

December 14, 2006

**TOWN OF TRINITY  
MUNICIPAL PLAN AMENDMENT NO. 5, 2006  
DEVELOPMENT REGULATIONS AMENDMENT NO. 5, 2006  
HERITAGE AREA POLICIES, DESIGNATION AND ZONE**

---

Prepared by:

Arvo McMillan, MCIP  
Planning Consultant  
St. John's, NL

December 14, 2006

**TOWN OF TRINITY  
MUNICIPAL PLAN**

**MUNICIPAL PLAN AMENDMENT NO. 5, 2006**

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE  
TOWN OF TRINITY  
MUNICIPAL PLAN AMENDMENT NO. 5, 2006**

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

- a) adopted the Trinity Municipal Plan Amendment No. 5, 2006 on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.
- b) gave notice of the adoption of the Trinity Municipal Plan Amendment No. 5, 2006 by advertisement inserted on the \_\_\_\_\_ day and the \_\_\_\_\_ day of \_\_\_\_\_, 2007 in the Packet newspaper.
- c) set the \_\_\_\_\_ day of \_\_\_\_\_, 2007 at \_\_\_\_\_ p.m. at the Town Hall, 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 Trinity approves the Trinity Municipal Plan Amendment No. 5, 2006.

SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_, 2007

Mayor: \_\_\_\_\_  
James Miller

Clerk: \_\_\_\_\_  
Linda Dalton

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF TRINITY MUNICIPAL PLAN AMENDMENT NO. 5, 2006**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Trinity adopts the Trinity Municipal Plan Amendment No. 5, 2006.

Adopted by the Town Council of Trinity on the \_\_\_\_ day of \_\_\_\_\_, 2007.

Signed and sealed this \_\_\_\_ day of \_\_\_\_\_, 2007.

Mayor: \_\_\_\_\_  
James Miller

Clerk: \_\_\_\_\_  
Linda Dalton

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Municipal Plan Amendment No. 5, 2006 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

MCIP: Arvo McMillan

**TOWN OF TRINITY  
MUNICIPAL PLAN AMENDMENT NO. 5, 2006**

**BACKGROUND**

The Town of Trinity has decided to review its Historic Area policies and regulations so as in order to:

- a) minimize uncertainty in the interpretation and enforcement of these policies and regulations.
- b) significantly enlarge the historic area to
  - i) take in the adjacent Hog's Nose, and,
  - ii) include an area back of Gun Hill to Taverner's Point and Cove. This latter area takes in Rider's Hill (although the Hill is placed into the Open Space designation), three cemeteries, a part of Crocker's Cove and Powell's Point.

The core historic area - known as Lower Trinity is retained.

The expansion was deemed necessary for two reasons:

- a) Hog's Nose Area - to control the visual impacts of development through design controls;
- b) Taverner's Point Area - since land is very scarce in the old Trinity area, to accommodate additional development in an area that once did contain several houses, and to ensure that buildings are designed in harmony with the core historic area, albeit in a different setting and lacking municipal services.

Along with the expansions noted above, the amendment involves the changes described below.

- 1) What was formerly identified as the Historic Area, is now shown as the Heritage Area. This is to bring the terminology in line with that used by the Heritage Foundation of Newfoundland and Labrador and used by other communities and the Heritage Canada Foundation.
- 2) Existing designations and zones within the Historic Area Designation and Zone are all replaced by the Heritage Area Designation and Heritage Area Zone (HAZ).
- 3) Municipal Plan policies are amended to reflect the changes in boundaries and provide a clear and defensible basis for the implementing Development Regulations provisions.

- 4) Schedule F - Historic Area Regulations is replaced by the provisions of the Heritage Area Zone of Schedule C of the Development Regulations.
- 5) The wording in the Plan and Regulations is changed to increase certainty and regulatory impact.

## **PUBLIC AND OTHER CONSULTATION**

A public briefing was held at the Town Office from two to four p.m. on November 25<sup>th</sup>, 2006, followed by a brief council meeting. This briefing was preceded by an open house at which the planning consultant was present.

