



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

AMENDMENT No. 6, 2024

(ACCESSORY BUILDING AMENDMENT)

JANUARY 2024

Urban and Rural Planning Act, 2000
Resolution to Adopt
Town of Witless Bay Development Regulations 2013-2023
Amendment No. 6, 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. 6, 2024 to the Town of Witless Bay Development Regulations.

Adopted by the Town Council of Witless Bay on the 20th day of February 2024.

Signed and sealed this 29th day of February, 2024.

Mayor:



Trevor Croft

(Council Seal)

Chief Administrative Officer:

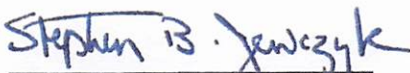


Jennifer Aspell



Canadian Institute of Planners Certification

I certify that Amendment No. 6, 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 5455-2024-005

Date 19 APRIL 2024

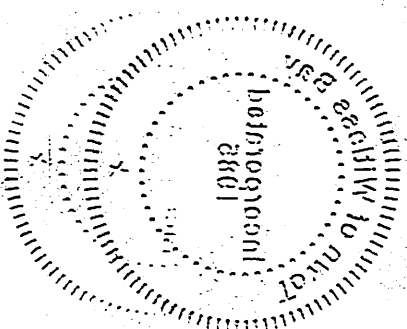
Signature [Signature]

OFFICE OF THE ATTORNEY GENERAL
STATE OF NEW YORK
ALBANY, N. Y.

IN SENATE,
January 10, 1907.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE.

ALBANY: JAMES B. LEECH, STATE PRINTER, 1907.



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**Town of Witless Bay Development Regulations 2013-2023
Amendment No. 6, 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.

In response to public commentary, the Town Council wishes to amend the text of the Development Regulations relating to accessory buildings which would:

In Part II-General Development Standards, revise Regulation 38 titled "Accessory Buildings";

In Schedule A-Definitions, add the definitions for Greenhouses and Cold Frames; and,

In Schedule C-Use Zone Tables, revise the development conditions relating to residential accessory buildings in the **RESIDENTIAL (Res)**, **RESIDENTIAL RURAL (RR)** and **MIXED DEVELOPMENT (MD)** use zones.

These revisions will allow a larger floor area for a residential accessory building, define green house and cold frame, provide more clarity regarding the conditions relating to residential accessory buildings and not require building permits for green houses and cold frames up to a certain size in the **Res**, **RR**, and **MD** use zones.

St. John's Urban Region Regional Plan 1976

The proposed amendment to the Witless Bay Development Regulations does not conflict with the policies of the St. John's Urban Region Regional Plan. Therefore, an amendment to the St. John's Urban Region Regional Plan is not required.

The Town of Witless Bay Municipal Plan 2013-2023

Section 3.1.1 of the General Land use Policies of the Municipal Plan states that "Development within the Planning Area will be managed in accordance with the regulations of Council, in adherence with the policies, acts and regulations of the Province".

The proposed amendments revise the existing development regulations relating to accessory buildings. Accessory buildings are managed in accordance with the regulations of Council.

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

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 January 19, 2024, advertising the proposed amendment seeking written comments or representations from the public; and,
2. Placed the proposed text amendment on its website from January 22, 2024, to January 31, 2024, for residents to view and to 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.

No written comments were received by the Town during the public consultation period.

DEVELOPMENT REGULATIONS AMENDMENT NO. 6, 2024

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

In Part II- General Development Standards

The proposed change would revise Regulation 38 from:

38. Accessory Buildings

- (1) 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.*
- (2) No accessory building or part thereof shall project in front of any building line or in the flanking side yard of a corner lot.*

- (3) The sideyard requirements set out in the use zone tables in these Regulations shall apply to accessory buildings wherever they are located on the lot but accessory buildings on two (2) adjoining lots) may be built to property boundaries provide they shall be of fire resistant construction and have a common firewall.*

to:

38. Accessory Buildings

- (1) With the exception of greenhouses, gazebos, cold frames, vegetable storage cellar and communication antennae, accessory buildings shall be:*
- a) clearly incidental and complementary to the use of the main buildings in character, use and size;*
 - b) contained on the same lot; and,*
 - c) so located so as to minimize any visual impacts on adjoining properties.*
- (2) No accessory building or part thereof shall project in front of any building line or in the flanking side yard of a corner lot.*
- (3) Notwithstanding Regulation 38.(2), Council may, approve the location of an accessory building closer to the street line than is the location of the main dwelling where the Council considers that the physical features of the Lot would prohibit the location of an accessory building in the rear or side yards and would pose a severe inconvenience or hazard, provided that the location of the accessory building would not pose a threat to street safety.*
- (4) Unless otherwise stated in the conditions section of the Use Zone Tables, the Side Yard Width and Rear Yard Depth development standards as set out in the use zone tables in these Regulations shall apply to accessory buildings wherever they are located on the lot but accessory buildings on two (2) adjoining lots) may be built to property boundaries provide they shall be of fire resistant construction and have a common firewall.*
- (5) Where a structure is attached to the main wall or main building on the lot by a roof, a common wall or foundation, it is considered a part of the main building and not a separate accessory building.*

In Schedule A-Definitions, add the following definitions in the alphabetical sequence in the list of definitions:

COLD FRAME means a glass or plastic-covered frame without artificial heat

used to protect plants and seedlings outdoors.

