



Government of Newfoundland and Labrador
Municipal and Community Affairs
Local Governance and Land Use Planning

May 22, 2026

Julia Schwarz, MCIP, CSLA
Director of Planning & Development
Town of Torbay
1288 Torbay Road
P.O. Box 1160
Torbay, NL A1K 1K4

Dear Julia Schwarz:

**TORBAY
DEVELOPMENT REGULATIONS AMENDMENT NO. 19, 2026**

I am pleased to inform you that the Town of Torbay **Development Regulations Amendment No. 2026**, as adopted by Council on May 11, 2026, has now been registered.

Council, pursuant to Section 24(2) of the **Urban and Rural Planning Act, 2000**, must publish a notice in the Newfoundland and Labrador Gazette within 10 days of this letter. The registered amendment will come into force on the date the notice appears in the Gazette. The Newfoundland and Labrador Gazette is published every Friday. Notices must be submitted a week in advance. Council can submit the notice by email (kingsprinter@gov.nl.ca), by fax (709-729-1900) or by mail (King's Printer, P.O. Box 8700, St. John's, NL, A1B 4J6).

Council must also publish a notice of registration in accordance with URPA, Section 110.1 Publication. This relevant excerpt was subject to a recent legislative change, intended to modernize the requirements for publishing notices and address changes in availability to print newspaper circulation. For reference, the Publication excerpt is attached; URPA can be viewed here: <https://www.assembly.nl.ca/legislation/sr/statutes/u08.htm>.

Attached is Council's registered copy of **Torbay Development Regulations Amendment No. 19, 2026**. As this is a legal document, it should be preserved in a safe place.

Yours truly,

Sean McGrath, MCIP
Manager of Land Use Planning

Publication

110 .1 Any notice required to be given by a council, regional authority or authorized administrator under this Act, the regulations or a by-law shall, unless otherwise stated in this Act, be posted in at least 2 conspicuous places in the area affected and also given by one or more of the following means:

(a) publishing the notice in a newspaper published or having general circulation in the area affected;

(b) broadcasting the notice on a radio or television station that broadcasts in the area affected;

(c) mailing the notice, including direct mail and leafleting;

(d) publishing the notice on the council's, regional authority's or authorized administrator's website;

(e) publishing the notice on social media accounts of the council, regional authority or authorized administrator; and

(f) any other means that is reasonably expected to notify a person in the area affected.

TOWN OF TORBAY
DEVELOPMENT REGULATIONS 2015 - 2025



DEVELOPMENT REGULATIONS AMENDMENT No. 19, 2026

**Amendment to Accessory Buildings Development Standards
In**

**“Residential Infill (RI), Residential Medium Density (RMD),
Residential Large Lot (RLL) and Mixed Development (MIX),
Schedule C”**

(Revision 1)

JANUARY 2026

PLAN-TECH



ENVIRONMENT

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
TOWN OF TORBAY
DEVELOPMENT REGULATIONS AMENDMENT No. 19, 2026

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Torbay adopts the Town of Torbay Development Regulations Amendment No. 19, 2026.

Adopted by the Town Council of Torbay on the 11th day of May, 2026.

Signed and sealed this 13th day of May, 2026.

Mayor: [Signature] (Council Seal)

Clerk: [Signature]

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Torbay Development Regulations Amendment No. 19, 2026 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Development Regulations/Amendment	
REGISTERED	
Number	<u>5125-0037-2026</u>
Date	<u>May 22, 2026</u>
Signature	<u>[Signature]</u>



TOWN OF TORBAY
DEVELOPMENT REGULATIONS AMENDMENT No. 19, 2026

BACKGROUND

The Town of Torbay proposes to amend its Development Regulations. The Town is in receipt of an application for a proposed two car garage on a residential property. Presently, The Development Regulations would only allow a footprint for a one car garage, based on the size of the lot. The Town has also been dealing with several similar inquiries about constructing larger and/or higher accessory buildings on some of the larger residential lots.

As part of this Amendment, the Town's Planning & Development Department consulted with several adjacent municipalities on how other Towns regulate accessory buildings. Applicants feel that there are deficiencies in the present Development Regulations in considering an increase in the accessory building footprint in relation to increased lot size.