The document discussed was the October 6, 2006 draft of the Municipal Plan and Development Regulations amendments.

Three written submissions were received prior to the briefing session. Also, this draft and prior drafts had been submitted to the Heritage Foundation of Newfoundland and Labrador for comment, while the October 6 draft was reviewed by the Provincial Archaeology Office.

Five persons attended the briefing. Many useful suggestions came forth about the wording of the amendment in respect of certain requirements for the proposed Heritage Area Zone as they related to clarity, maximum dwelling ground floor area - building coverage, building height, and accessory building size and height. There was no dispute over the proposed boundaries of the heritage area.

Persons were advised of this meeting through ads in the Packet inserted on the 14<sup>th</sup> and 20<sup>th</sup> of November, posting of the notice at the Town Office and Post Office, and by email and personal contact by the Clerk to practically everyone who resides in the current and expanded historic area. More than twenty persons obtained copies of the amendment.

The Consultant was directed to make certain changes to the October 6, 2006 Draft in view of the suggestions that were presented.

## **MUNICIPAL PLAN AMENDMENT NO. 5, 2006**

- 1) Future Land Use Map B is amended as shown on the attached plan.
- 2) Part 1, Section 7, page 11 of the Municipal Plan, WHICH STATES:

7. Historic Area

Within the Historic Area shown on Maps B and C, Council will implement policies to retain the physical character of the Area and the beneficial use of land and buildings.

In the Historic Area, Council will permit land uses specified in the designations shown on Map C: Open Space and Mixed Development, except that mobile homes, gas stations, take-outs, and amusement uses will not be permitted in the Heritage Area.

No new streets shall be opened up in the Area, and streets shall be retained as far as possible with their present rights-of-way.

Council will establish design guidelines, by regulation, aimed at retention of the character and environment of the Historic Area. The guidelines will concern changes in exterior finish, renovations, additions, new buildings and structures, and fences. The aspects of the design to be incorporated in the guidelines include colour, siding materials, roofs, size, scale and massing, the location of buildings on a site, and sign standards.

Council will establish a Historic Area Advisory Panel. The Panel will advise Council on development proposals in the Historic Area in line with the guidelines.

### IS AMENDED TO STATE:

7. HERITAGE AREA

Within the Heritage Area Designation shown on Future Land Use Map B, Council will: implement policies to retain and extend the massing, scale, forms and styles of the buildings and structures prevalent in the Lower Trinity historic core and which lies within the area generally bounded by Bugden's Lane and Gun Hill.

While the Heritage Area is mixed use in character, the guiding principle is to ensure that the predominantly residential character of the area is retained while still accommodating the traditional mix of commercial, public, marine and commercial accommodation uses.

#### Taverner's Point Area

Within the Taverner's Point Area - that is, the area extending beyond Gun Hill towards Taverner's Point - development requiring the construction of new roads, or the significant upgrading of existing paths or roads to bring them up to the Town's minimum standards as set out in the Development Regulations, may only be permitted after a comprehensive plan of the area has been approved by Council.

Furthermore, regardless of the area, Council may also require a comprehensive plan before any new roads or major upgrading of roads is allowed.

#### Land Uses

The Town can exercise its discretion under the Urban and Rural Planning Act and the Development Regulations to either prohibit certain uses or control the location, operation and/or design of the uses that are likely to negatively affect the amenities of nearby residential uses and tourist accommodations.

The use classes that are allowed as permitted uses in this designation include:

- a) single and double dwellings
- b) bed and breakfast
- c) cemetery
- d) child care
- e) conservation
- f) general service
- g) medical and professional
- h) office
- l) personal service
- j) recreational open space.

The uses that may be permitted as discretionary uses include:

- a) apartment buildings
- b) catering - restaurants, bars, lounges

- c) club and lodge
- d) commercial residential - inns and hotels
- e) cultural and civic - town offices, libraries, museums, art galleries
- f) general assembly - community halls, lodge halls, gymnasiums auditoriums
- g) indoor market
- h) light industry
- l) marina and transportation
- j) medical treatment and special care (homes for the aged, convalescent homes, hospitals)
- k) outdoor market
- l) place of worship
- m) shop
- n) theatre.

