



TOWN OF WITLESS BAY
MUNICIPAL PLAN 2013-2023

MUNICIPAL PLAN AMENDMENT No. 5, 2024

(45 SOUTHERN SHORE HIGHWAY AMENDMENT)

OCTOBER 2024

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

TOWN OF WITLESS BAY

MUNICIPAL PLAN AMENDMENT No. 5, 2024

Under the authority of Section 16, 17 and 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Witless Bay

- a) Adopted the Witless Bay Municipal Plan Amendment No. 5, 2024 on _____th, 2024.
- b) Gave notice of the adoption of the Witless Bay Municipal Plan Amendment No. 5 2024 by advertisement in the Shoreline newspaper on _____th, and _____th, 2024. The advertisement was also posted on the Town's website, and social media platforms.
- c) Set the ____th day, _____ 2024 for the holding of a public hearing at the _____ to consider submissions and objections.

Now under the authority of Section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Witless Bay approves the Witless Bay Municipal Plan No. 5, 2024 as adopted.

Signed and sealed this ____th day of _____, 2025.

Mayor:

Trevor Croft (Council Seal)

Chief Administrative Officer:

Jennifer Aspell

RESOLUTION TO ADOPT

Municipal Plan/Amendment	
REGISTERED	
Number	_____
Date	_____
Signature	_____

TOWN OF WITLESS BAY
MUNICIPAL PLAN AMENDMENT No. 5, 2024

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Witless Bay adopts the Town of Witless Bay Municipal Plan Amendment No.5, 2024.

Adopted by the Town Council of Witless Bay on the _____th day of _____, 2024.

Signed and sealed this _____ day of _____, 2024.

Mayor:

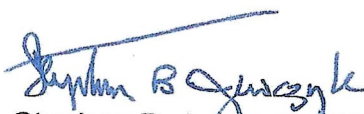
Trevor Croft (Council Seal)

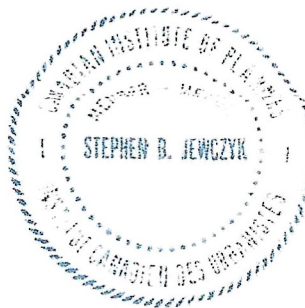
Chief Administrative Officer:

Jennifer Aspell

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Witless Bay Municipal Plan Amendment No. 5, 2024 was prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.


Stephen B. Jewczyk, FCIP
Urban and Regional Planner



Town of Witless Bay Municipal Plan Amendment No. 5, 2024

PURPOSE

The Witless Bay Municipal Plan came into legal effect on June 24, 2016. The Municipal Plan contains policies and land use designations which guide and direct the orderly growth and development of the Town.

The Town Council of Witless Bay is in receipt of a rezoning request from Raven Aviation and Marine Ltd. to rezone the front portion of private property at 45 Southern Shore Highway from 'Residential (RES)' to 'Commercial Highway (CH)'. In order to accommodate this request a municipal plan amendment is also required to redesignate the property from 'Residential' to 'Commercial'.

The purpose for the redesignation of this property is to allow for its future development for highway commercial uses.

After due consideration, the Town Council now wishes to consider amending the Witless Bay Municipal Plan 2013-2023 at 45 Southern Shore Highway from 'Residential' to 'Commercial'.

THE SUBJECT PROPERTY

The subject property under consideration is situated immediate north of a watercourse which crosses the Southern shore Highway. The property forms a part of the larger property at 45-57 Southern Shore Highway. The amendment area has a frontage of approximately 100 m (328 feet) and area of approximately 9000 m² (2.22 acres).

The property is forested with the land sloping east and south towards the ocean.

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 commercial uses. As a result, an amendment to the Regional Plan will not be required.

THE TOWN OF WITLESS BAY MUNICIPAL PLAN 2013-2023

The current land use designation of the property is 'Residential'. This designation allows a range of residential uses but does not allow the range of highway commercial uses envisioned by the applicant. The applicant wishes to redesignate the property to 'Commercial' to allow for future commercial uses at this property.

The proposed amendment is consistent with the intent, goals, and objectives of the Municipal Plan.

THE TOWN OF WITLESS BAY DEVELOPMENT REGULATIONS 2013-2023

The subject property is currently zoned as 'Residential (Res)'. An amendment to the Development Regulations will be required to rezone the property to the corresponding commercial use zone which will be required to support and implement this municipal plan amendment.

COMMENTARY

The subject property is in a section of the Southern Shore highway within the Town where there is no development. This property along with surrounding lands to the east and north are in a natural forested state. The property abounds the northern limit of a watercourse and Conservation designation, it is not the intention of the applicant to develop within the Conservation designation.

The property is suitable for development.

The change in land use designation to Commercial is a reasonable use of land given that the property abuts the Southern Shore Highway, a provincial highway and highway commercial uses exist to the north of this property. In addition the Southern Shore Highway section within the Town has a significant amount of commercial development of a highway commercial nature already existing on both sides of the highway.

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, ie: 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 plan amendment 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*, the 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 municipal plan amendment was available for review at the Town Hall during regular business hours and was available on the Town's website. The notices allowed the public to view and provide any comments or concerns in writing to the Council concerning the proposed amendment.

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.

Copies of the Public Notices are attached.

