in the opinion of Council, will have a visual impact on a highway, viewscape, or abutting land use, Council may require the owner of the site to provide a separation buffer to screen the development.
- 3.7.2 Buffers required under Subsection 3.7.1 shall include provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier, at their expense, to the satisfaction of the Council.

### **3.8 Building Height**

- 3.8.1 Zone requirements for maximum building height shall not apply to church spires; water tanks; elevator enclosures; stairwells; silos; commercial communication towers; ventilators; skylights; chimneys; clock towers; or structures that, in the opinion of Council, are similar.
- 3.8.2 With the exception of accessory buildings, outside of the Heritage Area Use Zone Council may permit the erection of buildings of a height greater than that specified in the use zone but in such cases the minimum front and rear setback requirements shall be increased as follows:
  - (a) The front setback shall be increased by 2.0 metres for every 1.0 metres increase in height.
  - (b) The rear yard shall not be less than the minimum front setback calculated as described in 3.8.2 (a) above plus 6.0 metres.

### **3.9 Building Line and Setback**

- 3.9.1 Council, by resolution, may establish building lines on an existing or proposed street or service street, and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the Use Zones in Part 8 of these Regulations.

### **3.10 Existing Structures and Uses**

- 3.10.1 A structure or use of land shall be deemed to be existing on the effective date of these Regulations if:
  - (a) it has lawfully been constructed;
  - (b) it has lawfully commenced;
  - (c) it is lawfully under construction; or
  - (d) all required permits for its construction or uses were in force and effect, except that this shall not apply unless the construction or use is commenced within 12 months after the date of the latest issuance of the required permits.

### **3.11 Fences**

- 3.11.1 For the purpose of this Regulation, a fence includes a vertical physical barrier constructed out of typical fencing materials, and includes hedges, shrubs and landscaping features used as a fence, and that portion of a retaining wall that projects above the surface of the ground which it supports so that it acts as a fence.
- 3.11.2 The Town shall not be liable for any damages for the repair of any fence where the Town, its employees or agents have acted without negligence. In particular, the Town shall not be liable for any damages or repairs of any fence during the normal operation of snow clearing on streets or sidewalks located within the Municipal Planning Area.
- 3.11.3 The Town may require a property owner to remove, reconstruct or repair in part or in whole, and within a specified time, any fence, which in the opinion of the Council, creates a safety hazard, obstruction or impedes snow-clearing. The cost of such repair or removal will be at the owner's expense. If the property owner does not remove the fence within the specified time the Town may remove the fence and charge the cost to the owner.
- 3.11.4 The design of a fence and the materials used to erect or repair a fence shall be of a design and type which meets the approval of Council.
- 3.11.5 No fence shall be erected which can block vision at an intersection by virtue of its location or height.
- 3.11.6 Except as otherwise provided in the Heritage Area Use Zone, the maximum height of a fence shall not exceed 2.0 metres.

### **3.12 Public Access to Shorelines**

- 3.12.1 Proposed development adjacent to the coastline, where permitted, shall be required to preserve any existing public access or right of ways to the shoreline.

### **3.13 Exterior Lighting**

- 3.13.1 Exterior lighting shall not be directed towards abutting lots or streets.

### **3.14 Registered Heritage Properties**

- 3.14.1 Provincially registered heritage properties require permission from the minister responsible for the *Historic Resources Act* prior to moving, demolishing, or altering the heritage resource. Applicants for such alterations are recommended to contact the Heritage Foundation of Newfoundland and Labrador prior to undertaking any work.
- 3.14.2 A building, structure or land designated by a Council as a heritage building, structure, or land shall not be demolished or built upon nor the exterior of the building or structure altered, except under a written permit of Council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.
- 3.14.3 When evaluating a proposal for alteration of a municipally registered heritage property, as provided for by Subsection 3.14.2, Council shall not authorize the alteration(s) unless Council is satisfied the proposal does not harm the character defining elements of the property as outlined in the property's statement of heritage value.

### **3.15 Human Habitation of Vehicles**

- 3.15.1 Trucks, buses, boats, automobiles, streetcar bodies, recreational vehicles, converted recreational vehicles, mobile homes, and structures of any kind other than a dwelling unit erected and used in accordance with these Regulations shall not be used for human habitation whether or not the same is mounted on wheels.
- 3.15.2 Notwithstanding Subsection 3.15.1, and subject to Subsection 3.15.3, a recreational vehicle may be used for temporary human habitation:
  - (a) in campgrounds developed in accordance with these Regulations;
  - (b) between May 15 and October 15, inclusive, in the Heritage Area Use (HA) Zone; or
  - (c) at all times of year in all other zones except the Protected Watershed (PW) Zone.

3.15.3 Recreational vehicles permitted under Subsection 3.15.2 shall:

- (a) bear a valid motor vehicle registration;
- (b) be limited to one (1) recreational vehicle on a lot at any one time, except when located in a campground developed in accordance with these Regulations; and
- (c) meet all zone setback and minimum lot size requirements for single dwellings in the zone in which the recreational vehicle is located.

3.15.4 Temporary human habitation of a recreational vehicle carried out in compliance with Subsection 3.15.2 shall require a development permit except for periods of habitation of 14 days or less in a calendar year or when part of a campground for which a development permit has been issued.

### **3.16 Lot Area**

3.16.1 No lot shall be reduced in area so as to create a situation where lot coverage exceeds, or setbacks, frontage, or lot area are less than that permitted by these Regulations for the zone in which such lot is located.

3.16.2 Where any part of a lot is required by these Regulations to be reserved as a setback, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof, and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

### **3.17 Lot Access to a Street**

3.17.1 Except where specifically provided for in the Use Zones set out in Part 8, every main structure, with the exception of those in the Protected Water Supply (PW) Zone, shall be located on a lot that abuts a publicly maintained street or highway or an existing private road.

### **3.18 Existing Undersized Lots**

- 3.18.1 Council may approve, as a discretionary use, development of a single dwelling on a lot that exists at the time of coming into effect of these Regulations that has insufficient frontage or area to permit the owner or purchaser of the lot to comply with the provisions of these Regulations.
- 3.18.2 Such approvals shall only be issued where legal access to the lot can be assured and where the lot coverage is not greater, and the setbacks and floor area are not less than, the standards set out in these Regulations.
- 3.18.3 Development of an existing undersized lot shall comply with all applicable wastewater and drinking water regulations.

### **3.19 Minor Front and Flanking Yard Projections**

- 3.19.1 No portion of a building shall project into the minimum required yards or beyond building lines, except for the following:
  - (a) Chimney breasts, eaves, window sills, or cornices not projecting more than 1.0 metres into a required minimum front yard depth or building line setback for the lot.
  - (b) Unenclosed steps with or without a landing.
  - (c) An unenclosed or enclosed porch, patio, or veranda that projects no more than 2.0 metres into the minimum front yard depth or established building line setback for the lot.
  - (d) Wheelchair ramps or other accessibility devices as approved by Council.
  - (e) Exterior retrofits to existing dwellings to increase the amount of insulation, projecting no more than 0.3 metres into any minimum required yard depth or building line setback for the lot.

### **3.20 Multiple Main Buildings**

- 3.20.1 Unless otherwise prohibited in these Regulations, any number of main buildings may be located on the same lot, subject to applicable zone requirements.

### **3.21 Multiple Main Uses**

3.21.1 Multiple main uses may locate on the same lot or in the same building(s). Where any land or building is used for more than one main use all provisions of these Regulations relating to each use shall be satisfied and if more than one standard applies, the more stringent standard shall prevail.

### **3.22 Telecommunications Structures and Antennas**

3.22.1 Nothing in these Regulations shall prevent the use of land for the installation of telecommunication structures and antennas that have been issued a license by the Federal Government following due process as prescribed by Industry Canada.

### **3.23 Non-Conforming Uses**

3.23.1 Applications involving non-conforming uses shall be processed in accordance with Section 108 of the *Urban and Rural Planning Act, 2000*.

3.23.2 If a non-conforming use is discontinued for a period of more than 12 months, new uses for the property and any buildings must conform to the requirements of the land use zone in which it is located.

3.23.3 A use shall be considered to be discontinued where:

- (a) the use of the land or building ceases;
- (b) the Town has received a request to remove the use from the tax roll;
- (c) services are discontinued;
- (d) the scale or intensity of the activity results in change in the type of use;
- (e) the addition of new activities or the modification of old activities is considered remote from previous activities; or
- (f) the new or modified activities can be shown to create undue additional or aggravated problems for the Town, the local authorities, or the neighbours, as compared with what went before.

3.23.4 In the event that a non-conforming use is damaged, destroyed by fire, or has deteriorated, redevelopment of the site as a non-conforming use and its continuation as a non-conforming use shall be permitted provided the use complies with Subsections 3.23.1 and 3.23.2.

### 3.24 Residential Non-Conformity



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

### 3.25 Notice and Hearings on Change of Use



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

### 3.26 Non-Conformance with Standards



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

### 3.27 Discontinuance of Non-Conforming Standards



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

### 3.28 Public Works and Utilities

3.28.1 Council may within any zone permit land to be used in conjunction with the provision of public services and utilities.

3.28.2 Where necessary, as determined by a qualified professional, utility infrastructure may be exempt from lot requirements.

### **3.29 Offensive and Dangerous Uses**

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

### **3.30 Protection of Community Trails and Footpaths**

3.30.1 Proposed development or the use of a public right of way for access to private property shall not be permitted where it would block or prevent the use of traditional footpaths, whether on private or public property, by pedestrians.

3.30.2 New development may be required to provide a separation distance or visual buffer between a proposed development and existing trail, pathway, or public right of way.

3.30.3 In considering applications for development adjacent to any existing trail form the development be provided as a condition of development. Where required, pedestrian access shall be constructed and maintained to the specifications established by Council.

### **3.31 Servicing**

3.31.1 New plumbed buildings shall be connected to public sewer and drinking water systems where such services are available. Where service availability is disputed or unclear, the Town shall make a determination based on site conditions and available servicing capacity.

3.31.2 Servicing shall be designed so as to sufficiently limit the number of lift stations, subject to approval by the Town.

3.31.3 Costs for the Town's review shall be at the applicant's expense.

3.31.4 Where municipal water and sanitary sewer services are not available, on-site well and septic systems are permitted provided approvals from the appropriate authorities are obtained.

- 3.31.5 Development utilizing on-site well systems shall, at the applicant's expense, be required to assess groundwater quantity and quality with the Provincial Department of Environment and Climate Change *Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells, 2009*.
- 3.31.6 Where there is insufficient groundwater yield to support any development that is proposed to depend on a well Council shall refuse the development.

### **3.32 Soil Removal, Deposit, and Site Grading**

- 3.32.1 Removal or placement of soil or other material, or alteration to the natural grade or drainage of a property, which adversely affects a watercourse or adjacent property shall not be permitted.
- 3.32.2 The following activities shall require approval from Council where not part of an approved development or mineral working:
  - (a) Any land disturbance that involves removal or deposition of soil or other material on a property.
  - (b) Any alteration of hillsides with slopes greater than 30%.
  - (c) Any excavation within a lot carried out so as to change the natural grade established in the grading plan.
- 3.32.3 Applications submitted to Council shall show the full extent of disturbance that is intended.
- 3.32.4 Where alterations to the landscape are approved, Council may require financial guarantees to ensure adequate site rehabilitation and / or landscaping.
- 3.32.5 For approved developments where the extraction of quarry materials is occurring or may be expected occur, the Town will send a copy of the development permit to the Quarry Materials Section; Mineral Lands Division; Department of Industry, Energy and Technology, at [quarries@gov.nl.ca](mailto:quarries@gov.nl.ca). Note that quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat.

### **3.33 Street Construction Standards**

- 3.33.1 New streets shall be constructed to the design specifications established by Council.

### **3.34 Unsubdivided Land**

3.34.1 Development shall be prohibited on unsubdivided land unless sufficient area is reserved to satisfy the setback and other allowances called for in the use zone in which it is located and the allowances shall be retained when the adjacent land is developed.

### **3.35 Wetland, Watercourse, and Coastal Setback**

3.35.1 No development shall be permitted within 15.0 horizontal metres of the ordinary high water mark of any watercourse or wetland without approval from the Department of Environment and Climate Change and, if fish habitat is affected, from Fisheries and Oceans Canada.

