



**TOWN OF WITLESS BAY  
DEVELOPMENT REGULATIONS 2013-2023**

**AMENDMENT No. 7, 2024**

**(49-57 SOUTHERN SHORE HIGHWAY  
REZONING AMENDMENT)**

**OCTOBER 2024**

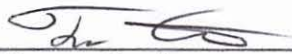
**Urban and Rural Planning Act, 2000**  
**Resolution to Adopt**  
**Town of Witless Bay Development Regulations 2013-2023**  
**Amendment No. 7, 2024**

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Witless Bay hereby adopts Amendment No. 7, 2024 to the Town of Witless Bay Development Regulations.

Adopted by the Town Council of Witless Bay on the 10<sup>th</sup> day of December 2024.

Signed and sealed this 16<sup>th</sup> day of DECEMBER, 2024.

Mayor:

  
Trevor Croft

(Council Seal)


Chief Administrative Officer:

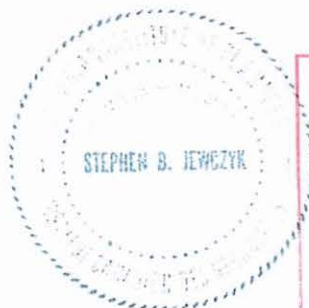
  
Jennifer Aspell



**Canadian Institute of Planners Certification**

I certify that Amendment No. 7, 2024 to the Witless Bay Development Regulations 2013 - 2023 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

  
Stephen B. Jewczyk, FCIP  
Urban and Regional Planner



Development Regulations/Amendment  
**REGISTERED**

Number 5455-0020-2024

Date 30 DEC 2024

Signature A. J. Leonard

**Town of Witless Bay Development Regulations 2013-2023  
Amendment No. 7, 2024**

**PURPOSE**

The Witless Bay Development Regulations 2012-2023 came into legal effect on June 24, 2016. The Development Regulations outlines development standards the use and related conditions of land in the use zones and divides the Town into use zones which are illustrated on the Land Use Zoning Map.

The Town Council of Witless Bay is in receipt of a rezoning request from Northland Holdings Limited on behalf of Raven Aviation and Marine Ltd. to rezone the rear portion of property to accommodate a proposed residential subdivision application with minimum lot frontages of 30 m and minimum lot areas of 1860 m<sup>2</sup>. The current **'Residential Rural (RR)'** Land Use Zone requires residential lots have a minimum lot frontage of 38 m and a minimum lot area 3038 m<sup>2</sup>. The property owner is requesting that the zoning on this portion of the property be rezoned to **'Residential (Res)'** to accommodate the smaller lot area proposed for the residential subdivision. This rezoning will be consistent with the zoning in effect along the Southern Shore frontage portion of the property.

After due consideration, the Town Council now wishes to consider amending the land use zone of the rear portion of the private property situated at 45-57 Southern Shore Highway from **'Rural Residential (RR)'** to **'Residential (Res)'**.

**THE SUBJECT PROPERTY**

The subject property has an area of approximately 23.67 Hectares (58.49 acres). The site has a frontage of 247.38 m along the Southern Shore Highway (a provincial highway) and a further frontage of 260 m along Cemetery Road, which is a municipal road. Immediately across the Southern Shore Highway is the Harbour Construction quarry site.

The property is undeveloped and is primarily forested with black spruce. Two watercourses running from west to east crosses the property along its northern and southern perimeter.

The property has a high elevation of 90+ m which is located centrally towards the southern quadrant of the property. From this high point the majority of the property slopes towards the Southern Shore Highway with an elevation of approximately 68 m. The property also has significantly deeper slopes from this high point to the south and east of the site.

**ST. JOHN'S URBAN REGION REGIONAL PLAN 1976**

The St. John's Urban Region Regional Plan has the area of the proposed

amendment designated as Urban Development. The Urban Development designation accommodates a range of urban uses including residential and open space uses. No amendment to the Regional Plan is required.

### **TOWN OF WITLESS BAY MUNICIPAL PLAN 2013-2023**

The portion of the property under consideration is designated as Residential in the Town of Witless Bay Municipal Plan. In the Municipal Plan, the area proposed for the rezoning is designated as **Residential** with a **Conservation** strip along the lands bordering the watercourse that crosses the northern southern perimeter of the property. The **Residential** designation permits the residential subdivision of land. The **Conservation** designation prohibits development along these watercourses. The applicant is proposing no changes to the Conservation designation.

The portion of the site that is being requested to be rezoned to **RES** does not require a plan amendment.

### **TOWN OF WITLESS BAY DEVELOPMENT REGULATIONS 2013-2023**

The portion of the property under consideration is zoned as '**Rural Residential (RR)**' in the Town of Witless Bay Development Regulations. The front portion of the property along the Southern Shore Highway is zoned as '**Residential (RES)**'. The applicant wishes to have a similar residential zoning of the total property in order to subdivide the property with consistent lot frontages and lot sizes.

No amendment to the text of the Development Regulations is required.

