



**Amendment No. 1, 2018
Trinity South Highway Protected Road Zoning Plan**

Prepared by:

**Department of Municipal Affairs and Environment
Local Governance and Land Use Planning Division**

July 2019

URBAN AND RURAL PLANNING ACT

RESOLUTION TO APPROVE

TRINITY SOUTH HIGHWAY PROTECTED ROAD ZONING PLAN

AMENDMENT No. 1, 2018

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, I, Mary Oley, as delegated by the Minister of Municipal Affairs and Environment:

- a) adopted the Trinity South Highway Protected Road Zoning Plan Amendment No. 1, 2018 on the 25th day of July, 2019.
- b) gave notice of the adoption of the Trinity South Highway Protected Road Zoning Plan Amendment No. 1, 2018 by advertisement inserted on the ----- day and the ----- day of -----, 2019 in the -----newspaper.
- c) set the ----- day of ----- at ----- p.m. at the Town Hall, -----, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, I approve the Trinity South Highway Protected Road Zoning Plan Amendment No. 1, 2018 as adopted (or as amended as follows).

SIGNED AND SEALED this ----- day of -----, 2019.

Mary Oley
Director of Local Governance and Land Use Planning

URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TRINITY SOUTH HIGHWAY ZONING PLAN
AMENDMENT No. 1, 2018

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, I, Mary Oley as delegated by the Minister of Municipal Affairs and Environment adopts the Trinity South Highway Protected Road Zoning Plan Amendment No. 1, 2018.

Signed this 25th day of July, 2019.



Mary Oley
Director of Local Governance and Land Use Planning

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Highway Zoning Plan Amendment No. 1, 2018 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

MCIP:



Trinity South Highway Protected Road Zoning Plan

Amendment No. 1, 2018

FORWARD

The Department of Municipal Affairs and Environment is considering an amendment to the Trinity South Highway Protected Road Zoning Plan. An individual submitted a request to rezone privately owned land located on the west side of Route 80, south of the Salvation Army Citadel, from “Rural Conservation” to “Mixed” to accommodate a new dwelling. A site visit, conducted on August 17, 2018, determined that there was existing residential development on the east side of Route 80 which should be included as part of the amendment.

After the public consultation process, the applicant revised his request to include the potential for a future four lot residential subdivision. As a result, the full extent of the privately owned property is subject to the proposed rezoning from “Rural Conservation” to “Mixed”.

BACKGROUND

The Protected Road Zoning Regulations (CNLR 996/96) are provincial regulations made under the Urban and Rural Planning Act. According to schedule B of these Regulations, the Trinity South Highway, Route 80, is a Class II protected road. Schedule B states:

The Trinity South Highway (Route 80), as existing or proposed, from its intersection with the Trans Canada Highway (Route 1), at Whitbourne, to its intersection with Track Road in the Town of Old Perlican, excluding those sections of highway conjoint with the municipalities of Heart's Delight, Heart's Desire, Heart's Content, New Perlican and Winterton as per the following descriptions:

- (a) Heart's Delight - commencing at a point 600 metres south of the centre line of the bridge over Bear Cove Brook, where it crosses the highway, and extending to a point 410 metres north of the centre line of the northern approach of the Road to Northeast Side of Heart's Delight, as referred to locally, with Route 80;

(b) Heart's Desire - commencing at a point 230 metres south of the centre line of the bridge over Heart's Desire Brook, where it crosses the road, and extending to a point 90 metres north of the centre line of the intersection of Route 80 with Bill Clark's Lane, as referred to locally;

(c) Heart's Content - commencing at a point 110 metres south of the centre line of the intersection of Route 80 with the Southern Cove Access Road and extending to a point where the centre line of the access to Northern Point lighthouse intersects with Route 80;

(d) New Perlican - commencing at a point 200 metres south of the centre line of the intersection of Route 80 with Vitters Cove Access Road, and extending to a point 400 metres north of the centre line of the bridge over New Perlican River, where it crosses the highway;

(e) Winterton - commencing at a point one kilometre south of the centre line of the bridge traversing the outflow leading from Western Pond, where it crosses the highway, and extending to a point 915 metres north of the centre line of the intersection of Route 80 and the Harbour Bridge Road.