3.35.2 No development shall be permitted within 8.0 horizontal metres of the ordinary high water mark of any watercourse or wetland, except for wharves, docks, stages, boathouses, wellhouses, and other similar structures that functionally depend on access to the water's edge.

3.35.3 Council may require larger buffer areas around watercourses where identified flood plains, steep slopes or unstable soil conditions could result in damage to watercourses and wildlife habitat as a result of development. For the purpose of assessing applications in areas known to be at risk of flooding, the ordinary high water mark is considered to be the 1:100 year flood level.

3.35.4 Water crossings, bridges, culverts, stream diversions, and stormwater management devices shall be planned, designated, and constructed so as to ensure that aquatic species habitat and passage is preserved, protected, and where possible, enhanced.

3.35.5 No building shall be constructed with the floor level of any habitable area located below 2.7 metres, relative to the Canadian Geodetic Vertical Datum of 2013.

### **3.36 Property Maintenance**

3.36.1 Where any development or use of land, in the opinion of the Council, is unsightly, the Council may:

- Require the owner or occupier to provide adequate and suitable landscaping or screening;
- Issue an Order that the property cleaned up to the satisfaction of the Council at the property owner's expense.

## 4 USE SPECIFIC REQUIREMENTS

### 4.1 Community Gardens

4.1.1 Community gardens shall be permitted in any use zone without a development permit.

### 4.2 Conversion of Existing Dwellings

4.2.1 Notwithstanding permitted uses or Use Zone development standards of these Regulations, an existing single dwelling may be converted to permit additional dwelling units subject to the following requirements:

- (a) The number of dwelling units on the lot shall not exceed four (4) units.
- (b) No alteration may be taken that increases the height of the structure.
- (c) Any additional parking spaces shall be provided in the side or rear yard of the lot.
- (d) No alteration may be undertaken to increase the number of entrances in the front of the dwelling.

### 4.3 Electric Vehicle Charging

4.3.1 Electric vehicle charging stations shall be permitted as an accessory use in all use zones.

### 4.4 Farm, Fish, and Forest Stalls

4.4.1 Nothing in these Regulations shall prevent the direct sale of fish or other seafood; farm products such as, but not limited to, flowers, fruit, and vegetables; and forestry products such as but not limited to Christmas trees and wreaths, by individuals or companies engaged in the harvesting of such.

## 4.5 Home-based Businesses

4.5.1 Home-based businesses shall be permitted accessory to a dwelling in all zones, subject to the following requirements and all other requirements of this Section:

Table 4-1.

Home-based Business Requirements.

a) Permitted Uses	i. Animal Care ii. Artist's Studio iii. Business Office iv. Childcare – 7 or fewer dependents v. Teaching of one student at a time vi. Commercial Accommodations vii. Cultural and Civic viii. Household Item Service Repair ix. Medical Clinic x. Personal Service
b) Maximum Number of On-site, Non-resident Employees	2
c) Maximum Floor Area of Home-based Business	If located within the dwelling, 25 percent of the gross floor area of the dwelling unit or 45.0 square metres, whichever is less. If located within an accessory building, 45.0 square metres. The maximum floor area shall not apply to childcare facilities.
d) Outdoor Storage and Display	Outdoor storage and displays are not permitted.
e) Retail Sales	Retail sales shall be permitted if they are related to and incidental to the primary service being provided by the home-based business.

4.5.2 Notwithstanding subsection 4.5.1, the home-based business use shall clearly be subsidiary to the residential use, shall not alter the residential character of the property, and shall not detract from the residential character of the neighbourhood. The external appearance of the dwelling shall not be changed by the home-based business.

4.5.3 The use shall not generate traffic, parking, sewage, or water use in excess of what is normal in the residential use.

4.5.4 No change shall be made in the type, class, or extent of the business without a permit.

4.5.5 The principal operator of a home-based business shall reside in the dwelling where the use is located.

- 4.5.6 A single non-illuminated, free standing sign or wall-sign, not exceeding 0.4 square metres in area, shall be permitted provided that the design of the sign is consistent with the requirements as outlined in Part 6 of these Regulations.
- 4.5.7 No regular parking of commercial vehicles or trailers except for one vehicle with a gross weight of no greater than one tonne shall be permitted.
- 4.5.8 Childcare as a home-based business shall conform to the requirements of the *Child Care Services Act and Regulations*. Where required, a license to operate a childcare facility shall be obtained from the Department of Health and Community Services.

## 4.6 Home Offices

- 4.6.1 Nothing in these Regulations shall prevent, and no development permit is required for, the use of a portion of a dwelling as a home office for the resident(s) of the dwelling provided the office is not intended to be visited by the public and no signage is posted.

## 4.7 Urban Agriculture

- 4.7.1 A maximum of twelve (12) small livestock shall be permitted as an accessory use on any residential lot.
- 4.7.2 The keeping of bees shall be permitted as an accessory use on any residential lot if the following requirements are satisfied:
  - (a) The maximum number of hives permitted on a lot is one (1) per 1,350 square metres of lot area.
  - (b) All hives shall be located at least 3.0 metres from any lot line.
  - (c) All hives and colonies shall be registered with the Newfoundland Provincial Apiarist.
- 4.7.3 All urban agriculture livestock shall be contained within a fully fenced enclosure appropriate to the species of animal(s).
- 4.7.4 All coops, barns, and other animal structures shall be located in the side or rear yard and shall meet the requirements for accessory buildings.
- 4.7.5 The processing of urban agricultural products, such as chopping, packing, pickling, or preserving is permitted as an accessory use to an urban agricultural use.

## 4.8 Agricultural Livestock Structures and Use

4.8.1 No structure designed to contain more than the twelve (12) small livestock permitted by Subsection 4.7.1 shall be erected or used unless it complies with the following:

- (a) The structure shall be designed and operated to contain animal wastes and minimize odours according to established best farm management practices.
- (b) The structure shall be at least 60 metres from the boundary of the property on which it is to be erected.
- (c) The structure shall be at least 90 metres from the center line of a street.
- (d) The proposed development is referred to and approval recommended by the Department of Fisheries, Forestry and Agriculture.

## 4.9 Mineral Exploration

4.9.1 Mineral exploration activities, where permitted shall meet the following conditions:

- (a) The planned activities shall not cause undue noise, significant ground disturbance, or risks to the safety of residents in Trinity.
- (b) A plan to consult with and inform residents of the activity shall be submitted for approval by Council.
- (c) The proponent shall obtain all applicable permits and approvals from federal and provincial agencies.
- (d) A site rehabilitation plan, including rehabilitation cost estimates, shall be submitted for approval by Council for exploration activities that require trenching and / or creation of cutlines through wooded areas, or other forms of ground disturbance.
- (e) A refundable cash deposit shall be made to Council in accordance with the estimates established in the site rehabilitation plan. The deposit shall be returned when the rehabilitation work has been completed by the developer, in accordance with the development permit and to the satisfaction of Council. Council shall use the cash deposit to conduct any site rehabilitation not completed by the developer.

## **4.10 Outdoor Storage and Display**

- 4.10.1 Outdoor storage associated with a commercial or industrial use shall be limited to rear or side yards.
- 4.10.2 Council may require a buffer in the form of a fence or separation area to screen storage.
- 4.10.3 Outdoor display shall not be located within 3.0 metres of the front lot line.

## **4.11 Parks, Recreation Uses, and Conservation Uses**

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

## **4.12 Residential Care Facilities**

- 4.12.1 Residential care facilities shall be permitted as dwellings and subject to the applicable requirements for dwellings based on the following equivalencies:
  - (a) A residential care facility with fewer than five (5) beds shall be treated as a single dwelling.
  - (b) A residential care facility with five (5) to eight (8) beds shall be treated as a double dwelling.
  - (c) A residential care facility with more than eight (8) beds shall be treated as a multi-unit dwelling with each four (4) beds or a portion thereof equivalent to one (1) dwelling unit.
- 4.12.2 A single bedroom for a staff member shall be permitted without being counted for the purpose of the equivalences in Subsection 4.12.1.

#### **4.13 Secondary Dwellings**

4.13.1 Secondary dwellings shall be permitted accessory to a single dwelling or double dwelling, subject to the following requirements:

- (a) Only one (1) secondary dwelling shall be permitted on a lot.
- (b) The floor area of the secondary dwelling shall not exceed 70.0 square metres.

4.13.2 Except in the Heritage Area Use Zone, the secondary dwelling shall be permitted in a separate building from the main dwelling, subject to the following requirements:

- (a) The secondary dwelling shall be subject to the height requirements for accessory buildings and all other requirements for main buildings.
- (b) The secondary dwelling shall be located in the side yard or rear yard.
- (c) Windows and other perforations shall not be located on any elevations closer than 1.2 metres from any adjacent lot.

#### **4.14 Solar Collector Systems**

4.14.1 Solar collector systems shall be permitted as an accessory use in all zones except the Heritage Area Use Zone.

4.14.2 Accessory solar collector systems may be mounted on a building or free-standing. Where such systems are free-standing, they shall have a maximum panel area of 10.0 square metres and a maximum height of 3.0 metres.

4.14.3 Solar collector systems as a main use shall be subject to the permitted uses table of each respective zone.

#### **4.15 Wharves, Slipways, and Docks**

4.15.1 Where permitted, wharves, slipways, and docks shall be subject to the following requirements:

- (a) Wharves, slipways, and docks shall be exempt from minimum rear and side yard requirements.
- (b) For greater clarity, this section does not exempt applicants from the *Navigable Waters Protection Act* or any other federal or provincial legislation regulating coastal development.

## 5 OFF-STREET PARKING AND LOADING

### 5.1 Required Automobile Parking Spaces

- 5.1.1 For all new land uses or changes in land use, parking in the amount prescribed by Table 5-1 and meeting the standards of this Part shall be provided.
- 5.1.2 In calculating the number of required automobile parking spaces, the number of spaces required for each main use on the lot shall first be added before any rounding.
- 5.1.3 Rounding for the number of required automobile parking spaces shall be to the nearest whole number, with half spaces rounded down.

**Table 5-1: Minimum Automobile Parking Requirements**

Residential Land Uses	Parking Requirement	
Dwelling	1.0 space per unit	
Residential Care Facility	One occupant space for every two beds. One visitor parking space for every four dwelling units and 0.5 spaces per staff member	
Commercial Uses	Parking Requirement	
Childcare	1.0 space per 20 m <sup>2</sup> of floor area	
Commercial Accommodations	1.0 space per guest room	
Restaurant	1.0 space per 10 m <sup>2</sup> of floor area	
Shop	1.0 space for every 30 m <sup>2</sup> of floor area	
Other Commercial Uses	1.0 space for every 50 m <sup>2</sup> of floor area	
Industrial Uses	Parking Requirement	
Light, General, and Hazardous Industry	0.5 space per employee	
Service Station	1.0 space for each employee	
General and Public Uses	Parking Requirement	
Places of Assembly, Places of Worship, Theatre	With seating Without seating	1.0 space per 5 seats 1.0 space per 10 m <sup>2</sup> of assembly area
Cultural and Civic		1.0 space per 20 m <sup>2</sup> of floor area
Medical and public care facilities		1.0 space per 4 patients

## 5.2 Parking in the Heritage Area (HA) Zone

- 5.2.1 Notwithstanding Section 5.1, automobile parking in the Heritage Area (HA) Zone may be wholly or partly comprised of available public parking lots or areas.
- 5.2.2 Parking areas for more than two automobiles in the Heritage Area (HA) Zone shall:
  - (a) be set back a minimum of 0.5 metres from all lot lines; or
  - (b) for portions of the parking area set back less than 0.5 metres from lot lines, be screened by ornamental vegetation or fences a minimum of 1.0 metres in height between the parking area and the applicable lot line.

## 5.3 Residential Off-Street Parking

- 5.3.1 Parking of vehicles on residential lots shall be on the hard-surfaced area of the lot approved for the off-street parking space or spaces. The parking of vehicles shall not be permitted on the landscaped portion of the front yard or flanking street side yard of the lot or property.