### **PROVINCIAL GOVERNMENT & PUBLIC UTILITIES COMMENTARY**

#### **a) Department of Municipal and Provincial Affairs**

The proposed development is within the building control lines of a Protected Road within a municipality having planning and development control authority and is governed by that municipal authority. However, Development within the building control lines is subject to dual permitting, i.e.: the Town and Digital Government and Service NL (DGSNL).

Private servicing designs are also subject to DGSNL review/approvals. Consultation with the Department of Transportation & Infrastructure will clarify the details needed for review.

The entire proposal area is designated Urban Development in the St. John's Urban Region Regional Plan and the Towns existing and proposed zoning is appropriate as per the Regional policy. MAPA recognizes the Towns development control authority and has no concerns with the amendment as proposed. The proposed rezoning location seems appropriate in terms of land use compatibility given the abutting

Conservation zone will act as a natural buffer to the existing adjacent Residential use zone.

**b) Department of Transportation and Infrastructure**

Given the speed has been reduced to 50km/hr in this area, the proposal can proceed to the next step, which from our end, is to apply for access to a provincial road SERVICE NL. This should not be taken that the development is approved as some questions with respect to the development may arise.

We will require engineered drawings of the intersection and the location of the proposed driveways. By that its meant that the first driveway cannot be closer than 30 m to Route 10, as per policy subdivision accesses can be deemed commercial accesses (and the Department can request a Traffic Study if there are multiple phases to the development and it extends beyond the initial proposed area).

At this stage, upon receipt of the access referral from SERVICE NL, we would issue a conditional approval and not allow the development to proceed until the Department is satisfied with the intersection and plot design.

**c) Department of Environment and Climate Change**

There is a NL Power dam approximately 1km upstream of this site. This area would be partially inundated in the event of a dam failure and could result in a higher dam consequence classification for the dam owner, entail a higher duty of care and more potential cost for the dam owner. The Town should consult with Newfoundland Power on dam break inundation mapping for the Gull Pond Dam system as it may impact this location. The Town would have to consider this in their emergency plan.

For any work in or within 15 metres of Bodies of Water the proponent must apply for and obtain a permit under the Water Resources Act, 2002, specifically Section 48 for any work in or within fifteen (15) metres of a body of water (including wetlands) prior to the start of the work.

The proponent will be required to complete a Level I and Level II Groundwater Assessment as per the Department of Environment and Climate Change Guidelines: Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells and Septic tank Systems.

**d) Newfoundland Power**

Newfoundland Power provided inundation mapping for this area which illustrates that the southern boundary of the rezoning area abuts and slightly encroaches the inundation limits for Big Country and Gull Pond Dams. To avoid any negative impacts to Newfoundland Power, as an upstream dam owner, all developments shall occur

outside of the inundation limits indicated.

## **PUBLIC CONSULTATION**

In accordance with Section 14 of the *Urban and Rural Planning Act, 2000*, Council undertook the following public notification and consultation initiatives so that individuals and groups could provide input to the proposed Development Regulations Amendment. The Town Council:

1. Published a notice in the Shoreline on February 16, 2024, advertising the proposed amendment seeking written comments or representations from the public; and,
2. Placed the proposed rezoning amendment on its website and on display at the Town Council Office and on its website from February 14, 2024, to February 28, 2024, for residents to view and to provide any comments or concerns in writing to the Council concerning the proposed amendment.
3. The deadline for receipt of written responses was February 28, 2024.

The Town Council determined that this consultation opportunity was reflective of the size, structure and complexity of planning issues under consideration and provided reasonable opportunity for interested persons, businesses and community groups to comment on the proposed amendment.

## **WRITTEN RESPONSE**

The Town received one written response from the Witless Bay Cemetery Committee which voiced concerns with the development of the residential subdivision with a second road access (southern access) onto Cemetery Road. The concerns lie with the section of Cemetery Road which is parallel to the Witless Bay Cemetery.

As this section of Cemetery Road is frequented by residents visiting gravesites, this proposal would present a safety concern with the increased traffic flow to this section of Cemetery Road, most especially during the construction phase of this subdivision as it would involve heavy traffic consisting of heavy equipment and large trucks.

Also, as this road would have to be brought to town standards, we don't see how this could happen, without causing great inconvenience to visitors to the cemetery.

## **ANALYSIS AND COMMENTARY**

The rezoning amendment is for a change in the proposed residential density of the property from a minimum lot frontage of 38 m and minimum lot area of 3038 m<sup>2</sup> (RR use zone) to a minimum lot frontage of 30 m and a minimum lot area of 1080 m<sup>2</sup> (Res use zone). The rezoning of the backland is proposed to be consistent with the residential zoning along the Southern Shore Highway

Should the amendment be approved a level I and level II ground water assessment will be required by the Department of Environment and Climate change. The commentary from provincial departments will be addressed or responded to during the detailed subdivision design of the property. The inundation limits as identified by Newfoundland Power will be taken into account and incorporated in the more detailed subdivision plan for the subdivision.