Appropriate use combinations which are compatible with other nearby land uses, can be allowed in the same building and/or on the same premises. Examples include, shops attached to dwellings, dwellings above shops and other mixes of residential and non-residential uses.

Accessory uses as defined under the Urban and Rural Planning Act are permitted. However, accessory uses deemed to be potential nuisances or otherwise incompatible with the immediate area can be prohibited.

Uses specifically prohibited in this designation are hazardous industry, general industry which creates noise, fumes, and/or hazardous air-borne fibres and the processing of fish or meat.

#### Design - Regulation of Design

Aimed at the retention of the character and environment of the Heritage Area, the Development Regulations will establish requirements for all exterior aspects of any structure on a property and any visible renovations to such structures - be they fences, sheds and/or principle buildings.

Aspects of the design to be regulated under the Heritage Area Zone include colour, siding materials, windows, doors, roofs, size, scale and massing.

#### Non-Conforming Buildings

Insofar literal conformity with the Regulations could yield a building that is an uneasy mix of "heritage" features and more contemporary elements, where a building is in significant non-conformity to the requirements of the Heritage

Area Zone, renovations and extensions similar in character to the original building may be permitted after consultation with the Heritage Advisory Committee and the approval of Council.

#### Accessory Buildings, Workshops, Boat Houses and Fishing Stages

Accessory buildings, workshops, boat houses and fishing stages are subject to the design controls under the Heritage Area Designation and Zone. Without being necessarily the same, these buildings must be compatible with the design of the principal buildings in this Area.

Accessory buildings, that is, buildings accessory to dwellings and tourist accommodation uses, must be smaller than the principal buildings and complement the design of these buildings.

Workshops, boat houses and fishing stages can be larger and taller than accessory buildings and erected on lots other than the principal buildings, or may be principal buildings in their own right.

#### Back Lot Development

Back lot development, that is development occurring on lots, lacking adequate frontage, may be allowed at the discretion of Council where in its opinion such development is occurring in an area where such development has occurred previously and the development can be accessed by emergency service vehicles, including fire protection vehicles and adequate provision is made for water supply and waste disposal.

#### Signs

Signs shall be appropriate to the Heritage Area and regulated accordingly under the Heritage Area Zone.

#### Heritage Advisory Committee

The Heritage Advisory Committee is established to advise Council on development proposals in the Heritage Area in accordance with the policies of this Plan and the regulations of the Development Regulations.

Heritage Buildings and Sites

Buildings and sites may be designated by the Town and/or the Provincial Government and/or the Newfoundland and Labrador Heritage Foundation as heritage buildings and sites.

Demolitions

Any demolition within the Heritage Area designation must receive the prior written approval of Council.

December 14, 2006

**TOWN OF TRINITY  
LAND USE ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS  
DEVELOPMENT REGULATIONS AMENDMENT NO. 5, 2006**

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE  
TOWN OF TRINITY  
DEVELOPMENT REGULATIONS AMENDMENT NO. 5, 2006**

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

- a) adopted the Trinity Development Regulations Amendment No. 5, 2006 on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.
- b) gave notice of the adoption of the Trinity Development Regulations Amendment No. 5, 2006 by advertisement inserted on the \_\_\_\_\_ day and the \_\_\_\_\_ day of \_\_\_\_\_, 2007 in the Packet newspaper.
- c) set the \_\_\_\_\_ day of \_\_\_\_\_, 2007 at \_\_\_\_\_ p.m. at the Town Hall, Trinity for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Trinity approves the Trinity Development Regulations Amendment No. 5, 2006.

SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_, 2007

Mayor: \_\_\_\_\_  
James Miller

Clerk: \_\_\_\_\_  
Linda Dalton

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF TRINITY  
DEVELOPMENT REGULATIONS AMENDMENT NO. 5, 2006**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Trinity adopts the Trinity Development Regulations Amendment No. 5, 2006.