## 5.4 Parking Area Design Standards

- 5.4.1 Each required automobile parking space shall have a minimum width of 2.5 metres and minimum length of 5.5 metres.
- 5.4.2 The width of a driveway leading to parking or loading areas, or of a driveway or aisle in a parking area, shall be a minimum of 3.0 metres for one-way traffic and a minimum of 6.0 metres for two-way traffic, and the maximum width of a driveway shall be 9.0 metres.
- 5.4.3 Unless otherwise permitted in these Regulations, each automobile parking space shall be independently accessible.
- 5.4.4 Unless otherwise permitted in these regulations, required automobile parking spaces shall be located on the same lot as the use to which they apply.
- 5.4.5 Parking areas shall, except in the case of single or attached residential dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.

5.4.6 Parking spaces for multi-unit dwellings shall be provided in the rear yard where possible.

5.4.7 In addition to the requirements listed above, where, in these Regulations, parking facilities for more than four (4) automobiles are required or permitted:

- (a) The parking area shall be constructed with a stable surface.
- (b) The off-street parking area shall not be closer than 1.5 metres to the front lot line.
- (c) Where in the opinion of Council, strict application of the above parking requirements is impractical or undesirable, the Council may, as a condition of a permit, require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Council for the provision and upkeep of alternative parking facilities within the general vicinity of the development.
- (d) Parking standards to accommodate persons with disabilities shall meet the requirement of the *Building Accessibility Act* and Regulations.

## 5.5 Parking Commercial Vehicles

Except for routine, temporary delivery or pickup of goods, wares, merchandise or passengers, the parking of commercial vehicles within a public right of way shall not be permitted.

## 6 SIGNS

### 6.1 Permit Required

- 6.1.1 Subject to the provisions of Section 6.5 of these regulations, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from Council.
- 6.1.2 Application for a permit to erect or display a sign shall be made in accordance with Part 2 of these Regulations.
- 6.1.3 A permit granted under these Regulations for the erection or display of a sign shall be for a period not exceeding two (2) years but may be renewed at the discretion of Council for similar periods.

### 6.2 General

- 6.2.1 Where this Part is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Newfoundland and Labrador, the more restrictive regulations shall apply.
- 6.2.2 No signage shall be permitted to be erected or displayed within, on, or over any highway or street reservation.
- 6.2.3 No sign shall obstruct a means of ingress/egress from a door, window, fire escape, or pedestrian or barrier-free access.

### 6.3 Removal of Signs

- 6.3.1 Notwithstanding the provisions of these Regulations, Council may require the removal of any sign which, in its opinion, is:
  - (a) hazardous to road traffic by reason of its siting, colour, illumination, or structural condition; or,
  - (b) detrimental to the amenities of the surrounding area.

## 6.4 Sign Maintenance and Abandoned Signs

- 6.4.1 Every sign shall be kept in good repair and working order, and not present a safety hazard.
- 6.4.2 Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with any applicable building, electrical, and fire prevention regulations.
- 6.4.3 Signs shall be removed, at the cost of the sign's owner, within 30 days if the use for which they advertise is discontinued.
- 6.4.4 In the case of seasonal businesses, the use shall be considered discontinued on December 31<sup>st</sup> of a calendar year if the use was not operated in that calendar year.

## 6.5 Exempt Signage

- 6.5.1 Except where prohibited by Section 6.6, the following signage may be erected or displayed in the planning area without a development permit:
  - (a) On a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 square metres in area.
  - (b) The name of the building, located on the principal façade, in letters not exceed one tenth the height of that façade or 1.0 metres, whichever is less.
  - (c) On a dwelling or within the courtyard of a dwelling, a single nameplate not exceeding 0.2 square metres in area in connection with the practice of a professional person carried on in the premise.
  - (d) On an agricultural holding or farm, a single notice board not exceeding 1.0 square metres in area and relating to the operations being conducted on the land.
  - (e) On land used for forestry purposes, a single sign or notice not exceeding 1.0 square metres in area and relating to forestry operations or the location of logging operations conducted on the land.
  - (f) On land used for mining or quarrying operation, a single notice board not exceeding 1.0 square metres in area relating to the operation conducted on the land.

- (g) On any site occupied by a church, school, library, art gallery, museum, institution, or cemetery, a single notice board not exceeding 1.0 square metres in area.
- (h) On any parking lot, directional signs and a single sign not exceeding 1.0 square metres in size that identifies the parking lot.
- (i) Real estate sales, leasing, or open house signs up to a maximum of 1.0 square metres.
- (j) Signs placed by candidates for elections.
- (k) Signs for temporary local events such as festivals, from one (1) month before the event and to be removed within one (1) week of its conclusion.
- (l) Signs erected in compliance with any Town of Trinity signage program, and holding a valid permit as may be required by any regulation or Council policy applicable to any such program.
- (m) Civic addressing signs.
- (n) Signs posted by municipal, provincial, or federal government agencies.
- (o) Signs associated with municipally operated parks and trails.
- (p) Temporary signs on construction sites warning of danger and or outlining the nature of the development up to a maximum area of 7.5 square metres.
- (q) The flag, pennant, or insignia of any government, or any religious, charitable, or fraternal organization.

## 6.6 Signs Prohibited in all Zones

6.6.1 Notwithstanding any other sections of these Regulations, the following signs are not permitted in the Planning Area:

- (a) Any privately owned directional or advertising sign located off the lot of the business establishment to which it refers except in compliance with any Town of Trinity offsite signage program and except that any business establishment not having direct access to a public street is permitted, subject to the agreement of the landowner, one sign at the entrance to the access road that connects such property to a public street, and that sign will constitute the ground sign permitted for that business.

- (b) Signs not erected by a public authority that make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD" or other similar words, phrases, symbols, lights, or characters displayed in such manner as to interfere with, mislead, or confuse traffic along a public street.
- (c) Signs that obstruct the vision of drivers or the effectiveness of any traffic control device. All signs, except traffic control signs shall meet the corner sight line provisions.
- (d) Signs painted on, attached to, or supported by trees, stone, cliff, or other natural features.
- (e) Signs painted on, attached to, or supported by utility poles.
- (f) Flashing signs.
- (g) Billboard signs.
- (h) Roof mounted signs.
- (i) Portable signs.

## 6.7 Signs for Non-conforming Uses

- 6.7.1 Signs associated with non-conforming uses will be subject to the conditions and standards for signs in the use zone in which the non-conforming use is located.
- 6.7.2 A sign in legal existence at the date of coming into effect of these Regulations that is not in accordance with the standards of these Regulations may continue to exist provided the sign is maintained and in good repair and does not pose a safety hazard or obstruction. It may be modified or replaced provided such modification or replacement is in accordance with these Regulations.

## 6.8 General Standards for Signs Outside the Heritage Area

- 6.8.1 The provisions of this Section shall apply to signs for uses located outside the Heritage Area (HA) Zone, in addition to all other applicable provisions of this Part.
- 6.8.2 The maximum number of signs a commercial, industrial, cultural, or civic use may have is two (2).

**6.8.3 Ground signs:**

- (a) shall be limited to a maximum of one (1) per lot;
- (b) that have more than a single face shall be counted as a single sign; and
- (c) shall not exceed a sign area of 7.5 square meters.

**6.8.4 Wall signs:**

- (a) shall not exceed a sign area of 2.25 square meters; and
- (b) shall not extend beyond the wall to which they are affixed.

**6.8.5 Window signs:**

- (a) shall not exceed a sign area of 1.0 square meter.

**6.8.6 Hanging and projecting signs:**

- (a) that have more than one face shall be counted as a single sign;
- (b) shall have a minimum setback from any property line of 1.2 metres;
- (c) shall have a minimum clearance 2.5 metres above the ground level immediately below such a sign; and
- (d) shall have a maximum sign area of 1.0 square metres.

**6.8.7 Awning / canopy signs:**

- (a) shall not exceed a width of 3.0 metres and a height of 0.75 m.

**6.8.8 Murals:**

- (a) shall be permitted at the discretion of Council.

## 6.9 General Standards for Signs in the Heritage Area Use Zone

- 6.9.1 The provisions of this Section shall apply to signs for uses located in the Heritage Area (HA) Zone, in addition to all other applicable provisions of this Part.
- 6.9.2 The maximum number of signs a commercial, industrial, cultural, or civic use may have is two (2).
- 6.9.3 All signs that utilize lighting shall be lit via an exterior source, shall not be backlit, and shall not use flashing or intermittent lights.
- 6.9.4 Ground signs:
  - (a) shall be limited to a maximum of one (1) per lot;
  - (b) that have more than a single face shall be counted as a single sign;
  - (c) shall not exceed a sign area of 1.5 square metres;
  - (d) shall not exceed a height of 3.0 metres; and
  - (e) shall consist of traditional materials such as wood, stone, or metal (brass, bronze, or wrought iron), including any post or support.
- 6.9.5 Wall signs:
  - (a) shall consist of a rectangular sign board with a maximum width of 3.0 metres and a maximum height of 0.75 metres;
  - (b) shall be horizontally oriented;
  - (c) shall not project more than 0.10 metres from the wall face; and
  - (d) shall consist of traditional materials such as wood or metal (brass, bronze, or wrought iron).
- 6.9.6 Window signs:
  - (a) shall not exceed a sign area of 1.0 square metres;
  - (b) shall be applied inside the glass of the window; and
  - (c) shall be etched, painted, applied to the glass, or displayed directly behind the surface of the glass. For clarity, window displays of goods for sale or similar displays shall not constitute a sign.

**6.9.7 Hanging and projecting signs**

- (a) that have more than one face shall be counted as a single sign;
- (b) shall have a minimum setback from any property line of 1.2 metres;
- (c) shall have a minimum clearance of 2.5 metres above the ground level immediately below such a sign;
- (d) shall be placed at a right angle to the building face;
- (e) shall be fixed to the wall or hang from a bracket; and
- (f) shall consist of traditional materials such as wood or metal (brass, bronze, wrought iron), including the bracket if applicable.

**6.9.8 Awning or canopy signs:**

- (a) shall not exceed a width of 3.0 metres and a height of 0.75 metres; and
- (b) shall not be constructed of stretch skin plastics or any similar material.

## **7 SUBDIVISION OF LAND**

### **7.1 Permit Required**

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

### **7.2 Subdivision Development Agreement**

- 7.2.1 All residential subdivisions involving the construction of new streets and/or sewer mains and/or water mains shall require the developer to enter into a Subdivision Development Agreement with the Town.

### **7.3 Services to be Provided**

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

### **7.4 Payment of Service Levies and Other Charges**

- 7.4.1 No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the Council for connection to services, utilities, and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Sections 2.20 and 2.21.

## 7.5 Issue of Permit Subject to Considerations

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

- (a) the location of the land;
- (b) the availability of, and the demand created for, schools, services, and utilities;
- (c) the provisions of the Plan and Regulations affecting the site;
- (d) the land use, physical form, and character of adjacent developments;
- (e) the transportation network and traffic densities affecting the site;
- (f) the relationship of the project to existing or potential sources of nuisance;
- (g) soil and subsoil characteristics;
- (h) the topography of the site and its drainage;
- (i) natural features such as lakes, streams, topsoil, trees, and shrubs;
- (j) prevailing winds;
- (k) visual quality;
- (l) community facilities;
- (m) energy conservation; and
- (n) other matters as may affect the proposed development.

## 7.6 Building Lines

7.6.1 The Council may, notwithstanding zone standards, establish building lines for any subdivision street and require any new building to be located on such building lines.

## 7.7 Land for Public Open Space

7.7.1 Before development commences the developer shall dedicate to the Town, at no cost to the Town, an area of land equivalent to 10% of the gross area of the subdivision for useable public open space.

7.7.2 For the purpose of Subsection 7.7.1, “usable public open space” means land which:

- (a) has at least 6.0 metres of frontage on a public street, or where no frontage exists, connects to existing public lands;
- (b) is not subject to any easement for electrical power transmission lines, or other utilities;
- (c) shall be certified, in a form acceptable to the Town, as being free from all encumbrances; and
- (d) contains characteristics suitable for public open space purposes, to be determined at the sole discretion of the Town. Such characteristics might include, but are not limited to:
  - i. lands suitable for walking or hiking;
  - ii. lands suitable for public parks and playgrounds;
  - iii. lands suitable for public gardens;
  - iv. lands that provide pedestrian connectivity to amenities or between neighbourhoods;
  - v. lands that provide public access to the shore;
  - vi. vehicular access to navigable waters, suitable for public boat launching or retrieval; or,
  - vii. lands containing structures, buildings, or views of significant historic value to the community and usable for public purposes.