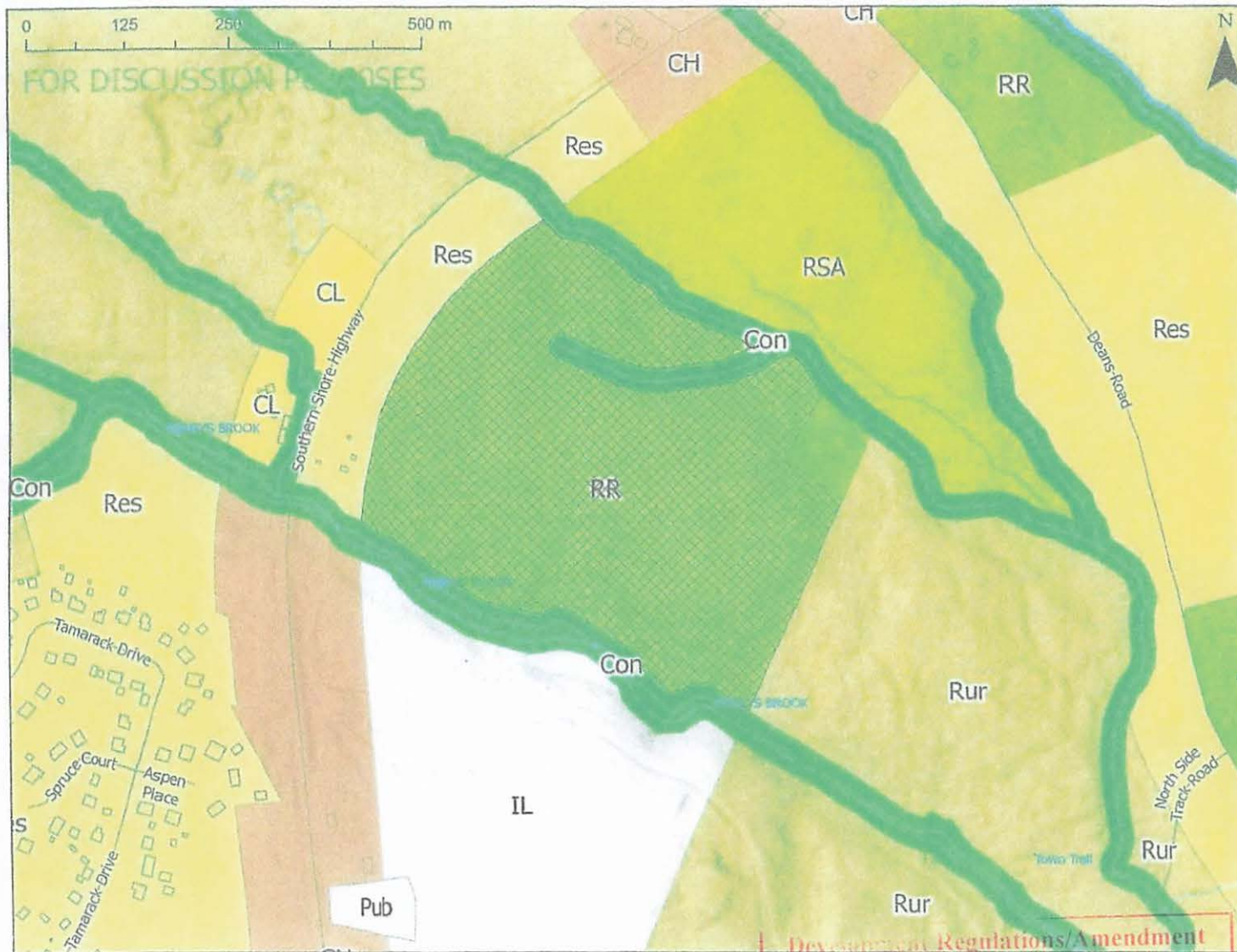
The commentary by the Witless Bay Cemetery Committee is related to the southern portion of Cemetery Lane and not the portion upon which the proposed subdivision road is to exit upon. While an upgrade to Cemetery Lane will be required in the area of the proposed rezoning of the property, this upgrade should not have any impact on the existing road access into the cemetery.

## **DEVELOPMENT REGULATIONS AMENDMENT NO. 7, 2024**

The Town of Witless Bay Development Regulations 2013-2023 shall be amended as follows:

1. Rezone the rear portion of property at 45-57 Southern Shore Highway from '**Rural Residential (RR)**' to '**Residential (Res)**' as illustrated on the attached portion of the Town of Witless Bay Land Use Zoning Map which forms part of this amendment.





Dated: JAN 16th, 2024

## Town of Witless Bay

Development Regulations 2013-2023  
Land Use Zoning Map  
Amendment No. 7, 2024



From: Residential Rural (RR)  
To: Residential (RES)

Dated at Witless Bay, Newfoundland and Labrador

This 16<sup>th</sup> Day of DECEMBER  
2024

Trevor Croft, Mayor

Jennifer Aspell, Chief Administrative Officer

I certify that this Development Regulations amendment for the Town of Witless Bay has been prepared in accordance with the requirements of the Urban and Rural Planning Act 2000:

STEPHEN B. JEWZCYK  
  
Stephen Jewczyk, FCIP

Development Regulations/Amendment

**REGISTERED**

Number 5455-0020-2024  
Date 30 DEC 2024  
Signature