

**TOWN OF CLARENVILLE**

**MUNICIPAL PLAN**

**2010 – 2020**

**2010**

DRAFT

## TABLE OF CONTENTS

<b>1.</b>	<b>INTRODUCTION .....</b>	<b>1</b>
1.1	Purpose of the Municipal Plan.....	1
1.2	Plan Preparation.....	1
1.3	Contents of the Municipal Plan .....	2
1.4	Municipal Plan Administration .....	2
1.5	Integrated Community Sustainability Plan.....	3
1.6	Interpretation .....	3
<b>2.</b>	<b>GOALS AND OBJECTIVES .....</b>	<b>4</b>
2.1	Community Structure and Character.....	4
2.2	Environment .....	5
2.3	Economic Growth and Development .....	6
2.4	Social Well-Being.....	7
2.5	Housing .....	8
2.6	Transportation.....	9
2.7	Recreation and Open Space.....	9
2.8	Culture and Heritage .....	10
2.9	Capital Works .....	10
2.10	Governance.....	11
2.11	Municipal Finance .....	11
<b>3.</b>	<b>LAND USE POLICIES.....</b>	<b>13</b>
3.1	Policy Framework.....	13
3.2	General Policies.....	14
3.2.1	General Land Use Policies.....	14
3.2.2	General Environmental Policies.....	24
3.2.3	Infrastructure Policies.....	29
3.3	Land Uses.....	31
3.3.1	Environmental Protection .....	31
3.3.2	Water Supply .....	32
3.3.3	Flood Risk.....	34
3.3.4	Residential.....	35
3.3.5	Mixed Use.....	38
3.3.6	Commercial.....	40
3.3.7	Industrial.....	42
3.3.8	Public Use.....	44
3.3.9	Recreation Open Space.....	44
3.3.10	Open Space.....	45
3.3.11	Tourism Recreation .....	46
3.3.12	Rural .....	47
3.3.13	Transportation .....	49
<b>4.</b>	<b>IMPLEMENTATION.....</b>	<b>54</b>
4.1	Administration of the Plan .....	54
4.2	Public Participation.....	57
4.3	Development Regulations .....	58
4.4	Development Control.....	59
4.5	Amending the Municipal Plan and Development Regulations.....	60

DRAFT

## **1.0 INTRODUCTION**

### **1.1 Purpose of the Municipal Plan**

The Clarenville Municipal Plan was prepared to provide Town Council with a comprehensive policy document to manage of growth within the municipal planning area over the ten-year planning period 2009-2019. The Plan repeals and replaces the Clarenville Municipal Plan 1999-2009. This document has been prepared in compliance with the Urban and Rural Planning Act, 2000, (hereafter referred to as the Act) and on the basis of the Background Report-2009.

The Plan was drafted following a comprehensive review of the 1999-2009 Municipal Plan and Development Regulations and other land use planning documents pertaining to the Town. All relevant planning issues have been reviewed as required under the Urban and Rural Planning Act, 2000, including a survey and study of land use, population growth, economic and social issues, transportation, municipal services, and environmental issues. The results of the work conducted for the review are presented in the Clarenville Municipal Plan Review: Background Report, 2009.

### **1.2 Plan Preparation**

This Municipal Plan reflects a review conducted of the 1999 Clarenville Municipal Plan and subsequent amendments since then. Relevant planning issues were identified through a background review of land use, environmental, demographic, social, and economic issues, consideration of the *Clarenville Strategic Plan* (2008) and *Clarenville Economic Development Strategy* (2006), consultations with Town Councilors and staff, and public comments received through the community participation process.

The Plan guides the future growth and physical improvement of the Town by identifying locations and guidelines for various types of land use development. The Municipal Plan provides the basis for the Land Use, Zoning, Subdivision and Advertisement Regulations (generally referred to as the Development Regulations), which Council will administer through development and subdivision permits and approvals. The Municipal Plan authorizes Council to

prevent the undertaking of any development that contravenes a policy stated in the Municipal Plan.

### **1.3 Contents of the Municipal Plan**

The Municipal Plan, comprising this document and the accompanying Future Land Use Maps, constitutes a legal document pursuant to the Urban and Rural Planning Act, 2000. It contains:

- The aims of Council (goals and objectives).
- Land use policies for future development.
- Future Land Use maps, which allocate land for future development, environmental protection, and natural resource uses.