7.7.3 Notwithstanding Subsection 7.7.1, public open space dedication shall not be required for:

- (a) lot consolidations;
- (b) lot boundary adjustments where no additional lots are created;
- (c) subdivisions arising from the probate of a will;
- (d) subdivision of land owned by a public body; or

- (e) subdivisions that create no more than three cumulative lots from an area of land as it existed on the effective date of these Regulations;
- 7.7.4 The location and suitability of any land dedicated under the provisions of Subsection 7.7.1 shall be subject to the approval of Council, but in any case, Council shall not accept land which, in its opinion, is incapable of development for any purpose due to steep slopes, contamination, the location of natural features, the dimensions of the land, or any other reason.
- 7.7.5 Council may accept from the developer a payment of a sum of money in lieu of such area or areas of land, equal to the value of the land, after subdivision, which would otherwise be required to be dedicated.
- 7.7.6 Money received by Council in accordance with Subsection 7.7.5 shall be reserved by Council for the purpose of the acquisition or development of land, facilities or infrastructure for public open space or other public purpose.
- 7.7.7 Land dedicated for public use in accordance with this Regulation shall be conveyed to the Town and may be sold or leased by Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- 7.7.8 Council may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of Council, constitute the requirement of land for public use under Subsection 7.7.1.

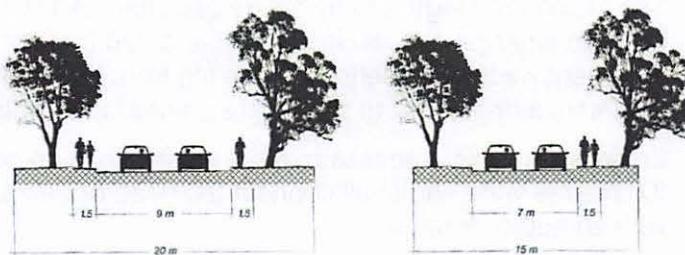
## 7.8 Structure in Street Reservation

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

## 7.9 Subdivision Design Standards

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

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) New subdivisions shall have street connections with an existing street or streets.
- (c) All street intersections shall be constructed within 5.0 degrees of a right angle and this alignment shall be maintained for 30.0 metres from the intersection.
- (d) No street intersection shall be closer than 60.0 metres to any other street intersection.
- (e) No more than four streets shall join at any street intersection.
- (f) No residential street block shall be longer than 490.0 metres between street intersections.
- (g) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Council, but in the absence of such standards, shall conform to the following minimum standards:



### Collector Street

Min. Street Right-of-Way: 20 m  
Min. Street Width: 9 m  
Minimum Sidewalk Width: 1.5 m  
Number of Sidewalks: 2

### Local Street

Min. Street Right-of-Way: 15 m  
Min. Street Width: 7 m  
Minimum Sidewalk Width: 1.5 m  
Number of Sidewalks: 1

- (h) Notwithstanding (g), streets within Taverner's Point shall conform with the following standards:

Min. Street Right-of-Way:	10 m
Min. Street Width:	7 m
Number of Sidewalks	0

- (i) No lot intended for residential purposes shall have a depth exceeding four times the frontage.
- (j) Residential lots shall not be permitted that abut a local street at both front and rear lot lines.
- (k) Council may require any existing natural, historical, or architectural feature or part thereof to be retained when a subdivision is developed.
- (l) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

7.9.2 No lot shall be created that landlocks an area of land or otherwise prejudices the development of abutting lands.

## 7.10 Cul de Sacs

7.10.1 Cul de sacs shall only be permitted if, in the opinion of Council, no through connection is viable and the following design standards are met:

- (a) Every cul de sac shall be provided with a turning circle of a finished surface diameter not less than 20.0 metres.
- (b) The maximum length of any cul de sac shall be 110.0 metres (without emergency vehicle access) and 230.0 metres (with emergency access meeting Clause (c)) from the centre line of the intersecting street to the centre point of the turning circle.
- (c) Emergency vehicle access to a cul de sac shall be not less than 3.0 metres wide and shall connect the head of the cul de sac with an adjacent street.
- (d) No cul de sac shall be located so as to appear to terminate a collector street.

## 7.11 Engineer to Design Works and Certify Construction Layout

7.11.1 Plans and specification for all water mains, hydrants, sanitary sewers, storm sewers, and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Council to service the area proposed to be developed or-subdivided shall be designed and prepared by or approved by the Engineer. Such designs and specifications shall, upon approval by Council, be incorporated in the plan of subdivision.

7.11.2 Upon approval by Council of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at the developer's cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by Council to service the said area.

## **7.12 Developer to Pay Engineer's Fees and Charges**

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

## **7.13 Street Works may be Deferred**

7.13.1 The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Council may be deferred until a later stage of the work on the development.

7.13.2 Prior to approval, the developer shall deposit with the Town an amount estimated by the Engineer as sufficient to cover construction and installation costs of deferred works, to be held in trust with all interest earned credited to the developer.

7.13.3 In the later stage of the work of development, Council shall call for tenders for construction and installation of the deferred works, and the amount so deposited by the developer shall be applied towards payment of the contract cost.

7.13.4 If the contract cost exceeds the deposit, the developer shall pay to the Town the amount of the excess. If the contract price is less than the deposit, the Town shall refund the amount by which the deposit exceeds the contract price.

## **7.14 Transfer of Streets and Utilities**

7.14.1 Where required by the terms of a Subdivision Development Agreement, the developer shall, following the approval of the subdivision of land and upon request of Council, transfer to the Town, at no cost to the Town, and clear of all liens and encumbrances:

- (a) all lands in the area proposed to be developed or subdivided which are approved and designated by the Town for public uses as streets, or rights-of-way, or for other public use; and
- (b) all services or public works including streets, water supply and distribution, and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by the Town.

7.14.2 Before the Town shall accept the transfer of lands, services, or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services, and public works installed in the subdivision and certify his or her satisfaction with their installation.

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

## **7.15 Restriction on Sale of Lots**

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

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

## **7.16 Notification of NL Hydro**

7.16.1 Council shall inform NL Hydro and obtain approval from NL Hydro prior to the approval and development of any street, public or private, underneath electrical transmission lines.

## 8 USE ZONES

### 8.1 Identification of Zones

8.1.1 For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Schedule 'B', the Zoning Maps, attached to and forming part of these Regulations.

### 8.2 Interpretation of Use Zones

8.2.1 Boundaries between zones shall be determined as follows:

- (a) where a zone boundary is indicated as following a survey line, the boundary shall follow that line;
- (b) where a zone boundary is indicated as following a street, private road, or controlled access highway, the centreline of the street, private road, or controlled access highway shall be the boundary unless otherwise indicated;
- (c) where a zone boundary is indicated as following a railway or utility right-of-way, the centreline of the right-of-way shall be the boundary unless otherwise indicated;
- (d) where the zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
- (e) where the zone boundary is indicated as following the shoreline of a river, watercourse, lake or salt water body, the mean high water mark shall be the boundary; and
- (f) where none of the above provisions apply, Council shall scale the zone boundary from the zoning map.

### **8.3 Use Zones**

8.3.1 The following use zones have been established in the Trinity Planning Area and the following abbreviations have been used to identify individual Use Zones on the Zoning Map:

Heritage Area	HA
Mixed Development	MD
Rural	RU
Open Space	OS
Protected Water Supply	PW
Season Residential	SR

### **8.4 Permitted Uses**

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

### **8.5 Discretionary Uses**

8.5.1 Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zones may be permitted in that Use Zone if:

- (a) Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest; and,
- (b) Council has given notice of the application in accordance with Section 2.15 and has considered any objections or representations which may have been received on the matter.

### **8.6 Prohibited Uses**

8.6.1 Uses that do not fall within the Permitted or Discretionary Use Classes in any zone, or are specifically listed as a Prohibited Use, shall not be permitted.

## 9 HERITAGE AREA USE ZONE (HA)

### 9.1 Permitted Main Uses

9.1.1 The following main uses are permitted in the Heritage Area Use Zone, subject to all applicable requirements of these Regulations:

- Artist's Studio
- Cemetery – Existing
- Childcare
- Conservation
- Cultural and Civic
- Double Dwelling
- Medical Clinic
- Office
- Parks, Playgrounds, and Walking Trails
- Personal Service
- Professional Services
- Single Dwelling
- Theatre

### 9.2 Discretionary Uses

9.2.1 Council may consider the following main uses in the Heritage Area Use Zone, subject to all applicable requirements of these Regulations and the procedures for discretionary uses:

- Animal Care
- Bar or Lounge
- Cemetery – New
- Club and Lodge
- Commercial Accommodations
- General Assembly
- Indoor Market
- Marina
- Marine-related Uses such as fishing sheds, stages, and boat houses
- Multi-unit Dwelling

Outdoor Market
Place of Worship
Restaurant
Shop
Wharves, Slipways, and Docks

### **9.3 Prohibited Uses and Structures**

9.3.1 Accessory structures in the form of domestic garages, carports, ramps, and radio and television antennae shall be prohibited in the Heritage Area Zone.

### **9.4 Fort Point Area Development**

9.4.1 Notwithstanding Section 9.1 and 9.2, development in the area between the Town Boundary at Dunfield and Fort Point shall be limited to seasonal residential dwellings, recreational trails and conservation, presentation and interpretation of the Trinity Lighthouse and other historical and archaeological sites at Fort Point.

9.4.2 Development within Fort Point shall not be on the basis of central sewer and water.

### **9.5 Gun Hill / Rider Hill Special Policy Area Development**

9.5.1 Development in the Gun Hill / Rider Hill Special Policy Area shown on the Land Use Zoning Map shall be limited to public trails and interpretive signage.

## 9.6 Development Requirements

9.6.1 Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the Heritage Area Use (HA) Zone unless the following requirements are met:

Requirement	Residential and Commercial Uses	Seasonal Dwelling – Fort Point*
Minimum Lot Area	450 m <sup>2</sup>	4,050 m <sup>2</sup>
Minimum Floor Area	70 m <sup>2</sup>	80 m <sup>2</sup>
Maximum Lot Coverage	33%	N/A
Minimum Lot Frontage	Discretion of Council	30 m along road to Fort Point
Minimum Building Line Setback	6 m or consistent with adjacent dwellings	8 m
Minimum Rear Yard	9 m	9 m
Minimum Side Yard	1.2 m	3 m
Minimum Building Height	4 m or consistent with dwellings	4 m
Maximum Building Height	11 m	11 m

\*Seasonal residential use at Fort Point shall also meet provincial requirements for on-site septic systems.

## 9.7 Frontage of a Publicly Maintained Street

9.7.1 Notwithstanding Section 3.17, development of a parcel of land that does not front directly on a publicly maintained street may be considered as a discretionary use in the Heritage Area Zone in exceptional circumstances where the property:

- can be shown to have been developed in the past;
- can be accessed by a right of way of sufficient width, constructed so that it is accessible to emergency vehicles; and
- can be connected to the Town's piped water and sewer system.

9.7.2 At Fort Point, development in the Heritage Area Zone shall front on and have access to the road from Dunfield to Fort Point notwithstanding that the road is not publicly maintained road on a year-round basis. Applications for seasonal residences in the Fort Point area will be advised that the road is not publicly maintained and that the costs for the purposes of upgrading to service seasonal residential properties in the future will be subject to a service levy applied to properties that benefit from the upgrading.

## **9.8 Taverner's Point Area Development**

9.8.1 Development in the Taverner's Point Area requiring the construction of new streets, or significant upgrading of existing paths or streets to bring them up to the Town's minimum standards as set out in Part 7 – Subdivisions of Land, may only be permitted after a comprehensive plan of the area has been approved by Council.

## **9.9 Wharves, Docks, and Marinas**

9.9.1 In the Lower Trinity area of the Heritage Area Use Zone wharves, docks, marinas, and other harbour-related structures and uses such as fishing stages and sheds shall be limited to the area between Tabins Point and Fishers Cove.

## **9.10 Demolition**

9.10.1 No demolition of any building or structure, excluding fences, shall take place within the Heritage Area Zone unless it has been approved by Council.

9.10.2 Buildings, properties, structures, or sites that are designated as heritage or historic resources under federal, provincial, or municipal legislation shall not be demolished, altered, expanded, or otherwise affected, without approval of the Council and any other agency required by provincial or federal legislation.