Adopted by the Town Council of Trinity on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Mayor:

\_\_\_\_\_

James Miller

Clerk:

\_\_\_\_\_

Linda Dalton

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Development Regulations Amendment No. 5, 2006 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

MCIP:

Arvo McMillan

**TOWN OF TRINITY  
DEVELOPMENT REGULATIONS AMENDMENT NO. 5, 2006**

**BACKGROUND**

This amendment to the Trinity Development Regulations is enacted to comply with Municipal Plan Amendment No. 5, 2006.

**PUBLIC CONSULTATION**

The public consultation process is the same as that followed for Municipal Plan Amendment No. 5, 2006.

**DEVELOPMENT REGULATIONS AMENDMENT NO. 5, 2006**

1. Land Use Zoning Map 2 is amended as shown on the attached plan by supplanting the Zones within the Heritage Area by a new Zone "Heritage Area Zone (HAZ)".
2. Part II of the Development Regulations is amended by adding after Regulation 38 - Family and Group Care Centres, Regulation 38 A - Fences, WHICH STATES:

**38A. Fences**

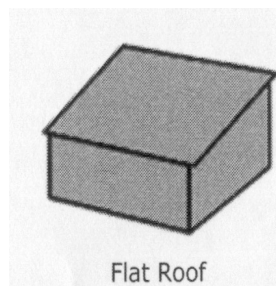
- (1) Applicability - Except as otherwise set out in Schedule C, in particular, the Heritage Area Zone, the requirements of this Regulation shall apply to all fences.
- (2) Fence - For the purpose of this Regulation a fence includes a vertical physical barrier constructed out of typical fencing materials, and includes hedges, shrubs and landscaping features used as a fence, and, that portion of a retaining wall which projects above the surface of the ground which it supports so that it acts as a fence.
- (3) Public Authorities - These Regulations shall apply to all public authorities except in those cases where an exception from the Regulations is require to respond to an emergency or for a public purpose.
- (4) Damages - The Town shall not be liable for any damages for the repair of any fence whatsoever where the Town, its employees or agents or otherwise have acted without negligence. In particular, the Town shall not be liable for any damages or repairs of any fence whatsoever during the normal operation of snow clearing on streets or sidewalks located within the Municipal Planning Area.

- (5) Order to Remove Fence - When in the opinion of the Town, a fence creates a safety hazard or obstruction or impedes snow-clearing due to its location, height or construction material, the Town may issue an order to the property owner stating that the fence or portions thereof be removed, reconstructed or repaired within a specified time in order to correct the safety hazard or obstruction and the cost to remove, construct or repair said fence or part thereof will be at the owner's expense. In the event that the property owner does not remove the fence within the specified time as ordered, the Town may remove the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.
- (6) Fence Design and Materials - The design of a fence and the materials used in the erection and repair of a fence, shall only be of a design and type which meets the approval of the Council.
- (7) Sight Lines - No fence shall be erected which can block vision at an intersection by virtue of its location or height.
- (8) Maximum Height - Except as otherwise provided in the Heritage Area Zone, the maximum height of a fence shall not exceed 1.8 metres except where additional height is required by the Town for screening or security, in which case the maximum height of a fence shall not exceed 2.4 metres.

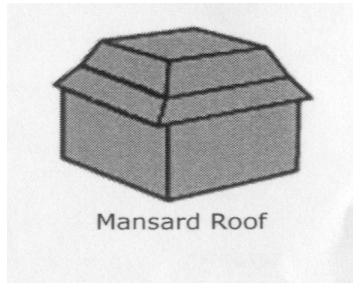
3. In accordance with Section 4 (d) of the Development Regulations under the Urban and Rural Planning Act, Schedule A - Definitions - is amended by adding a definition for Building Height WHICH STATES:

**BUILDING HEIGHT\*** means the vertical distance, measured in metres, from the established grade to:

- (l) the highest point of the roof surface of a flat roof

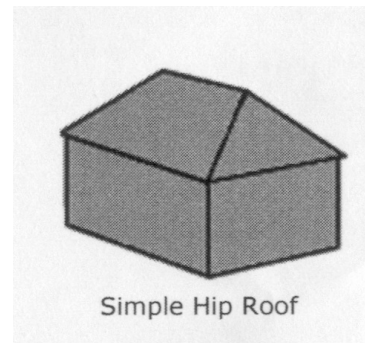
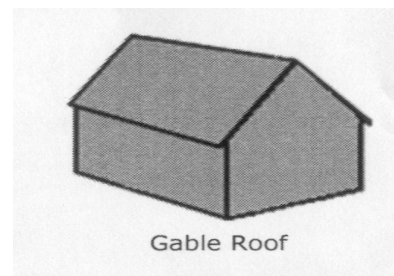
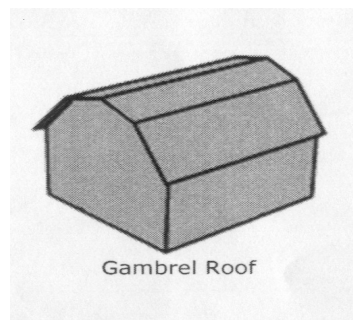


- (ii) the deck line of a mansard roof



and

- (iii) the mean height level between eave and 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 a roof.

4. Schedule A - Definitions - is amended by adding a definition for Marina WHICH STATES:

**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 water craft, including storage, sales and rentals, together with a club house and catering facilities.

5. Schedule B - Classification of Uses of Land and Buildings - is amended by adding "Marina" Non-Building Use Group, WHICH STATES:

NON BUILDING USES	<i>Marina</i>	<i>Marina, Yacht Club, Boating Club</i>
-------------------	---------------	---

6. Schedule F - Historic Area Regulations and is replaced by the Schedule C - Heritage Area Zone (HAZ) as set out below.

**USE ZONE TABLE**

ZONE TITLE	HERITAGE AREA ZONE (HAZ)	(TRINITY)
<p>PERMITTED USE CLASSES - (see Regulation 85)</p> <ul style="list-style-type: none"> <li>a) single and double dwellings</li> <li>b) bed and breakfast</li> <li>c) cemetery</li> <li>d) child care</li> <li>e) conservation</li> <li>f) general service</li> <li>g) medical and professional</li> <li>h) office</li> <li>i) personal service</li> <li>j) recreational open space.</li> </ul>		
<p>DISCRETIONARY USE CLASSES - (see Regulations 22 and 86)</p> <ul style="list-style-type: none"> <li>a) apartment buildings</li> <li>b) catering - restaurants, bars, lounges</li> <li>c) club and lodge</li> <li>d) commercial residential - inns and hotels</li> <li>e) cultural and civic - town offices, libraries, museums, art galleries</li> <li>f) general assembly - community halls, lodge halls, gymnasiums auditoriums</li> <li>g) indoor market</li> <li>h) light industry</li> <li>i) marina and transportation</li> <li>j) medical treatment and special care (homes for the aged, convalescent homes, hospitals)</li> <li>k) outdoor market</li> <li>l) place of worship</li> <li>m) shop</li> <li>n) theatre.</li> </ul>		

## **CONDITIONS FOR THE HERITAGE AREA ZONE**

### **1. Review of Applications and Demolitions**

Except for minor repairs and interior work, Council shall refer all development applications, including fences and signs, within this Zone to the Heritage Advisory Committee before granting an approval.

For the purpose of this Zone, minor repairs include replacing fence palings and posts, replacing hardware, roof shingles and similar repairs which do not alter the original appearance or materials of the structure. However, Council may refer any application to the Committee should it feel that additional advice is needed before making a decision on a permit application.

No demolition shall take place within the Heritage Area Zone unless it has been approved by Council.

### **2. Building and Property Design Standards - General**

- (1) The prevailing massing, scale, forms and styles of the buildings and structures, and landscape of this Zone shall be retained.
- (2) Buildings within the Hog's Nose Area - that is east of Bugden's Lane and within the Taverner's Point Area, that is, the area west of Gun Hill shall be erected with traditional materials or approved substitute materials and in a design similar to that found within Lower Trinity - that is, the area bounded on one side by Bugden's Lane and the other by Gun Hill.
- (3) 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 a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- (4) 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.
- (5) Original architectural features which 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, texture, and other visual qualities. 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.