The Background Report describes existing conditions in the town as the Municipal Plan was being prepared and provides the rationale behind policies contained in the Municipal Plan. It does not form part of the legal document.

### **1.4 Municipal Plan Administration**

After Ministerial approval of the Clarenville Municipal Plan was published in the Newfoundland and Labrador Gazette, the Plan became binding upon Council and all other persons, corporations and organizations. Council administers the Municipal Plan by carrying out the Plan's policies.

This is done in several ways:

- By preparing and implementing the Development Regulations,
- By issuing development permits to applicants wishing to subdivide land, erect a building, or change the use of a building or land, or conversely refusing to issue permits for developments that are not in accordance with the Plan,
- By undertaking the capital works and development schemes outlined in the Plan as financial resources become available, and
- By adopting or approving development schemes, concept plans, comprehensive plans, and so forth.

In accordance with Section 25 of the Act, Council may make amendments to this Plan and Development Regulations at any time. Amendments will be brought into effect by the same process as described above for bringing the Municipal Plan into effect. Sections 14 to 25 apply to an amendment to the plan and development regulations.

## **1.5 Integrated Community Sustainability Plan**

An Integrated Community Sustainability Plan provides direction to the municipality to achieve sustainability objectives related to its environmental, economic, social, cultural and governance dimensions. The Clarendville Municipal Plan, along with the Clarendville Strategic Plan (2008) and Economic Development Strategy (2006), contributes to the Town's ICSP objectives.

## **1.6 Interpretation**

In this Municipal Plan:

- “Council” means the Council of the Town of Clarendville.
- “Development Regulations” mean the Clarendville Land Use Zoning, Subdivision, and Advertisement Regulations.
- “Municipal Planning Area” means the Clarendville Municipal Planning Area.
- “Town” means the Town of Clarendville.

The boundaries between the different land use designations in the Municipal Plan are meant to be general, except where the boundary is delineated by a road or other prominent feature in which case it defines the exact limits between each designation.

Nothing in the Plan will affect the continuance of land uses that were lawfully established on the date that this Plan came into effect.

## 2.0 GOALS AND OBJECTIVES

This section outlines the Town's planning goals and objectives for the 2009-2019 period. A goal is a desired state which reflects the long-term intent of Council and relates to a major area of interest or concern. An objective is a short-range step towards achieving the goal. In this context, an objective is a desired outcome or output that is preferred by Council in less than 10-years.

### 2.1 Community Structure and Character

Goals: Ensure that Clarenville's position as an important regional commercial and service centre with a desirable residential environment is supported by good quality development, properly located.

Encourage a growth structure for Clarenville that will ensure orderly development, economic use of municipal services, compatibility between land uses, and retention of the attractive features of the Town's setting.

Objectives: Prevent further development in areas of the municipality that cannot be economically serviced.

Develop additional public open space and green space, trails, sidewalks, and improved road linkages.

Develop land use standards that promote unified development yet are sensitive to the identities of both the old and new sections of Clarenville.

Maintain the physical and aesthetic character of Clarenville while accommodating the changing needs of the population and the need to protect environmentally sensitive and important areas.

Preserve and protect environmentally important and sensitive areas including ponds, streams, wetlands, coastal features, steep slopes, visually significant features, wildlife habitat, and marine resources.

Facilitate the development of appropriately located and scaled commercial areas.

Encourage lot layout and building designs that are sensitive to the physical form and character of the community.

Improve land and building accessibility standards to facilitate better mobility by disabled and elderly residents.

## **2.2 Environment**

Goal: Conserve, protect, and enhance important and sensitive environmental resources.

Objectives: Provide municipal services at environmentally acceptable standards.

Conserve, protect, and enhance important and sensitive environmental areas and resources, including lakes, streams, estuaries, wetlands, riparian areas, floodplains, coastal shorelines, steep slopes, marine resources, wildlife habitat, and scenic resources.

Protect the Clarenville drinking water supply from development that might reduce the quality and/or quantity of water available for municipal use.

Reduce stormwater flows, erosion, and impacts on receiving waters by improving how runoff is managed at and near its source.

Prevent development that would impinge on flood risk areas and be subject to unacceptable flood damage.