## **9.11 Fences & Walls in the Heritage Area Zone**

- 9.11.1 In addition to Section 3.11, fences in the Heritage Area Zone shall be constructed in the traditional style of vertical wooden pickets, (with or without scroll sawn patterns in pickets) wooden rail fences, wrought iron, stone or plant (as in hedges) material.
- 9.11.2 The maximum allowable height of a fence in the Heritage Area Zone shall not exceed 1.2 metres along any street or along any side lot line unless it is a hedge. The maximum allowable height of a fence along a rear property line is 1.8 metres.

## **9.12 Design Standards for Accessory Buildings in the Heritage Area Zone**

- 9.12.1 Accessory buildings in the Heritage Area Zone situated on the same lot as the main building:
  - (a) shall be consistent with the appearance of the main building in terms of cladding, door and window proportions, and materials;
  - (b) if accessory to a residential use, shall not exceed a total lot coverage of 10% or 70.0 square metres, whichever is less, for all accessory buildings on the lot; and
  - (c) shall not exceed a height of 4.0 metres.
- 9.12.2 Buildings accessory to a residential use in the Heritage Area Zone on a lot adjacent to the main lot but in the same ownership as the main building:
  - (a) shall be consistent with the appearance of the main building in terms of cladding, door and window proportions, and materials;
  - (b) shall not exceed a height of 6.0 metres or one and half (1 1/2) storeys, whichever is less; and
  - (c) shall not exceed a ground floor area of 70.0 square metres.

## **9.13 Design Standards for Renovations and Additions in the Heritage Area Zone**

**9.13.1** Renovations of and additions to existing buildings in the Heritage Area Zone shall meet all the requirements of this Section.

**9.13.2** General

- (a) Before issuing a permit for development or major renovations of a property the Town shall be satisfied that every reasonable effort has been made to provide a compatible use for the property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- (b) The character defining elements of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material, distinctive architectural feature, or example of skilled craftsmanship shall not be permitted unless the feature is unsalvageable, in which case the feature shall be duplicated in the appropriate material and original design.
- (c) Original architectural features that have deteriorated shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, colour, and texture. Repair or replacement of missing original architectural features shall be based on accurate duplication of features, substantiated by heritage, physical, or conjectural designs or the availability of different architectural elements from other buildings or structures.
- (d) Contemporary design for alterations and additions to existing properties may be permitted when:
  - i. such alterations and additions do not destroy character defining historical, architectural, or cultural material; and,
  - ii. such design is compatible with the size, scale, colour, material, and character of the property, neighbourhood, or environment.

### 9.13.3 General Form and Scale

- (a) The scale of a structure after alteration, construction, or partial demolition must be compatible with its architectural style and character, and with surrounding buildings and structures.
- (b) The relationship of the width to the height of the principal facade must be retained as close as possible to the original.
- (c) The size, shape and prominence of the porch, bridge or deck and entrance projection or doorway in a building shall be compatible with those found on buildings in the Heritage Area of similar architectural style.

### 9.13.4 Windows and Doors

- (a) Original windows and doors, including sash, lintels, sills, decorative glass, pediments, trims and hardware shall be retained or replaced with duplicates constructed with the original or other materials which match the original elements as closely as possible.
- (b) After alteration or construction, the proportions of and relationships between doors and windows shall be compatible with the original architectural style and character of the structure and with the character of the surrounding environment as documented.
- (c) Glazing shall not exceed the percentage of glazing prior to renovation or 25% of the area of any wall, whichever is more.

### 9.13.5 Roofs

- (a) The direction, pitch and arrangement of the roof or roofs shall be visually compatible with the original architectural style and character of the building.
- (b) Wherever possible, the original shape and materials of the roof shall be restored. Roof covering that has deteriorated beyond repair shall be replaced with new material that matches as closely as possible the existing original material in composition, size, shape, colour, and texture.
- (c) Roof shape shall not be altered unless the alteration restores the roof shape to its original state.
- (d) Nothing shall be done to change the essential character of the roof by adding architectural features or roofing materials inappropriate to the original style of the house.

- (e) The roof shall not be stripped of architectural features important to its character, such as dormer windows, cornices, brackets, chimneys, or gutters, nor the specified features altered, unless the removal or alteration will restore the features specified to their original state.
- (f) No roofs with pitch under 2/12 shall be added to or constructed on principal buildings.

#### 9.13.6 Finish Materials and Detail

- (a) Architectural details including materials, colours, and textures shall be treated so as to conform to the original architectural style and character of the building.
- (b) Except for chimneys and foundations, exterior cladding shall match the existing cladding or be wooden clapboard laid horizontally in narrow courses of 8.5 centimetres to 11.5 centimetres.
- (c) Trim shall match the existing building or include corner boards not less than 10.0 centimetres wide.
- (d) Extensions to an existing building shall be clad in visually compatible materials, and the original structure and extension should be finished in a uniform colour scheme compatible with the original architectural style.
- (e) Where original architectural features such as corner boards, cornices, brackets, window architraves, and doorway pediments have deteriorated, they shall be repaired or replaced with new material that duplicates the original as closely as possible.

#### 9.13.7 Foundations

- (a) Additions shall not have large areas of exposed foundation. Cladding shall be brought as close to grade as possible with a maximum clearance of 15.24 cm above the soil level. On sloping sites, a foundation shall be stepped or sloped to enable cladding to be brought as close to grade as possible with a maximum clearance of 15.24 cm above the soil level.
- (b) Reconstruction of foundation skirting on an existing building shall replicate the original, including water table elements.
- (c) Notwithstanding clauses (a) and (b), when development may be impacted by sea level rise increases in exposed foundation may be approved at the discretion of Council.

## 9.14 Design Standards for New Main Buildings in the Heritage Area Zone

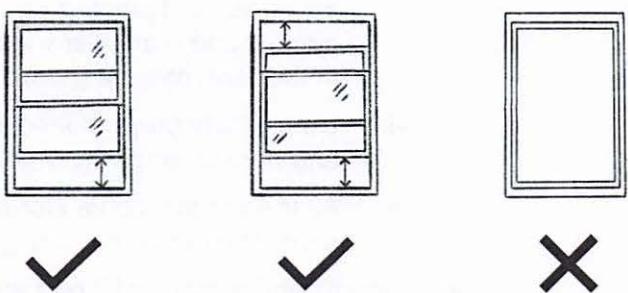
9.14.1 New main buildings in the Heritage Area Zone shall meet all the design requirements of this Section.

### 9.14.2 Windows and Doors

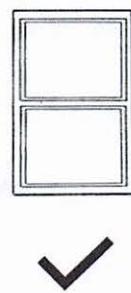
(a) Glazing shall not exceed 25% of the area of any wall.

(b) Windows on main buildings shall meet the following requirements:

i. Windows must be single or double hung.

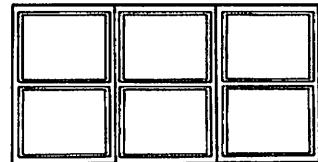


ii. Notwithstanding subclause (i), hinged storm windows and awning and fixed window types are permitted provided muntins are used to provide a window with a similar profile to a single hung window with a central meeting rail (check rail).



iii. Windows must be rectangular and vertically oriented with a minimum width to height ratio of 1:1.5 and a maximum width to height ratio of 1:2.

iv. Wider window opening may be achieved by combining vertically proportioned windows in a mullioned frame.

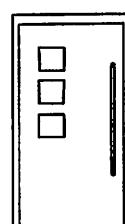
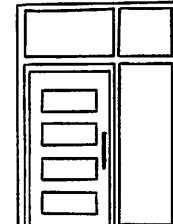
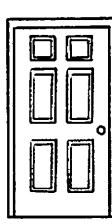


v. Notwithstanding subclause (iii) bay windows, round headed windows, and pointed windows as well as decorative circular and triangular windows, based on example found in the town may be permitted.

vi. Horizontally proportioned slider windows, picture windows, and curved windows shall not be permitted.

vii. All the windows on a storey shall be consistently aligned at either the top of the casing or the top of the glazing.

(c) Doors may be made of wood and incorporate recessed panels or a combination of recessed panels and glazing in a traditional style. Non-wooden doors designed in a manner which replicates a traditional style may also be permitted.

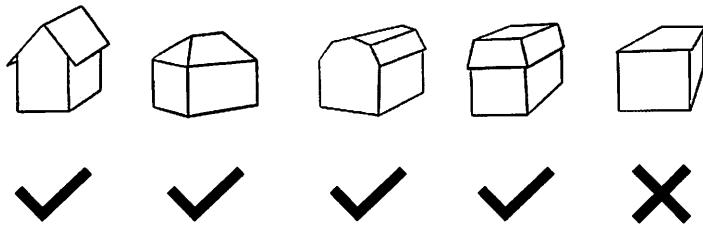


#### 9.14.3 Form

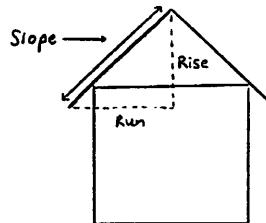
- (a) The proportions of any new building shall be rectangular in plan for the principal component.
- (b) Additive forms shall be permitted in the form of wings, ells, porches, verandas, dormers, and projecting bays.
- (c) The proportions of any new building, including additive forms, shall be as follows:
  - i. The minimum depth to width ratio shall be 1:1 1/4
  - ii. The maximum depth to width ratio shall be 1:2
- (d) The magnitude of the depth of the principal component shall not exceed the magnitude of the height of the building.

#### 9.14.4 Height and Roof Shape

- (a) Building height shall be a minimum of 1 1/2 storeys and a maximum of 2 1/2 storeys.
- (b) The roof shall be one of the following styles:
  - i. Gabled
  - ii. Hipped
  - iii. Gambrel
  - iv. Mansard



- (c) Roofs shall have a roof pitch between 2/12 and 12/12 (rise/run), except for gambrel or mansard style roofs.



- (d) The principal roof height, measured vertically from the lowest point of the eaves to the highest peak of the roof, shall not exceed 40% of the total building height. If the principal roof joins with the roof of an additive form, the roof height shall be measured from the lowest point on the eaves of the additive form roof.
- (e) Roof materials shall be one of the following:
  - i. Asphalt shingles;
  - ii. Felt and tar;
  - iii. Torch-on; or
  - iv. Wood shingles
- (f) Dormers shall be one of following styles:
  - i. Peaked;
  - ii. Gothic;
  - iii. Recessed Victorian Gothic;
  - iv. Shed; or
  - v. Hipped.
- (g) Dormer pitch shall be sympathetic to the overall roof design.
- (h) Window styles in dormers shall be consistent with Section 9.14.2 and the overall building design.

#### 9.14.5 Finish and Materials

- (a) Except for chimneys and foundations, exterior cladding shall be wooden clapboard or cement board laid horizontally in narrow courses of 8.5 centimetres to 11.5 centimetres.
- (b) Wooden window trim, door trim, and cornerboards shall be required, each with a minimum width of 10.0 centimetres.
- (c) Cladding and trim shall match on all sides of the building.

#### 9.14.6 Chimneys

- (a) Chimneys shall be clad in masonry or in wooden clapboard of the same course width and colour as the building's primary cladding.
- (b) Notwithstanding (a), chimneys that exit the building through the roof shall be permitted to be clad in metal.

#### 9.14.7 Foundations

- (a) New buildings shall not have large areas of exposed foundations. Cladding shall be brought as close to grade as possible with a maximum clearance of 15.24 centimetres above soil level. On sloping sites, a foundation shall be stepped or sloped to enable cladding to be brought as close as possible to grade with a maximum clearance of 15.24 centimetres above the soil level.
- (b) Notwithstanding clause (a), when development may be impacted by sea level rise, increases in exposed foundation may be approved at the discretion of Council.