GAZEBO means a free standing roofed structure open on all sides that offers an open view of the surrounding area, typically used for relaxation or entertainment.

GREENHOUSE means a building or room, whose roof and sides are made largely of glass or other transparent or translucent material for the cultivation of plants for subsequent sale, transplanting or personal use.

In Schedule C – Use Zone Tables

The proposed change would revise Condition 4 of the **RESIDENTIAL (Res)**, and Condition 5 of the **RESIDENTIAL RURAL (RR)** use zones from:

Accessory Buildings

- (a) All accessory buildings shall have a maximum floor area of 70 m².*
- (b) An accessory building shall be prohibited to project in front of any building line or in the flanking side yard of a corner lot.*
- (c) Accessory buildings shall located be on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use style and exterior finish. and shall be located so as to minimize any visual impacts on adjoining properties.*
- (d) The maximum height shall be 6m with a minimum of 1m from any property line and 2m from the nearest corner of a residential building.*
- (e) Accessory Buildings (private garages only) may be permitted in the sideyard at Council's discretion, but not in the flanking sideyard of a corner lot.*
- (f) Residential lots may have more than one accessory building provided that the combined floor area of all buildings, including a second storey, shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone*
- (g) Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs or painting, dismantling or scrapping of vehicles or machinery.*
- (h) Where it can be clearly demonstrated that a need exists for a larger accessory building, Council shall have discretion where the proposed accessory building will exceed the maximum floor area of 70m², and the maximum height of 6m.*

to:

Accessory Buildings

Further to Regulation 38 of these Regulations, the following applies to accessory buildings in this Use Zone but does not apply to a deck or swimming pool:

- (a) An accessory building shall not be used as a dwelling or for human habitation.*

- (b) School buses, semi-trailers, metal storage containers or other vehicle body types shall not be permitted as an accessory building.*
- (c) The maximum area of each floor of an accessory building shall not exceed 100 metres square (m²).*
- (d) A residential lot may have more than one accessory building provided the combined accessory buildings shall be the lesser of the maximum lot coverage of all accessory buildings of 7 percent (7%) of the lot area or up to a collective maximum of 150 metres square (m²).*
- (e) The maximum height of an accessory building shall be 6 metres with a minimum setback of 1 metre from any property line and 3 metres from the nearest point of a residential building.*
- (f) Accessory Buildings shall not be erected or placed upon a disposal field or service/utility, any easement, drainage swale, septic system or right-of-way.*
- (g) Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of operating a commercial vehicle repair business or painting, dismantling or scrapping of vehicles or machinery.*
- (h) The installation of an electrical service to the Accessory Building is permitted subject to the approval and conditions of provincial Digital Government and Service NL.*
- (i) Greenhouses or cold frames with an area of 16 m² or less do not require permit approval and shall not be included in the area calculation for an accessory building(s).*

The proposed change would revise Condition 2 of the **MIXED DEVELOPMENT (MD)** use zone from:

2. Accessory Buildings for Residential Use

- (a) All accessory buildings shall have a maximum floor area of 70 m².*
- (b) An accessory building will not be permitted to project in front of any building line..*
- (c) The maximum height shall be 6m with a minimum of 1m from any property line and 2m from the nearest corner of a residential building.*
- (d) The accessory building will be finished in materials similar to the main dwelling on the property.*
- (e) Accessory Buildings (private garages only) may be permitted in the sideyard at Council discretion.*
- (f) Accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council.*
- (g) Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs, painting, dismantling or scrapping of vehicles or machinery.*

to:

2. Accessory Buildings for Residential Use

Further to Regulation 38 of these Regulations, the following applies to accessory buildings in this Use Zone but does not apply to a deck or swimming pool:

- (a) An accessory building shall not be used as a dwelling or for human habitation.*
- (b) School buses, semi-trailers, metal storage containers or other vehicle body types shall not be permitted as an accessory building.*
- (c) The maximum area of each floor of an accessory building shall not exceed 100 metres square (m²).*
- (d) A residential lot may have more than one accessory building provided the combined accessory buildings shall be the lesser of the maximum lot coverage of all accessory buildings of 7 percent (7%) of the lot area or up to a collective maximum of 150 metres square (m²).*
- (e) The maximum height of an accessory building shall be 6 metres with a minimum setback of 1 metre from any property line and 3 metres from the nearest point of a residential building.*
- (f) Accessory Buildings shall not be erected or placed upon a disposal field or service/utility, any easement, drainage swale, septic system or right-of-way.*
- (g) Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of operating a commercial vehicle repair business or performing major repairs, painting, dismantling or scrapping of vehicles or machinery.*
- (h) The installation of an electrical service to the Accessory Building is permitted subject to the approval and conditions of provincial Digital Government and Service NL.*
- (i) Greenhouses or cold frames with an area of 16 m² or less do not require permit approval and shall not be included in the area calculation for an accessory building(s).*