ANALYSIS

As part of Development Regulations Amendment No. 5, 2018 changes were made to the Accessory Building conditions. The Amendment based the accessory building on lot area. It allowed for 40m² for a serviced lot and 48m² for a lot 1860m² and over. With issues with Town water, most development is on larger unserviced lots. Residents felt that there was not enough flexibility in the accessory building conditions.

The purpose of this amendment is to provide a more detailed table on how lot size correlates with maximum permitted accessory building lot coverages and heights. This proposed amendment will offer five different accessory building conditions based on lot area. Scenarios are:

- 40m² with a lot area of $\leq 555\text{m}^2$,
- 73m² with a lot area $> 555\text{m}^2$ to $\leq 1400\text{m}^2$,

- 85m² with a lot area >1400m² to ≤1860m²,
- 96m² with a lot area >1860m² to ≤3035m², and
- 96m² with a lot area >3035m².

In addition, residents requested a more detailed gradient for maximum permitted building height associated with increased lot size. The proposed amendment will result in the following maximum permitted accessory building heights:

- 4.0 metres with a lot area of ≤555m²,
- 4.5 metres with a lot area of area >555m² to ≤1400m²,
- 5.0 metres with a lot area >1400m² to ≤1860m²,
- 5.0 metres with a lot area >1860m² to ≤3035m², and
- 6.0 metres with a lot area >3035m².

ST. JOHN'S URBAN REGION REGIONAL PLAN

This Amendment consists of a text change to the Torbay Development Regulations only. It is determined that an Amendment to the St. John's Urban Region Regional Plan is not required to conform with the proposed Torbay Development Regulations Amendment No. 19, 2026.

PUBLIC CONSULTATION

In keeping with the requirements of section 110.1 of the *Urban and Rural Planning Act, 2000*, an advertisement was published in the January 19, 2026, edition, Northeast Avalon Times, posted on the Town's website as of January 21, 2026, distributed via the Town's social media channels and physically posted in four locations in Torbay (Torbay Common, District Drugs, Torbay Post Office and Lorina's Coffee Shop). The public may provide written commentary or concerns on the proposed amendment by 4:00 pm Friday, February 6, 2026.

Copies of all public notification documentation is attached for reference.

RESPONSES

The Town did not receive any inquiries or written representations in response to the public notification by the noted deadline.

The proposed amendment is forwarded with recommendations to Council for adoption.

REVISION 1

In keeping with the requirements of section 24 of the *Urban and Rural Planning Act, 2000*, this Amendment was referred to the Department of Municipal and Community Affairs for registration. The Department pointed out that, by definition, an accessory building is a subordinate building not to be used as a dwelling, and is located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land. General Regulation 38 (1) of the Torbay Development Regulations 2015-2025 states in part that Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use **and size**, and shall be contained on the same lot.

The Amendment as written may cause confusion on interpretation in whether an accessory building can exceed the size of the main building (dwelling). The Table for Accessory Building Standards has been adjusted to reflect the Department's comments.

DEVELOPMENT REGULATIONS AMENDMENT No. 19, 2026

The Town of Torbay Development Regulations is amended by:

- A) **Deleting** the Development Standards Table as found in Condition 5(a) of the Accessory Building Condition of the Residential infill (RI) Land Use Zone Table; Condition 5(a) of the Accessory Building Condition of the Residential Medium Density (RMD) Land Use Zone Table; Condition 5(a) of the Accessory Building Condition of the Residential Large Lot (RLL) and Condition 2(a) of the Accessory Building Condition for Residential Use of the Mixed Development (MIX) Land Use Zone Table, Schedule C and **Replacing** with the following Development Standards Table as shown below:

5. Accessory Buildings (2a in Mix Zone)

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

MUNICIPAL DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS			
Lot size	Max. Lot Coverage	Max. Height	Additional Development Standards
≤555 m ²	40 m ²	4.0 m	Min. 1.5m from any property line; Min. 2.4m from main dwelling
> 555 m ² to ≤1400 m ²	73 m ²	4.5 m	
>1400 m ² to ≤1860 m ²	85 m ²	5.0 m	
>1860 m ² to ≤3035 m ²	96 m ²	5.0 m	
>3035m ²	96 m ²	6.0 m	