ANALYSIS AND COMMENTARY

The municipal plan amendment proposes to change the residentially designated land north of a proposed residential subdivision and conservation buffer (which is being processed as Witless Bay Development Regulation 8, 2024) to Commercial to be consistent with the plan amendment north of the property.

The commentary from provincial departments will be addressed or responded to during the detailed development application stage of the property. The inundation limits as identified by Newfoundland Power do not encroach upon or impact this amendment area.

The commentary by the Witless Bay Cemetery Committee is related to the southern portion of Cemetery Lane and does not impact this amendment which fronts directly onto the Southern shore Highway.

MUNICIPAL PLAN AMENDMENT No. 5, 2024

The Town of Witless Bay Municipal Plan 2013-2023 is amended by:

- A) Changing the land use designation of 45 Southern Shore Highway from 'Residential' to 'Commercial' as shown on the attached portion of the Town of Witless Bay Future Land Use Map.

There are no changes to the text of the Witless Bay Municipal Plan 2013-2023.



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

AMENDMENT No. 8, 2024

**(45 SOUTHERN SHORE HIGHWAY REZONING
AMENDMENT)**

OCTOBER 2024

Urban and Rural Planning Act, 2000
Resolution to Approve
Town of Witless Bay Development Regulations 2013-2023
Amendment No. 8, 2024

Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Witless Bay;

- a) Adopted the Town of Witless Bay Development Regulations Amendment No. 8, 2024 on the ____ day of _____ 2024.
- b) Gave notice of the adoption of the Town of Witless Bay Development Regulations Amendment No. 8, 2024 by advertisement in the Shoreline on _____, and _____ 2024. The advertisement was also posted on the Town's website, and social media platforms.
- c) Set the ____th day of _____, 2024 for the holding of a public hearing at the _____ to consider submissions and objections.

Now under Section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Witless Bay approved the Town of Witless Bay Development Regulations Amendment No. 8, 2024 as adopted.

Signed and sealed this _____ day of _____, 2025.

Mayor: _____ (Council Seal)
Trevor Croft

Chief Administrative Officer: _____
Jennifer Aspell

Development Regulations/Amendment	
REGISTERED	
Number	_____
Date	_____
Signature	_____

Urban and Rural Planning Act, 2000
Resolution to Adopt
Town of Witless Bay Development Regulations 2013-2023
Amendment No. 8, 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. 8, 2024 to the Town of Witless Bay Development Regulations.

Adopted by the Town Council of Witless Bay on the _____ day of _____, 2024.

Signed and sealed this _____ day of _____, 2024.

Mayor:

Trevor Croft


(Council Seal)

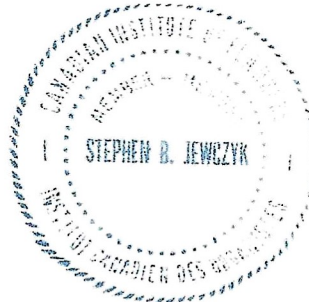
Chief Administrative Officer: _____

Jennifer Aspell

Canadian Institute of Planners Certification

I certify that Amendment No. 8, 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



**Town of Witless Bay Development Regulations 2013-2023
Amendment No. 8, 2024**

PURPOSE

The Witless Bay Development Regulations 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 Raven Aviation and Marine Ltd. to rezone the front portion of private property at 45 Southern Shore Highway from 'Residential (RES)' to 'Commercial Highway (CH)'.

The purpose for the rezoning of this property is to allow the future development for highway commercial uses.

After due consideration, the Town Council now wishes to consider amending the Witless Bay Development Regulations 2013-2023 from 'Residential (RES)' to 'Commercial Highway (CH)'.

This rezoning supports and is concurrent with Town of Witless Bay Municipal Plan Amendment No 5, 2024 to which it relates and is required to fully implement the amendment. No text amendment to the Witless Bay Development Regulations forms a part of this amendment.

THE SUBJECT PROPERTY

The amendment area under consideration is situated immediate north of a watercourse which crosses the Southern shore Highway. The amendment area has a frontage of approximately 100 m (328 feet) and area of approximately 9000 m² (2.22 acres).

The property is forested with the land sloping east and south towards the ocean.

PROVINCIAL GOVERNMENT & PUBLIC UTILITIES COMMENTARY

The Town received commentary from the Departments of Municipal and Provincial Affairs, Transportation and Infrastructure and Environment and Climate Change and Newfoundland Power. This commentary is outlined in the concurrent Witless Bay Municipal Plan Amendment No. 5 2024 document to which this rezoning is required to implement.

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 municipal plan amendment was available for review at the Town Hall during regular business hours and was available on the Town's website. The notices allowed the public to view and provide any comments or concerns in writing to the Council concerning the proposed amendment.

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.

The Town received one written response from the Witless Bay Cemetery Committee as part of the larger public consultation process. The commentary received from the Committee was not applicable to this rezoning amendment.

DEVELOPMENT REGULATIONS AMENDMENT NO. 8, 2024

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

1. Rezone property situated at 45 Southern Shore Highway from '**Residential (RES)**' to '**Commercial Highway (CH)**' as illustrated on the attached portion of the Town of Witless Bay Land Use Zoning Map which forms part of this amendment.

There are no changes to the text of the Witless Bay Development Regulations 2013-2023.

Dated: JAN 16th, 2024