- (6) Contemporary design for alterations and additions to existing properties may be permitted when:
- a) such alterations and additions do not destroy character defining, historical, architectural, or cultural material; and,
  - b) such design is compatible with the size, scale, colour, material, and character of the property, neighbourhood, or environment.
- (7) Any new building shall be visually compatible with the size, scale, colour, material, texture, and character of any existing structure on the site, adjacent structures and the overall character and environment of the immediate area and the Heritage Area as a whole. See also Clause (2).
- (8) Non-original materials may be used where the non-original material is similar in appearance to the original and the traditional appearance of the building is maintained. However, vinyl siding will not be permitted.

### **3. General Form and Scale**

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.

The relationship of the width to the height of the principal facade must be retained as close as possible to the original.

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.

### **4. Windows and Doors. Materials**

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.

#### **5. Windows and Doors. Scale, Proportion and Spacing**

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.

#### **6. Roofs**

The direction, pitch and arrangement of the roof or roofs shall be visually compatible with the original architectural style and character of the building, and with surrounding buildings.

Wherever possible, the original shape and materials of the roof shall be restored. Roof covering that is 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.

Roof shape shall not be altered, unless the alteration restores the roof shape to its original state.

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.

The roof shall not be stripped of architectural features important to its character, such as dormer windows, cornices, brackets, chimneys, gutters, etc., nor the specified features altered, unless the removal or alteration will restore the features specified to their original state.

No flat roofs, that is, roofs with pitch under 2/12 - that is, with a slope less than a 2%, shall be added to or constructed on principal buildings.

#### **7. Finish Materials and Detail**

Architectural details including materials, colours, and textures shall be treated so as to conform to the original architectural style and character of the building and preserve and enhance the Heritage Area.

Siding shall be 100 to 102 mm (4 inch) exposure horizontal wood clapboard siding, except where the original siding is masonry..

Trim shall include corner boards not less than 101.4 mm (4 inches) wide.

Extensions to an existing building or structure 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.

Where original architectural features such as corner boards, cornices, brackets, window architraves, and doorway pediments have deteriorated, they shall be repaired or replaced where necessary with new material that duplicates in size, shape and texture the original as closely as possible.

**8. General Development Standards - All Development Except for Marinas and other Non-Building Uses**

In this Section, a bed and breakfast is treated as a single dwelling.

Residential Lot area (minimum) - Municipal Water and Sewer Services	450 m <sup>2</sup>
Other Development Lot area (minimum) - Municipal Water and Sewer Services	As determined by Council
Residential Lot Area (minimum) - Municipal piped water supply, and sewage disposal by septic tank and tile field.	1400 m <sup>2</sup> or as determined after referral to the Department of Government Services
Other Lot Area (minimum) - Municipal piped water supply, and sewage disposal by septic tank and tile field.	As determined by Council after referral to the Department of Government Services
Residential Lot Area (minimum) - Well water supply and connection to a municipal sewer or to a private sewer discharging directly to the sea.	1400 m <sup>2</sup> or as determined after referral to the Department of Government Services
Other Lot Area (minimum) - Well water supply and connection to a municipal sewer or to a private sewer discharging directly to the sea.	As determined by Council after referral to the Department of Government Services

Residential Lot Area (minimum) - Well water supply and sewage disposal by septic tank	1860 m <sup>2</sup> or as determined after referral to the Department of Government Services
Other Lot Area (minimum) - Well water supply and sewage disposal by septic tank	As determined by Council after referral to the Department of Government Services
Single Dwelling Maximum Allowable Floor Area Main Floor Level	90 m <sup>2</sup> ; however, in the Hog's Nose and Taverner's Point Areas this is increased to 100 m <sup>2</sup>
Other Development Maximum Allowable Floor Area Main Floor Level	As determined by Council
Frontage (minimum)	As determined by Council or as determined after referral to the Department of Government Services where necessary
Building Line Setback (minimum)	6 metres or average set back of near by properties
Side Yard Width (minimum)	1 metre
Side Yard Width Flanking Road (minimum)	6 metres or average set back of near by properties
Residential Rear Yard Depth (minimum)	6 metres
Residential Lot Coverage (%) (maximum) all buildings combined, including accessory buildings	33%
Height (maximum)	10.4 metres or 2.5 storeys
Height (minimum)	6 metres or 1.5 storeys

**9. Access**

Access to a property shall be approved by the Town.