Subsection 3 (1) (b) of the Protected Road Zoning Regulations defines a Class II protected road as:

... a highway which is designated as a secondary road by the Department of Works, Services and Transportation and whose prime purpose is a transportation link for large outlying areas of the province;

The Trinity South Highway Protected Road Zoning Plan was prepared in 1998. The goal of the Plan is to protect the Trinity South Highway as a safe and convenient conveyor of traffic while ensuring that development occurs in an orderly manner.

The Trinity South Highway Protected Road Zoning Plan establishes land use policies and zones. The provincial Protected Road Zoning Regulations contain permitted uses within each zone and development control standards.

CONSULTATION

In accordance with Section 14 of the Urban and Rural Planning Act, the Department of Municipal Affairs and Environment must undertake public consultation to provide an opportunity for interested persons or groups as well as government departments:

- To provide input; and
- To learn about the proposed plan or amendment.

The Department consulted with government departments who identified that:

- Permits and/or approvals will be required from the Government Service Centre;
- If installation of an on-site subsurface sewage disposal system is required, the applicant must submit and receive approval for plans and specifications from an approved sewage disposal system. A minimum lot area of 1860 square metres per single detached dwelling is required.
- A permit is required from Water Resources Management Division, Department of Municipal Affairs and Environment for any work in any body of water, including wetland, prior to the start of construction.

A public consultation notice in the Compass on Wednesday September 26, 2018 requested individuals or groups to provide input. Written submissions are requested by Thursday October 11, 2018. No written comments were received.

In addition, the Town of Winterton was asked to review and provide comment on the proposed amendment by Thursday October 11, 2018. The Town of Winterton did not provide any comments.

ANALYSIS

The area subject to this amendment is located within the Town of Winterton and is subject to the Trinity South Highway Protected Road Zoning Plan and the Protected Road Zoning Regulations. Land to the north of the subject area, including the Salvation Army Citadel, is zoned Mixed. According to the Protected Road Zoning Regulations, the Mixed zone allows for a range of urban uses including dwellings as well as commercial and institutional uses.

The applicant revised the proposal to include the potential development of a four lot residential subdivision. The revised development concept was provided to the Department of Transportation and Works who indicated that:

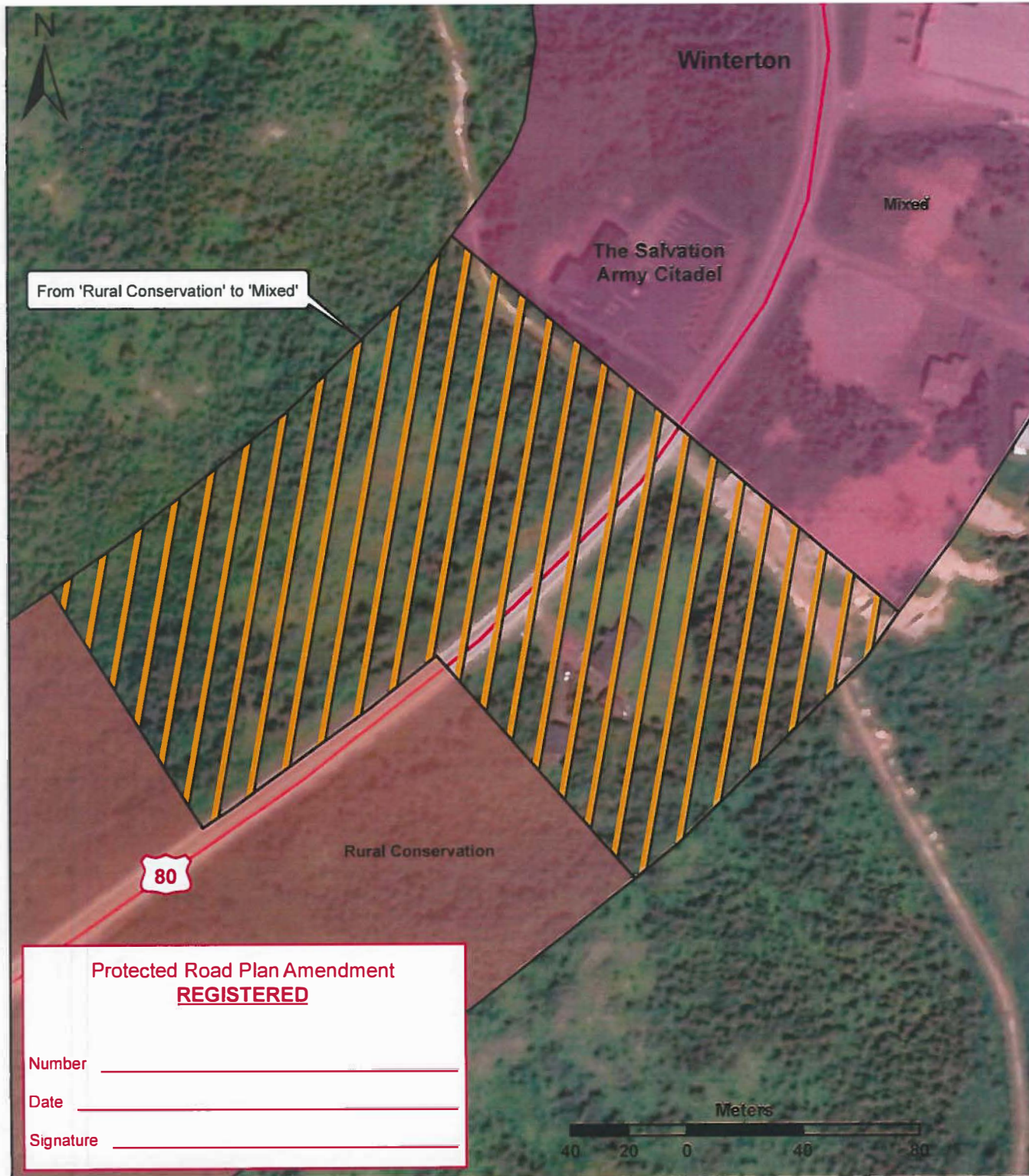
- the sight distance and spacing from other accesses is acceptable;
- intersection of the subdivision road and Route 80 must be designed to meet Transportation and Works specifications; and
- Transportation and Works approval required for the access.

Proposed Amendment No. 1, 2018

The Trinity South Highway Protected Road Zoning Plan Amendment No. 1, 2018 proposes to rezone land on both sides of Route 80, in the Town of Winterton, south of the Salvation Army Citadel, from “Rural Conservation” to “Mixed” to accommodate existing and proposed residential development. The attached map illustrates the proposed amendment.




Amendment No. 1, 2018
Trinity South Highway Protected Road Zoning Plan

MAP



From 'Rural Conservation' to 'Mixed'

Trinity South Highway Protected Road Plan
 Protected Road Zoning Plan
 Amendment No. 1, 2018
 Winterton

-  From 'Rural Conservation' to 'Mixed'
-  Mixed
-  Rural Conservation



Signed this 25th day of July, 2019.



Mary Oley
 Director of Local Governance and Land Use Planning

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the Protected Road Zoning Plan Amendment No. 1, 2018 has been prepared in accordance with requirements of the Urban and Rural Planning Act, 2000.

MCIP: 

Protected Road Plan Amendment
REGISTERED

Number _____

Date _____

Signature _____