## 2.3 Economic Growth and Development

Goal: Encourage diversified and balanced economic development that fosters employment opportunities for all residents, promotes a high quality of life, contributes financially to the municipality, and protects the environment.

Objectives: Foster the continued growth of Clarenville as a regional service centre.

Encourage continued diversification of the local economy through the attraction of new businesses and support of existing businesses.

Encourage and accommodate compatible commercial, industrial, and tourism opportunities in suitable locations.

Allocate areas of good quality land in desirable locations for a range of business activities.

Ensure that economic development is as compatible as possible with neighbouring land uses.

Promote Clarenville as an attractive place to live, drawing upon its services, facilities, other amenities, and geographic location.

Support activities that enhance tourism such as the preservation and development of trails, waterfront areas, heritage sites, and outdoor recreation sites.

Promote the attractiveness of the town as a place to live, drawing upon its scenic character, forested hillsides, waterfront access, public services, and recreational amenities.

Promote the old downtown area of Clarenville for mixed use development including retail and service outlets, offices, public buildings, multi-unit housing, and outdoor public spaces.

Permit appropriate home occupations that fit with the neighbourhood character and do not impinge on the reasonable enjoyment of neighbouring residential properties.

Encourage economic opportunities that are a good fit with the labour force of Clarenville and surrounding communities.

## **2.4 Social Well-Being**

**Goal:** Provide for the welfare of all Clarenville residents by addressing basic human needs, improving community services and quality of life, and promoting social integration.

**Objectives:** Promote opportunities to meet the needs of residents for food, shelter, health care, education, employment, income, and safety.

Facilitate access to childcare, youth programs, and family services.

Ensure that the housing needs of residents of all income levels can be accommodated (also see Section 2.5).

Enhance Clarenville as an accessible and age-friendly community by improving land and building development standards with respect to the mobility needs of disabled and elderly residents.

Promote opportunities for inclusion of low-income and disadvantaged residents into all aspects of community life.

## 2.5 Housing

**Goal:** Provide for an adequate quality and quantity of housing to serve the needs of the present and future population with the amenities necessary for a pleasant residential environment.

**Objectives:** Allocate sufficient land for residential development to meet requirements of anticipated growth during the planning period.

Protect residential quality of life and property values.

Accommodate a range of housing types to satisfy market needs and ensure affordable housing is available for residents of different income levels, age groups, family structures, and disability needs.

Manage residential development in a manner that preserves and protects sensitive environments, riparian areas, and shared open space.

Encourage the appropriate development of single-detached, semi-detached, and multi-unit housing in appropriate locations through the development of new subdivisions, infilling along existing streets, and adaptive reuse of existing buildings in mixed residential/commercial areas.

Promote a pattern of development that reduces land use conflict between residential development and other land uses.

Reduce stormwater impacts and maintain a pleasing aesthetic environment through more sustainable approaches to subdivision design and construction.

## 2.6 Transportation

Goal: Provide an efficient transportation network to serve motorized and non-motorized transportation needs of Clareville.

Objectives: Provide safe and efficient access to all residential developments, commercial establishments, and recreational areas.

Ensure new development provides for traffic circulation that avoids congestion and hazardous intersections and finds ways to improve existing hazardous areas.

Upgrade existing intersections that are unsafe and inefficient.

Require development plans for new streets to demonstrate to Council's satisfaction that the development will be linked appropriately with the surrounding area.

Encourage and facilitate the development of active (i.e. non-motorized) transportation options including more trails and sidewalks.

Ensure the needs of disabled and elderly residents are appropriately addressed in the planning and design of streets, sidewalks, crosswalks, parking areas, and trail systems.

## 2.7 Recreation and Open Space

Goals: Develop and maintain built facilities and natural areas to accommodate a range of active and passive recreational needs of Clareville residents.

Objectives: Encourage public participation in the planning of open space recreation and conservation lands.

Protect important outdoor recreational facilities, particularly Clarenville's network of trails, from encroaching development.

Encourage and facilitate the continued development and maintenance of walking and bicycling trails throughout the community.

Establish open space requirements as a component of the development proposal review process.

Encourage recreational groups and community organizations to promote and organize festivals, fairs, sporting events and other attractions.