**10. Accessory Buildings - Same Lot**

Notwithstanding Regulation 33, the conditions below apply to accessory buildings within this Zone situated on the same lot as the principal building.

- (1) An accessory building shall be located on the same lot as the principal building.
- (2) An accessory building shall be compatible with the appearance of the principal building and other buildings in the area in terms of cladding, door and window proportions and materials.
- (3) The total of all accessory buildings associated with a residential use shall have a lot coverage no greater than 10% up to a maximum of 70 m<sup>2</sup> and no accessory building shall have a height of more than 4 metres.
- (4) No accessory building shall project in front of the main building.

**11. Accessory Buildings - Separate Lot or Parcel**

Notwithstanding Regulation 29 - Accessory Buildings, accessory buildings may be located on a parcel of land that is separate from the parcel of land on which the dwelling is located.

Residential accessory buildings which are located on a parcel of land separate from the residence are subject to the following requirements:

- a) the design of these buildings is subject to the other design regulations under this Zone;
- b) the maximum allowable height is six (6) metres and one and a half (1 ½) storeys;
- c) The maximum allowable floor area as measured on the ground floor, is seventy (70) square metres.

**12. Accessory Uses**

The "Development Regulations under the Urban and Rural Planning Act, 2000", Section 4, Clause (c) states: "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;”.

- (1) General examples of accessory uses in this Zone include:
  - a) facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, marina, or hotel (commercial - residential) and/or a gift or souvenir shop in a museum, hotel or other establishment;
  - b) a marina, dock or wharf that is associated with a primary use - whether it is residential, commercial or industrial;
  - c) a club house, restaurant, or boat repair facilities associated with a marina;
  - d) a business carried out in a dwelling or residential accessory building by a resident of the dwelling;
  - e) a fishing stage or boat house use for essentially personal or personal business purposes.

These accessory uses shall be clearly subsidiary to and controlled so as to be compatible with the primary use and the uses and appearance of nearby properties.

- (2) Residential Accessory Uses are subject to the following conditions:
  - a) no wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use and that no repairs to vehicles or heavy equipment are carried out;
  - b) activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, an inconvenience or a nuisance to the occupants of adjoining residences.

### **13. Advertisements Relating to Onsite Uses**

- (1) A permit is required for all advertisements and signs unless it is in a class that is exempted under Part III of these Regulations.
- (2) No mobile or temporary sign is permitted, except for public notices and election posters and signs as set out in Part III of these Regulations.
- (3) A property may have one free-standing sign, one building mounted sign and one facade sign - three (3) signs in all.

- (4) The maximum area of a free-standing and building mounted sign shall not exceed 1.5 square metres. Not more than one (1) free standing and one (1) building mounted sign is permitted per building.
- (5) The maximum area of a sign attached flush to a building facade or mural sign drawn upon the building facade shall not exceed twenty (20) percent of the area of the facade as measured from the main floor to the top of the first storey. These signs, called "facade signs" shall be mounted or displayed on the first storey. Not more than one facade sign is permitted per building.
- (6) A sign shall be constructed of wood or other traditional material and painted or laminated. Illumination of a sign shall be indirect.
- (7) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.

#### **14. Advertisements Relating to Offsite Uses**

Except for directional signs at locations approved by the Town no advertisements for off-site uses are permitted in this Zone. The design of the directional signs shall be compatible with the appearance of the Heritage Area Zone.