## 10 MIXED DEVELOPMENT USE ZONE (MD)

### 10.1 Permitted Main Uses

10.1.1 The following main uses are permitted in the Mixed Development Use Zone, subject to all applicable requirements of these Regulations:

- Artist's Studio
- Childcare
- Conservation
- Cultural and Civic
- Double Dwelling
- Grouped Dwelling
- Multi-unit Dwelling
- Parks, Playgrounds, and Walking Trails
- Single Dwelling
- Theatre

### 10.2 Discretionary Uses

10.2.1 Council may consider the following main uses in the Mixed Development Use Zone, subject to all applicable requirements of these Regulations and the procedures for discretionary uses:

- Agriculture
- Animal Care
- Bars and Lounges
- Cemetery
- Club and Lodge
- Commercial Accommodations
- Convenience Stores
- Funeral Home
- General and Light Industry
- General Services
- Indoor Market
- Marina
- Marine-related Uses, such as fishing sheds, stages, and boat houses
- Medical Clinic
- Mineral Exploration

Office
Outdoor Market
Place of Worship
Professional Services
Restaurants
School
Service Station
Shops
Telecommunications and Antenna
Wharves, Slipways, and Docks

### 10.3 Development Requirements

10.3.1 Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the Mixed Development Use (MD) Zone unless the following requirements are met:

Standard	Dwellings	Discretionary Uses
Minimum lot area*	450 m <sup>2</sup>	450 m <sup>2</sup>
Minimum frontage area	15 m <sup>2</sup>	26 m <sup>2</sup>
Minimum building line setback	6 m	8 m
Minimum side yard	1 m	5 m
Minimum rear yard	9 m	10 m
Maximum lot coverage	33%	33%
Maximum building height	11 m	11 m

\*Lots shall also meet provincial requirements for on-site septic systems where applicable.

### 10.4 Building Line Setback

10.4.1 Notwithstanding the minimum building line setback set out in Regulation 10.3.1, development shall be required to be set back 20.0 metres from the centreline of Route 230.

## 10.5 Lot Area for Dwellings

10.5.1 Subject to the requirements of the Department of Government Services or the Department of Environment and Conservation, the area of land required per dwelling unit shall be determined, in accordance with the water and sewer services available, as follows:

Municipal piped water supply and connection to municipal sewer	450 m <sup>2</sup>
Municipal piped water supply and sewage disposal by septic tank and tile field	1400 m <sup>2</sup>
Well water supply and connection to a municipal sewer	1400 m <sup>2</sup>
Well water supply and sewage disposal by septic tank and tile field	1860 m <sup>2</sup>

## 10.6 Convenience Stores

10.6.1 Convenience stores shall be required to provide a landscaped hard surface parking lot with sufficient off street parking and well defined entrance and exit points to the street.

## 10.7 Service Stations

10.7.1 Service stations may only be permitted where they front onto Goose Cove Road.

10.7.2 Automobile service stations and garages shall conform to the following conditions:

- All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side.
- Pump islands shall be set back at least 4.0 metres from the front lot line.
- Access points shall be at least 7.0 metres wide and shall be clearly marked.

## 10.8 Accessory Buildings

10.8.1 In the Mixed Development Zone, the total of all accessory buildings associated with a residential use shall have a lot coverage no greater than 6% up to a maximum of 80.0 square metres and no accessory building shall have a height of more than 5.0 metres.

# 11 RURAL USE ZONE (RU)

## 11.1 Permitted Uses

11.1.1 The following main uses are permitted in the Rural Use Zone, subject to all applicable requirements of these Regulations:

- Agriculture
- Conservation
- Forestry
- Mineral Exploration
- Mineral Working and Mining
- Parks, Playgrounds, and Walking Trails
- Solar Collector System

## 11.2 Discretionary Uses

11.2.1 Council may consider the following main uses in the Rural Use Zone, subject to all applicable requirements of these Regulations and the procedures for discretionary uses:

- Campground
- Cemetery
- General Industry
- Light Industry
- Marine-related Uses, such as fishing sheds, stages, and boat houses, processing, and aquaculture
- Outdoor Assembly
- Outdoor Market
- Remote Cabins
- Restaurant
- Telecommunications and Antenna
- Wharves, Slipways, and Docks

### **11.3 Development of Trinity Loop**

11.3.1 Development of the Trinity Loop property may be considered in the form of seasonal or year-round commercial accommodations or tourism attraction. Proposals for development shall:

- (a) show how the development will integrate, retain and preserve the Trinity Loop historic structure and provide for public park areas;
- (b) ensure public access to the Trinity Loop, from within the development and the continuation of the railway right of way off the site.
- (c) demonstrate how the site will be provided with a sustainable supply of potable water for proposed uses; and
- (d) include plans for a wastewater management system designed so as not to result in future demands on the Town for piped servicing to the site.

11.3.2 Council may require upgrading of the public street to the site and may require as a condition of approval that the street be upgraded and maintained (including snow removal) at the developer's expense, to acceptable standards.

### **11.4 General Industry**

11.4.1 General industry uses may be permitted in the Rural Use Zone provided that they are restricted to maintenance and repair of equipment, processing and storage related to forestry uses or mineral workings, or where located along the coastline, are marine-related.

### **11.5 Mineral Workings**

11.5.1 All mineral workings, including pits, quarries and mines shall be subject to the requirements of the appropriate permit, lease or licence issued by the Mineral Lands Division, Department of Industry, Energy and Technology, for development, operation, decommissioning and rehabilitation. Where not addressed in an applicable provincial permit, lease, or licence, mineral workings shall meet the following requirements of Council:

- (a) Screening - A buffer shall be required to screen mineral workings visible from a public street. A buffer may consist of a 30-metre-wide tree screen, a landscaped berm, or as required by Council. Council may waive the requirement for a buffer where natural topography creates a visual screen between mineral workings and adjacent public highways and streets.
- (b) Fencing - Council may require the mineral working site or excavated area of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.
- (c) Water Pollution - No mineral working or extraction activity shall be permitted within 50.0 metres of a waterbody or watercourse.
- (d) Water Ponding - No mineral working shall result in the excavation of areas below the level of the water table nor in any way cause the accumulation or ponding of water in any part of the site. Settling ponds may be permitted with the approval of the Department of Environment and Climate Change.
- (e) Site Maintenance - The mineral working shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.
- (f) Access Roads - During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of Council.
- (g) Stockpiling Cover Material - All stumps, organic material, and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5.0 metres from uncleared areas and 10.0 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quantity of the topsoil is not affected by dilution with other materials.
- (h) Termination and Site Rehabilitation - Upon completion of the mineral working, the following work shall be carried out by the operation:
  - i. All buildings, machinery and equipment shall be removed.
  - ii. All pit and quarry slopes shall be graded to slopes less than 20 degrees or to the slope conforming to that existing prior to the mineral working.
  - iii. Topsoil and any organic materials shall be re-spread over the entire quarried area and the area hydroseeded.
  - iv. The access road to the working shall be ditched or barred to the satisfaction of Council.

## 11.6 Building Line, Route 230

11.6.1 The building line with respect to Route 230 shall be 150 metres, measured from the centreline of Route 230.

## 11.7 Residential Accessory Buildings

11.7.1 The total of all accessory buildings associated with a residential use shall have a lot coverage no greater than 6% up to a maximum of 80.0 square metres and no accessory building shall have a height of more than 5.0 metres.

## 11.8 Remote Cabins

11.8.1 Remote cabins may only be considered in the areas around Loop Pond, Second Pond, and Karens Pond subject to the following conditions:

- (a) they are for development of a single lot that is not part of a multi-lot subdivision of land;
- (b) buildings have a floor area not greater than 60.0 square metres and a height not exceeding 1.5 storeys;
- (c) they are located no closer than 45.0 metres to any other remote cabin;
- (d) they are located at least 30.0 metres from the nearest waterbody, stream, or river;
- (e) access shall be limited to existing trails that are not intended for, nor passable or meant for use by automobiles;
- (f) the remote cabin shall not be serviced with electrical power; and
- (g) a permit has been obtained for the remote cabin from the Crown Lands Division, Department of Fisheries, Forestry and Agriculture.

## 12 OPEN SPACE USE ZONE (OS)

### 12.1 Permitted Uses

12.1.1 The following main uses are permitted in the Open Space Use Zone, subject to all applicable requirements of these Regulations:

Conservation

Parks, Playgrounds, and Walking Trails

### 12.2 Discretionary Uses

12.2.1 Council may consider the following main uses in the Open Space Use Zone, subject to all applicable requirements of these Regulations and the procedures for discretionary uses:

Cultural and Civic

Mineral Exploration

Wharves, Slipways, and Docks

### 12.3 Cultural and Civic Uses

12.3.1 The existing public park area in Lower Trinity shall continue to be used for a public park and gathering place for community events such as sports, festivals, and concerts.

## 13 PROTECTED WATER SUPPLY USE ZONE (PW)

### 13.1 Permitted Uses

13.1.1 The following main uses are permitted in the Protected Water Supply Use Zone, subject to all applicable requirements of these Regulations:

Conservation

Walking Trails

Watershed

### 13.2 Discretionary Uses

13.2.1 Council may consider the following main uses in the Protected Water Supply Use Zone, subject to all applicable requirements of these Regulations and the procedures for discretionary uses:

Forestry

Wharves, Slipways, and Docks

### 13.3 Forestry Use

13.3.1 Forestry use shall only be permitted where the use has been reviewed and approved by the Water Resources Management Division, Department of Environment and Climate Change.

### 13.4 Prohibited Uses

13.4.1 No permanent buildings or structures shall be permitted within this use zone except those installed by the Town and necessary for the preservation of the natural environment, scientific research, or the operation and maintenance of the municipal public water supply.

### 13.5 Referral

13.5.1 All development within the Protected Water Supply Zone shall be referred to the Water Resource Management Division for review and approval under Section 39 of the *Water Resources Act, 2002*.

## 14 SEASONAL RESIDENCE USE ZONE (SR)

### 14.1 Permitted Uses

14.1.1 The following main uses are permitted in the Seasonal Residential Use Zone, subject to all applicable requirements of these Regulations:

Conservation  
Parks and Walking Trails  
Seasonal Residences

### 14.2 Discretionary Uses

14.2.1 Council may consider the following main uses in the Seasonal Residential Use Zone, subject to all applicable requirements of these Regulations and the procedures for discretionary uses:

Mineral Exploration  
Wharves, Slipways, and Docks

### 14.3 Development Requirements

14.3.1 Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the Seasonal Residential (SR) Zone unless the following requirements are met:

Standard	
Minimum lot frontage	30 m
Minimum side yard	5 m
Minimum rear yard	15 m
Maximum lot coverage	33%
Maximum building height	12 m

14.3.2 Water supply and sewage disposal in the Seasonal Residential Zone shall be by well and on-site septic system approved by the Government Service Centre.

14.3.3 Lot Frontage – all lots shall front on a common access road, constructed to standards approved by Council. The costs of construction and maintenance shall be at the expense of the developer.

14.3.4 Seasonal residential developments shall be subject to a Development Agreement between the applicant and the Town.

14.3.5 Seasonal residential developments, whether part of a subdivision of individual lots, or a development that includes grouped dwelling units on a single lot, shall be planned so that the placement of dwellings on a lot can capture a view, avoid blocking scenic views from adjacent lots and buildings, prevent significant cut or fill due to topography, or to preserve natural features such as waterways or stands of trees. The placement of dwellings and accessory buildings for each lot will be approved at the time of subdivision approval and be shown on a site grading plan. Seasonal residential developments located at or near a coastal shoreline shall not have dwellings or accessory buildings located any closer than 30 metres from the top of a shoreline embankment.

14.3.6 Seasonal residential developments shall provide public access to coastal or freshwater shoreline beaches which may be used as part of the open space requirement for the development.

14.3.7 A right of way or access to a seasonal residential development shall:

- be constructed to standards set by the Town at the expense of the developer;
- be maintained by the developer or owners of lots within the development; and
- where a public right of way, remain open to the public and shall not be gated, or otherwise blocked so as to prevent the public use of the right of way.

## 15 DEFINITIONS

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



Provincial  
Reg. 4(a)

2. **Accessory Building** means

- a) A detached subordinate building not used as a dwelling, located on the same lot, or on a lot adjacent to the main building to which it is an accessory, and which has a use that is customarily incidental and complementary to, the main use of the building or land (see illustration);
- b) For residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets or radio and television antennae;
- c) For commercial uses, workshops or garages; and
- d) For industrial uses, garages, offices, raised ramps and docks.



Provincial  
Reg. 4(b)

3. **Accessory Use** means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.



Provincial  
Reg. 4(c)

4. **Act** means the Urban and Rural Planning Act, 2000.



Provincial  
Reg. 2(a)

5. **Agriculture** means horticulture, fruit, grain or seed growing, dairy farming, the breeding or rearing of livestock, including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for any other purpose, but does not include Urban Agriculture uses.

