



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

AMENDMENT No. 10, 2025

**(LOT AREA AND SIZE EXCEPTIONS – EXISTING DEVELOPMENT
AMENDMENT)**

DECEMBER 2025

Urban and Rural Planning Act, 2000
Resolution to Adopt
Town of Witless Bay Development Regulations 2013-2023
Amendment No. 10, 2025

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Witless Bay hereby adopts Amendment No. 10, 2025 to the Town of Witless Bay Development Regulations.

Adopted by the Town Council of Witless Bay on the 10th day of February 2026.

Signed and sealed this 10th day of February 2026.

Mayor: Justina Nawaz (Council Seal)
Justina Nawaz

Chief Administrative Officer: Jennifer Aspell
Jennifer Aspell



Canadian Institute of Planners Certification

I certify that Amendment No. 10, 2025 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
Stephen B. Jewczyk, FCIP
Urban and Regional Planner

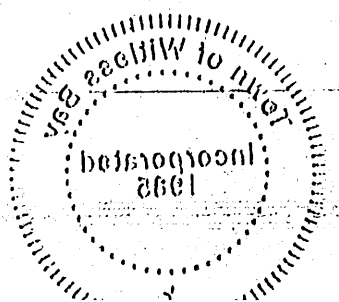


Development Regulations/Amendment	
REGISTERED	
Number	<u>5455-0023-2026</u>
Date	<u>March 12, 2026</u>
Signature	<u>Sen [Signature]</u>

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**Town of Witless Bay Development Regulations 2013-2023
Amendment No. 10, 2025**

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 wishes to amend the text of the Development Regulations by adding to Part II – General Development Standards, a section relating to the lot area and size exceptions of existing development which encroaches upon the Town's roads or are situated on the street line of the property.

By way of background, the Town has a number of properties and lots with buildings which has insufficient lot area or frontage to meet the minimum use zone development standards. These properties are in the older part of the Town where historically the building or property existed prior to any regulations in place or were constructed with or without permits from the Town. Many of these lots and buildings encroach upon the Town's roads or are situated on the street line of the property.

These lots in planning terms would be considered as non-conforming/non-compliance lots. The Town is beginning to receive application requests to remove the existing building and relocate and replace the building on the lot in a more reasonable location that would not be encroaching onto the street or street line. However, the non-conforming provisions of the development regulations do not allow this type of replacement and relocation.

The Town Council wishes to have the flexibility to address these residential situations in the older built-up area of the Town as a companion regulation to the current non-conforming provisions of the Development Regulations to permit the relocation or removal and reconstruction or reestablishment of developments on subject lots to mitigate encroachment and public safety issues.

The Proposed Amendment

The Town Council wishes to add the following regulation immediately after Regulation 47 as follows:

47.1 Lot Area and Size Exceptions-Existing Development

(a) Notwithstanding Regulation 47, where residential development exists prior to the existing Development Regulations coming into effect and:

1. *the residential development is non-compliant with the development standards for the use zone in which the development is located;*
2. *the property has not been subdivided since the existing development regulations came into effect;*
3. *the development encroaches upon or may provide difficulties in the upgrading of roads or public infrastructure; and*
4. *where the property owner wishes to demolish the existing dwelling and relocate the dwelling on the non-compliant lot;*

the Council may use its discretion to determine the lot standards for the replacement of the dwelling if the location of the replacement building on the lot is in the public interest and improves public convenience and safety.

(b) The replacement or relocation of the dwelling on the property will require the approval for a new well and septic tank from the Department of Government Services, pursuant to the Sanitation Regulations under the Health and Community Services Act.

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 amendment provides the authority to permit the relocation or removal and reconstruction or reestablishment of residential developments on subject lots to mitigate encroachment and public safety issues. The relocation, reconstruction and reestablishment of dwellings is 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 Sections 14 and 110.1 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. Brought forward a Notice of Motion at a regular Meeting of Council held on November 12, 2025, to amend the Witless Bay Development Regulations by adding a regulation regarding Lot Area and Size Exceptions for Existing Development.
2. Posted a notice on at the Witless Bay Town Hall and the Post Office at the Irish Loop Coffee House from January 9, 2026, to January 23, 2026, advertising the proposed amendment seeking written comments or representations from the public.
3. Placed the proposed text amendment on its website from January 9, 2026, to January 23, 2026, for residents to view and to provide any comments or representations in writing to the Council concerning the proposed amendment; and,
4. Made town staff available to answer questions and provide clarification to the public between January 9, 2026, and January 23, 2026.

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. 10, 2025

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

In Part II – General Development Standards, add the following regulation immediately after Regulation 47:

47.1 Lot Area and Size Exceptions-Existing Development

(a) Notwithstanding Regulation 47, where residential development exists prior to the existing Development Regulations coming into effect and:

- 1. the residential development is non-compliant with the development standards for the use zone in which the development is located;***
- 2. the property has not been subdivided since the existing development regulations came into effect;***
- 3. the development encroaches upon or may provide difficulties in the upgrading of roads or public infrastructure; and***

4. where the property owner wishes to demolish the existing dwelling and relocate the dwelling on the non-compliant lot,

the Council may use its discretion to determine the lot standards for the replacement of the dwelling if the location of the replacement building on the lot is in the public interest and improves public convenience and safety.

(b) The replacement or relocation of the dwelling on the property will require the approval for a new well and septic tank from the Department of Government Services pursuant to the Sanitation Regulations under the Health and Community Services Act.

No changes are proposed to the Land Use Zoning Map.