#### **15. Back Lot Development**

Back lot development, that is development occurring on lots, lacking adequate frontage, may be allowed at the discretion of Council where in its opinion such development is occurring in an area where such development has occurred previously and the development can be accessed by emergency service vehicles, including fire protection vehicles and adequate provision is made for water supply and waste disposal.

#### **16. Commercial, Light Industrial and Other Non Residential Uses in a Residential Building/ Residential Uses in a Non-Residential Building**

Where it is appropriate and compatible with nearby uses, residential and non-residential, depending upon whether it is a permitted or discretionary use, uses shall or may be allowed in the same building and/or on the same premises.

## **17. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are compatible or complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses, and that they shall not create a nuisance for adjoining residential uses. Council may require sideyards, screening, or landscaping to act as a buffer, and adequate off-street parking.

## **18. Family and Group Care Centres**

Family and group care centre use is permitted in any dwelling that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that in the opinion of the Authority the use of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences, or the neighbourhood in which it is located. The Authority may require special safety features to be provided to protect occupants before occupancy is permitted.

## **19. Fences**

This section applies to fences within this Zone. See also Section 38A of Part II of the Development Regulations.

- (1) Materials - Fences shall be constructed in the traditional style of vertical wooden pickets, wooden rail fences, wrought iron, stone or plant (as in hedges) material.

Fencing materials other than vertical wood pickets, wrought iron, stone or plant material may only be used where:

- a) a fence is used on the rear property line;
- b) it is not visible to the general public.

- (2) Height - The maximum allowable height of a fence shall not exceed 1.2 metres along any road 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.

## **20. Heritage Buildings and Properties**

Buildings and properties that are designated as heritage buildings and properties by the Town under the Municipalities Act and otherwise identified or protected as

heritage buildings and/or historic sites and properties under provincial and federal legislation and by the Town, the Province and the Heritage Foundation of Newfoundland and Labrador and the Government of Canada shall be protected under the provisions of the Municipalities Act, the Historic Resources Act and the Urban and Rural Planning Act, and these and other regulations. These properties are identified as “heritage buildings and properties” for the purpose of this section under the Development Regulations.

- (1) A list of designated heritage buildings and properties shall be maintained by the Town. This list may from time to time be updated without amendment to the Development Regulations.
- (2) A permit shall be required for the demolition or alteration of a designated heritage building or property.
- (3) Where a permit is being issued for a renovation or other alteration of the designated building or property, including fences or even minor trim details, the Town shall ensure that the conditions attached to the designation of this property are satisfied before issuing the permit.

## **21. Lot Frontage - Road Frontage**

Where the development is to occur in a part of this Zone that has traditionally contained dwellings or businesses lacking road frontage - as for example in the vicinity of Nuddick Point - the Town may exempt residential or commercial development from the requirement of Regulation 43 that residential and commercial development shall front on a public road unless it forms part of a zero lot line or comprehensive development.

However, the Town may only grant this exemption if in its opinion the development can be properly serviced and accessed and the safety of the development is not compromised.

## **22. Non-Residential Uses**

Non-residential uses are subject to controls on the use, building design, parking requirements and noise and odour to ensure that they are compatible with nearby residential and commercial - residential uses.

**23. Parking**

Notwithstanding Schedule D, in this Zone parking facilities may be wholly or partly comprised of available public parking lots or areas. Lounges must provide on-site parking spaces.

**24. Subsidiary Apartments**

Subsidiary apartments shall be permitted in single dwellings only, and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling.

**25. Transportation Uses**

Transportation uses within this Zone are limited to marinas, wharves and other harbour-related structures and uses and their accessory uses.

**26. Protection of Water Sources and Environment**

All development applications within 15 metres of a waterbody or watercourse or that may otherwise have a negative effect on the environment shall be subject to the review and approval of the Department of Environment and Conservation.

**27. Taverner's Point Area**

Development requiring the construction of new roads, or the significant upgrading of existing paths or roads to bring them up to the Town's minimum standards as set out in Part IV - Subdivision of Land, may only be permitted after a comprehensive plan of the area has been approved by Council.