## **2.8 Culture and Heritage**

Goal: Develop and protect Clarenville's cultural and natural heritage.

Objectives: Support efforts by the Clarenville Heritage Society to showcase Clarenville's history and culture.

To the extent possible, protect Clarenville's historic sites and buildings.

Protect and enhance sites important to showcasing Clarenville's natural heritage, including key lookout sites and nature trails.

## **2.9 Capital Works**

Goal: Provide an acceptable and consistent level of water, sewer, and storm sewer services to residents of the Town and to seek the utilization of existing infrastructure capacity prior to investing in new services.

Objectives: Maintain a water system within the Town capable of providing domestic water as well as fire flows to all feasible areas.

Provide a system of sanitary sewer trunk mains, outfalls and local service lines capable of accommodating existing and future sewage flows.

Maintain a sewage treatment service that will have minimal long-term impacts on the natural environment.

Improve stormwater management for flood prevention, erosion control, and protection of properties, watercourses, and other environmentally sensitive areas.

## 2.10 Governance

Goal: Provide municipal administration and services effectively, efficiently, equitably to all residents, and within the fiscal capacity of the Town.

Collaborate with other municipal and regional jurisdictions, government, community organizations, and the business community to facilitate opportunities to improve local governance and municipal services.

Objectives: Encourage strong public interest and participation in municipal governing processes, including Council elections, committee activities, and public participation in decision-making.

Deliver municipal administration and services effectively, efficiently, openly, and within the Towns fiscal capacity.

Ensure the Town is governed in compliance with relevant legislation such as the Municipalities Act and the Urban and Rural Planning Act, 2000.

## 2.11 Municipal Finance

Goal: Manage municipal expenditures and revenues so as to provide municipal services within a framework of long-term financial stability.

Objectives:

Manage municipal expenditures and debt burdens in a prudent manner and according to the Town's ability to pay.

Encourage an enlarged economic base in the Town in order to generate more commercial revenues.

Ensure that growth-related capital costs for new developments do not place an undue burden on residents' ability to pay.

## **3.0 LAND USE POLICIES**

### **3.1 Policy Framework**

This section provides the policy framework for the planning of Clarenville, as expressed in the Goals and Objectives outlined in Section 2.0.

The overriding thrust of the Municipal Plan is to ensure the continuance of a vibrant and sustainable community and to maintain the town's attractive character based on a mix of built-up land uses and green space. This is important in order to provide continuity with the past, achieve the Town's development vision, maintain a distinct identity, and contribute to the community's environmental, economic, social, cultural, and governance sustainability.

To accomplish the overall intent of the Plan, the following policy initiatives are put forward:

- i) The original settlements of Clarenville and Shoal Harbour are recognized as having a traditional character that should be preserved and enhanced.
- ii) Areas that can be developed and serviced at the most reasonable long-term costs to the Town and are relatively close to existing streets and piped services will be given priority for urban growth and expansion. Development will be restricted in areas that would involve above-normal costs for municipal services and maintenance of infrastructure.
- iii) Prominent features that help to preserve community character, such as heights of land, viewpoints, waterfront open space, and view planes, shall be preserved.
- iv) A high standard will be maintained for both the natural and built environments, particularly the protection of environmentally sensitive resources such as watercourses, wetlands, and steep slopes, historic areas, and buildings.

- v) Streets and infrastructure will be designed to achieve high standards with respect to safety, traffic and pedestrian mobility, water and sewer distribution, and ease of maintenance.
- vi) Capital works will be undertaken in an efficient, financially prudent, and environmentally responsible manner.

This section, along with the accompanying Future Land Use Maps 1, 2, 3, 4, and 5, includes all policies that are seen as necessary by Council to ensure that the physical development of the town is undertaken in an efficient and environmentally sustainable manner.

### **3.2 General Policies**

The policies outlined in this section apply generally to all areas of the Town.

#### **3.2.1 General Land Use Policies**

##### **1. General Layout of the Town**

- (1) Council will encourage the consolidation of development in areas that are economical to connect to existing roads and water and sewer mains.
- (2) Council will limit development in areas where it would not be economical in the foreseeable future to maintain municipal streets and other infrastructure.
- (3) Council will require all residential developments to be connected to the Town's water and sewer mains.
- (4) Council may refuse approval of a development in a location where municipal services are inadequate or it would be uneconomic to provide or maintain municipal services.