6. **Animal Care** means the use of land, a building, or part thereof for the care of domestic animals and may include pet grooming, pet daycares, and veterinarians but shall not include overnight boarding.

7. **Appeal Board** means the appropriate Appeal Board established under the Act.



Provincial  
Reg. 2(b)

8. **Applicant** means a person who has applied to an Authority for an approval or permit to carry out a development

9. **Architectural Style** means the classification of buildings according to their appearance, structure, materials, and historic period.

10. **Artist's Studio** means the use of land, a building, or part thereof for the sale of art, sculpture, pottery, woodworking, jewelry, leather goods, hats, quilts, or similar craft products by individuals engaged in their production.

11. **Bar or Lounge** means a building licensed or proposed to be licensed under the *Liquor Control Act* wherein meals and food may be served for consumption on the premises and in which entertainment may be provided, including lounges, nightclubs, and microbreweries or small-scale distilleries.

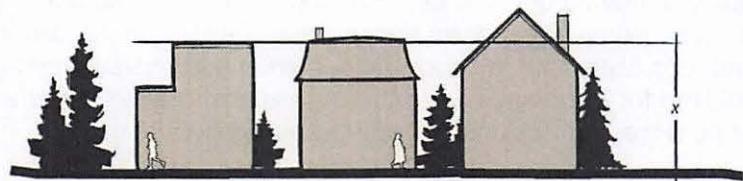
12. **Building** means<sup>1</sup>

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

13. **Building Height** means the vertical distance, measured in meters from the established grade to the;



- a) highest point of the roof surface of a flat roof;
- b) deck line of a mansard roof;
- c) mean height level between the eave and the ridge of a gable, hip or gambrel roof; and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above the roof.



14. **Building line** means a line established by an Authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed.

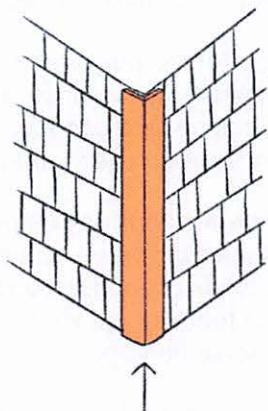


15. **Business Office** means the use of a building or part thereof for the purpose of regularly conducting business, performing a service, or offering consultation, but shall not include manufacturing or the selling of retail goods.

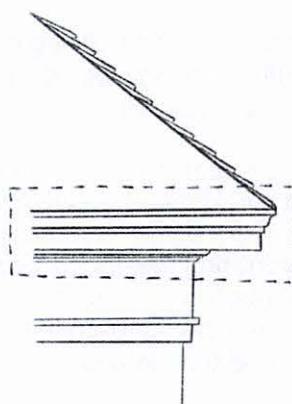
<sup>1</sup> Section 2(c) Urban and Rural Planning Act, 2000

16. **Campground** means the use of land to accommodate the traveling public in temporary structures or vehicles such as, but not limited to, tents, travel trailers, or RVs, and may include accessory uses such as, but not limited to, staff accommodations, recreational facilities, canteens, and shared laundry facilities.
17. **Cemetery** means land used for the purpose of properly burying, or containing in a secure facility, human remains in accordance with legal, social, and public health requirements. It may also include land used for the purpose of burying or containing animal remains and may include accessory mausoleums or columbaria.
18. **Character Defining Elements** means any tangible or intangible feature that expresses the heritage values associated with a historic place. This may include the materials, forms, location, spatial configurations, uses, and cultural associations or meanings that contribute to the heritage value of a historic place, and which must be retained in order to preserve heritage value.
19. **Childcare** means a building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime, but does not include a school.
20. **Club and Lodge** means the use of a building or part thereof for a meeting place for members of an organization and may include a lodge, a legion, a fraternity or sorority house, and a labour union hall.
21. **Collector Street** means a street that is intended to provide circulation between neighbourhoods or from a neighbourhood to the wider transportation network.
22. **Commercial Accommodations** means the use of a building to provide overnight accommodations to the travelling public and includes, but is not limited to, inns, motels, hotels, guest houses, bed-and-breakfasts, tourist cabins, yurts, geodesic domes, tourist cottages, and the rental of a dwelling for a period of 28 days or less.
23. **Cultural and Civic** means the use of land or a building for public or private gathering spaces intended for cultural or civic purposes. This includes government offices, courts, libraries, galleries, museums and interpretive or cultural centres, but does not include police or emergency services.
24. **Conservation** means the use of land in such a way as to conserve and enhance its natural or scenic resources, for the protection of features such as streams, water supplies, flood plains and steep slopes.
25. **Convenience Store** means a building used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionary and grocery items, rental of video movies, and a delicatessen or snack bar provided that any eating facility is within a wholly enclosed building.

26. **Corner Board** means a vertical board on the external corner of a structure and against which the ends of siding or cladding is fitted.



27. **Cornice** means a horizontal decorative moulding that crowns a building.



28. **Development**<sup>2</sup> means the carrying out of building, engineering, mining or other operations in, on over, or under land, or the making of a material change in the use, or the intensity of use of land, buildings, or premises and the

- a) making of an access onto a highway, road or way;
- b) erection of an advertisement or sign,;
- c) construction of a building;
- d) parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation;

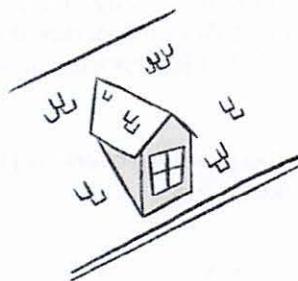
but excludes the

- e) carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;
- f) carrying out by a highway Council of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;
- g) carrying out by a local Council or statutory undertakers of works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of street or other land for that purpose; and
- h) use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.

29. **Discretionary Use** means a use that is listed within the discretionary use classes established in the use zone tables of an Authority's development regulations.



30. **Dormer** means a protruding structure built out of a sloped roof.



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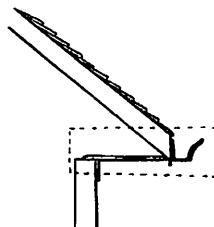
<sup>2</sup> Section 2(g) Urban and Rural Planning Act, 2000

**31. Dwelling** means a building or a part of a building occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units, and shall include a modular home, mobile home, or mini home but shall not include a commercial accommodation or recreational vehicle.

- (a) **Converted Dwelling** means a single dwelling converted to contain a greater number of dwelling units than the dwelling contained prior to that conversion.
- (b) **Double Dwelling** means a dwelling divided horizontally or vertically into two dwelling units, each of which has an independent entrance either directly or through a common vestibule.
- (c) **Grouped Dwelling** means two or more dwellings, each containing one or more dwelling unit, located on a lot.
- (d) **Multi-unit Dwelling** means a dwelling containing three or more dwelling units, but does not include a single dwelling converted to contain a greater number of dwelling units than the dwelling contained prior to that conversion.
- (e) **Secondary Dwelling** means a subservient dwelling either located within a single dwelling or a double dwelling or in a building on a lot with a single dwelling or double dwelling, and for the purposes of the definition of other dwellings shall not be counted towards the total number of dwellings in a building or on a lot.
- (f) **Single Dwelling** means a dwelling containing one dwelling unit.

**32. Dwelling Unit ("DU")** means one or more habitable rooms within a dwelling designed, occupied, or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.

**33. Eaves** means the edges of the roof that overhang the face of a wall and, normally, project beyond the side of a building.



34. **Engineer** means a professional engineer employed or retained by the Council.

35. **Erect** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

36. **Established Grade** means

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

37. **Existing** means legally existing as of the effective date of these Regulations, unless otherwise noted.

38. **Floor Area** means the total area of all floors in a building measured to the outside face of exterior walls.

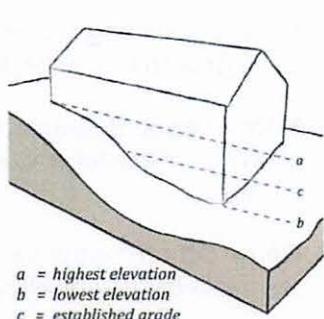
39. **Forestry** means commercial silviculture and the production of timber or pulp and uses associated with a forestry use, including sawmills, vehicle and equipment storage, and maintenance buildings and yards.

40. **Funeral Home** means a building used for the preparation, temporary display, and/or funeral ceremony of deceased persons and may include a crematorium.

41. **Garage** means a building erected for the storage of motor vehicles as an ancillary use to a main building on the lot.

42. **General Assembly** means the use of land or buildings for private gathering spaces intended for entertainment or recreational purposes. This includes auditoriums, bowling alleys, halls, and gymnasiums, but does not include cultural and civic uses.

43. **General Industry** means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, breaking up, demolishing, or treating any article, commodity, or substance. "Industry" shall be construed accordingly.



Provincial  
Reg. 4(f)

Provincial  
Reg. 4(h)

44. **General Services** means a use involved with the provision of a general service for monetary gain such as non-hazardous dry cleaners, laundromats, and appliance repairs.

45. **Height** means building height or, where the structure is not a building or has no roof, means the vertical distance measured from established grade to the highest point on the structure.

46. **Historic Building** means a building that was constructed in Trinity's Historic Area Zone prior to Confederation (1949).

47. **Home-based Business** means an accessory use of a dwelling and/or accessory building for gainful employment involving the provision or sale of goods and/or services.

48. **Home Office** means a secondary use of a dwelling unit by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity.

49. **Inspector** means any person appointed and engaged as an Inspector by Council or by any federal or provincial authority or the agent thereof.

50. **Land** includes land covered by water, and buildings and structures on, over, under the soil and fixtures that form part of those buildings and structures.<sup>3</sup>

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

52. **Livestock** means domestic animals such as cattle, poultry or horses raised for home use or for profit. For the purposes of Urban Agriculture "small livestock" means chickens, ducks, rabbits, geese, guinea fowl, and other livestock of similar size, waste production, and temperament.

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

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

55. **Lot Area** means the total horizontal area within the lines of the lot.

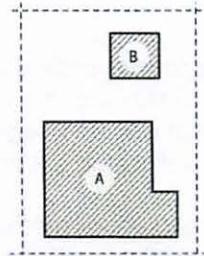


<sup>3</sup> Section 2(i) Urban and Rural Planning Act, 2000

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



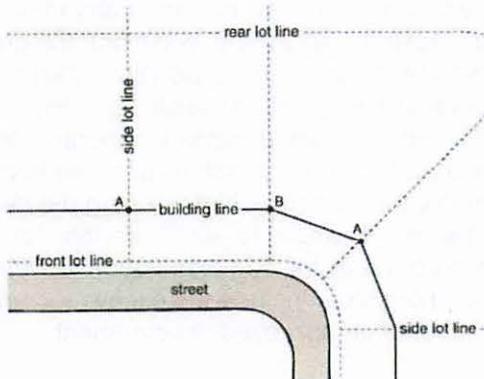
$$\text{Lot coverage} = \text{Area of A} + \text{Area of B} / \text{Lot area}$$



57. **Lot Line** means an outer boundary for a specific lot.

- (a) **Flanking Lot Line** means a lot line which is not the front lot line and abuts a street.
- (b) **Front Lot Line** means the line dividing a lot from the street. For a lot with multiple lot lines abutting a street, the shorter lot line adjacent to the street shall be deemed the front lot line and the longer lot line(s) abutting the street shall be deemed the flanking lot line(s).
- (c) **Rear Lot Line** means the lot line farthest from and closest to parallel with the front lot line.
- (d) **Side Lot Line** means any lot line that is not a front, rear, or flanking lot line.

58. **Lot Frontage** means the horizontal distance between side lot lines measured at the building line (the distance between points A and B in illustration below).



59. **Main Building** means any building or buildings in which is carried on the principal purpose for which the lot is used.

60. **Marina** means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, and other services that are typically available for boats and other watercraft, including storage, sales, and rentals, together with a club house and catering facilities.

61. **Market** means a building or approved vending site either indoor or outdoor where individual vendors operating from stalls, booths or other defined areas offer for sale food or goods items such as fresh fruit and vegetables, meat, fish and eggs, garden plants, baked foodstuffs, handicrafts, and second-hand goods.

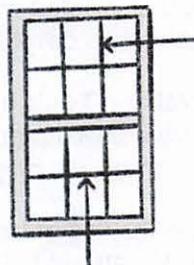
62. **Medical Clinic** means a building used for medical, dental, surgical, or therapeutic treatment of human patients, including consultation rooms, treatment centres, and harm reduction facilities. This does not include overnight facilities.

63. **Mineral Exploration (Development)** means the search for and sampling of minerals or quarry materials where the activity or activities involved meet the definition of “development” under the *Urban and Rural Planning Act*. “Mineral” and “quarry material” for the purpose of interpreting the definition of mineral exploration (development) are as defined in the provincial *Mineral Act* and *Quarry Materials Act*, 1998, respectively. Mineral exploration does not include mining or mineral working (e.g., quarrying). Activities which meet the definition of mineral exploration (development) are to be contrasted with mineral exploration (development) are to be contrasted with mineral exploration activities that do not meet the definition of development, examples of which include traditional prospecting, geochemical sampling surveys (of rock, soil, sediment, water, or vegetation), ground-based and airborne geophysical surveys, and the cutting of survey lines.

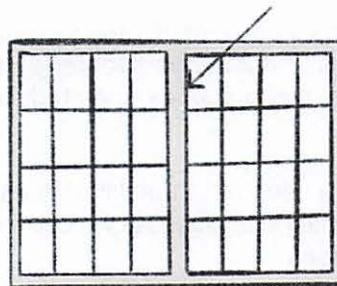
64. **Mineral Working** means land or buildings used for the working or extraction of any naturally occurring substance, including a pit or quarry. An operation consisting of one or more of the following activities: the digging for, excavation, and removal of quarry materials (i.e., quarrying)(may involve blasting), the removal of quarry materials previously excavated, the removal of quarry materials, the processing of quarry materials (e.g., crushing, screening, washing), the production of civil construction materials which use quarry materials in their natural form (e.g., asphalt, concrete), the re-processing of quarry materials including from reclaimed civil construction materials (e.g., reclaimed asphalt, concrete), the production of soil by blending organic materials with quarry materials, or the treatment or remediation of soil. “Quarry material” for the purpose of interpreting the definition of mineral working is as defined in the provincial *Quarry Materials Act*, 1998. Mineral working does not include mining but may include exploration (development) as a secondary activity. Mineral working does not include the excavation and removal of quarry materials as a by-product of an approved development.

65. **Mining** means an operation involving the extraction of mineral for sale and for which a mining lease is required under the provincial *Mineral Act* administered by the Department of Industry, Energy and Technology. “Mineral” for the purpose of interpreting the definition of mining is as defined under the *Mineral Act*. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the *Mineral Act* dimension stone (i.e., stone used for building facades, gravestones, etc.) is considered a mineral in Newfoundland but a quarry material in Labrador.

66. **Muntin** means horizontal and vertical elements that divide a single window into a grid.



67. **Mullion** means a vertical element between window units.



68. **Non-Conforming Use** means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.

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

70. **Owner** means a person or an organization of persons owning or having the legal right to Provincial use the land under consideration.

71. **Pediment** means a decorative moulding, often in a triangular shape, above a window or door.



72. **Permitted Use** means a use that is listed within the permitted use classes set out in the use zone tables of an Authority's development regulations.

 Provincial  
Reg. 4(o)

73. **Parks, Playgrounds, and Walking Trails** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps, walking trails, and similar uses.

74. **Personal Service Use** means the use of land, a building, or part thereof for the provision of services intended to attend to the care and needs of the person and may include, but is not limited to, salons, barbers, tattoo shops, tailors, coblers, and dry cleaning drop-off counters.

75. **Place of Worship** means a place dedicated to religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.

76. **Prohibited Use** means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an Authority specifies as not permitted within a use zone.

 Provincial  
Reg. 4(p)

77. **Public Use** means any lands, structure or building which is constructed for use by the general public, including but not limited to parks, playgrounds, trails, paths and other recreational and open spaces, scenic and historic sites, publicly funded buildings such as schools, hospitals, libraries and other public buildings and structures.

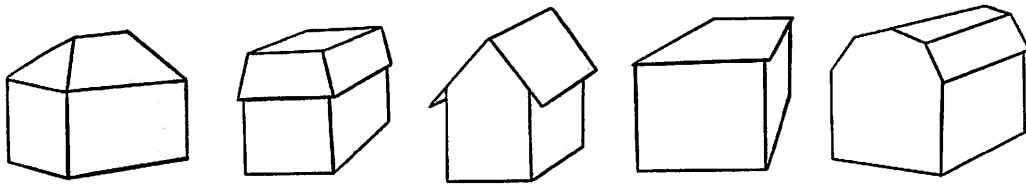
78. **Remote Cabin** means a building meant for seasonal habitation located in areas not accessible via publicly maintained streets.

79. **Residential Care Facility** means a use or building designed for people seeking assisted home care by the content and layout of the structure (size, number of bedrooms, shared kitchens, etc.), provisions for common dining facilities, recreation areas, lounges, libraries, respite units, and the accessibility of all units and facilities for persons living with disabilities.

80. **Restaurant** means a building or part thereof, designed or intended to be used or occupied for the purpose of serving the general public with meals or refreshments for consumption on the premises.

81. **Roof**

- (a) **Hipped Roof** is a roof with single slopes on all sides.
- (b) **Mansard Roof** is a two or four-sided, double sloped roof with a very steep lower slope and a flat (or near flat) upper slope.
- (c) **Gable Roof** is a two-sided, sloping roof with a single ridge and gables at either end.
- (d) **Flat Roof** is a roof with little or no slope.
- (e) **Gambrel Roof** is a two sided, double sloping roof.



82. **Screening** means the method by which a view of one site from another adjacent site is shielded, concealed, or hidden. The example on the right shows trees and fences being used to screen a parking lot from public view.

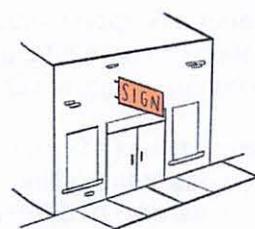
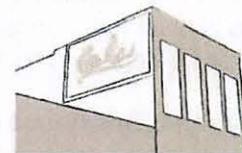
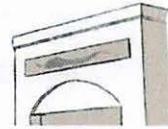
83. **Seasonal Residence** means a single dwelling used for recreation purposes that is not used for continuous habitation or as a permanent residence.

84. **Service Station** means any land or building used exclusively for the sale of petroleum products, automotive parts and accessories, minor repairs, washing, and polishing of motor vehicles.

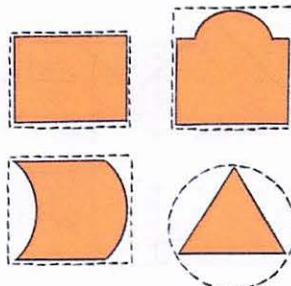
85. **Shop** means a building or part thereof used for retail trade wherein the primary purpose is the selling or offering for sale of goods, wares or merchandise by retail or the selling or offering for sale of retail services but does not include an establishment wherein the primary purpose of the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

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

- (a) Canopy/Awning Sign means a sign that has a structure of rigid or non-rigid material on a framework sheltering an area or forming a sheltered walk.
- (b) Wall Sign mean a sign attached directly to a building wall, where the sign face is parallel to the wall of the building to which it is attached.
- (c) Ground Sign means a sign supported by one or more uprights, placed permanently in the ground.
- (d) Mural Sign means a large image, such as a painting or enlarged photograph, applied directly to a wall or ceiling.
- (e) Projecting/Hanging Sign means any sign that is wholly or partly dependent upon a building for support and projects from the wall or face of a building or structure.



87. **Sign Area** means the area of the smallest rectangle, circle, or semi-circle that can enclose the surface area of the sign. Where a sign has two faces or more, the maximum area is permitted for each of the two faces.



88. **Solar Collector System** means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.

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

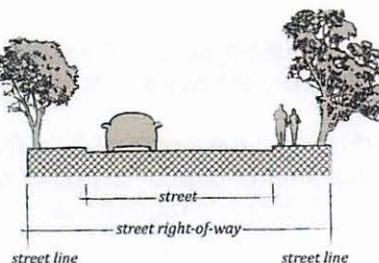


Provincial  
Reg. 4(t)

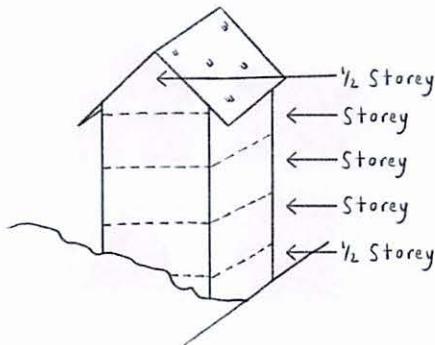
90. **Street Line** means the edge of a street reservation as defined by the Council having jurisdiction.



91. **Street Right-of-Way** means a strip of land between the street lines, acquired by reservation, dedication, or forced dedication intended to be occupied or occupied by a public street, road, or highway.



92. **Storey** means the entire floor or level of a building having a continuous or nearly continuous floor.



93. **Structure** means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, including buildings, walls, signs, and fences.

94. **Subdivision** means the dividing of land, whether in single or joint ownership, into two or more pieces for the purpose of development.<sup>4</sup>

95. **Urban Agriculture Use** means the use of a structure or land for the keeping of bees as an accessory use; the keeping of small livestock as an accessory use; or the domestic breeding, planting, cultivation or harvesting of plants such as vegetables, fruits, herbs, sprouts and flowers.

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



97. **Use Zone or Zone** means an area of land including buildings and water designated on the Zoning Map to which the uses, standards and conditions of a particular Use Zone Table apply.



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

99. **Variance** means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Table of the Authority's regulations.



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

<sup>4</sup> Section 2(q) Urban and Rural Planning Act 2000

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

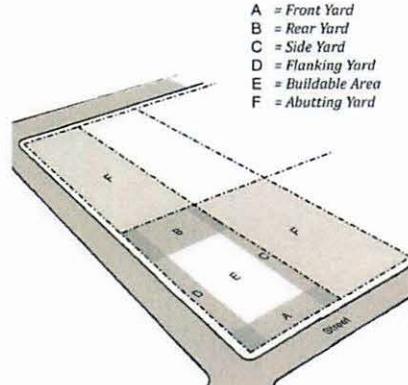
102. **Yard** means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in these Regulations.

- (a) **Rear Yard** means the distance between the rear lot line and the rear wall of the main building on a lot.
- (b) **Front Yard** means the distance between the front lot line of a lot and the front wall of the main building on the lot.
- (c) **Flanking Yard** means the side yard of a corner lot bounded by the street.
- (d) **Side Yard** means the distance between the side lot line and the nearest side wall of a building on the lot.
- (e) **Abutting Yard** means the yard of an abutting lot which shares a lot line of subject property.

  
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Reg. 4(s)

  
Provincial  
Reg. 4(z)



103. **Zoning Map** means the map or maps attached to and forming a part of the Authority's regulations.

## 16 SCHEDULES AND APPENDICES

### 16.1 Applicability of Schedules and Appendices

16.1.1 Schedules form part of these Regulations and require an amendment to these Regulations if they are to be changed. Appendices are for information purposes and may be replaced or updated without amending these Regulations.

**Schedule 'A' Plan Area**

**Schedule 'B' Zoning Maps**

**Schedule 'C' Slope Map**

**Appendix 'A' Provincial Development Regulations**

# Trinity Plan Area

SCHEDULE  
A

SCALE  
0 500 1,000 m

LAST UPDATED  
2024.10.07

PROJ.  
NAD83 CSRS  
MTM 1

DATA SOURCE  
CanVec, Gov't of Nfld,  
Town of Trinity

NORTH  
0 500 1,000 m

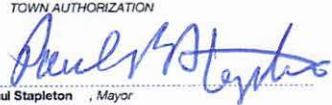
## LEGEND

- Trinity Municipal Boundary
- Plan area



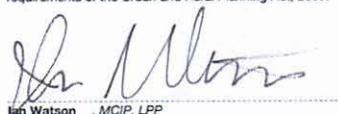
MINISTER

TOWN AUTHORIZATION

  
Paul Stapleton, Mayor

PROFESSIONAL CERTIFICATION

I certify that this Municipal Plan for the Town of Trinity has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000:

  
Ian Watson, MCIP, LPP

Municipal Plan/Amendment  
**REGISTERED**

Number \_\_\_\_\_  
Date \_\_\_\_\_  
Signature \_\_\_\_\_

31 10 2024  
Day Month Year

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