- (5) Council will restrict the development of dead-end streets and water mains, which reduce the quality and increase the costs of water and snowclearing services.
- (6) Council will require land developments to include reasonable measures to reduce stormwater runoff from the site, including as necessary the setting-aside of green areas for stormwater control and infiltration.

## **2. Area Plan**

- (1) Council can require the preparation of an area plan before approving any large scale development in order to ensure that it will be appropriately integrated with existing and future development and will satisfy the objectives and policies of this Municipal Plan.

## **3. Compatibility of Uses**

- (1) Council will ensure that as much as possible that new developments will not negatively affect existing or proposed land uses by creating a hazard or nuisance such as noise, dust, odour, congestion, or unsightly appearance. The Town may require a developer to provide appropriate screening and to undertake other measures to minimize negative effects.

## **4. Non-Conforming Uses**

- (1) In accordance with the Urban and Rural Planning Act 2000, a use of land that legally existed at the time of the registration of this Municipal Plan will be allowed to continue irrespective of it's conformity to the Plan or Development Regulations. Specific provisions concerning legal non-conforming uses shall be set out in the Development Regulations.

## 5. Land Development and Subdivisions

### (1) Site Suitability

When reviewing a proposed land development, Council will consider the site's suitability in terms of steepness of grades, soils, geology, location of watercourses and wetlands, and overall environmental sensitivity. When considering approval, Council will ensure that the development will have minimal negative effects on water resources and surrounding properties.

### (2) Professional Review

If in Council's opinion, a proposed development could result in undesirable environmental effects or could create problems for the development or nearby properties, Council can require an assessment of the proposed development by a certified engineer, planner, landscape architect, or similar professional.

Among other matters, the review shall evaluate the adequacy of the proposed site grading, drainage, stormwater control, and landscaping, as well as the potential of the development to negatively affect nearby properties and bodies of water due to storm drainage, erosion, or pollution.

### (3) Land Needed for Environmental Protection

When approving a subdivision or other major development, Council can require portions of the development site to be set aside from development or the clearing of vegetation in order to reduce and control stormwater drainage, erosion, and other environmental impacts. Council's authority to require land to be set aside for environmental purposes derives from Section 13(3) of the *Urban and Rural Planning Act 2000*. Land needed for such purposes will not be included in the calculation of land for public use as set out in Section 37(1) of the *Act*.

**(4) Land for Public Use**

In accordance with Section 37 of the Act, for each subdivision approval Council can require the developer to provide land to the Town for open space or other public use equal to ten per cent of the gross area of the land to be developed. Alternatively, in lieu of land dedication, Council may decide to accept a sum of money that is equivalent to the value of the land in that subdivision that would have been conveyed.

**(5) Coordination with Surrounding Development**

Subdivisions and other major developments will be co-ordinated with other existing and proposed developments, the street network, and municipal infrastructure. Developments may be required to provide for access to adjacent undeveloped lands.

**(6) Municipal Services and Access**

The provision of municipal services and access must be appropriate to the type and scale of development. Council will ensure that a new development will make efficient use of existing streets and infrastructure and will not create unreasonable servicing demands or costs.

**(7) Entire Area Plan**

Council may require that a development plan of an entire area be approved before a subdivision or development occupying a portion of the area is approved.

**(8) Public Input**

Council may seek input from nearby residents and landowners when reviewing development proposals.

**(9) Council Decision**

Council will review each development application on a case by case basis and may:

- (a) Approve the development as proposed,
- (b) Approve the development subject to certain terms or conditions,
- (c) Defer a decision subject to more detailed information or requested modifications to the proposal, or
- (d) Not approve the development if it concludes that it is unsuitable for the location, will be prohibitively expensive for the Town to service or maintain, or will create environmental or other problems that cannot be sufficiently corrected or mitigated.

**(10) Subdivision Agreement**

Council may require an applicant to enter into a subdivision agreement with the Town as a condition of approval.

**6. Consolidation and Infill of Serviced Areas**

- (1) Council will encourage the intensification of development in areas that are accessible to piped water and sewer services. This can occur through infilling along existing roads and the development of new streets and street extensions.
- (2) Site plans for infill development and land use intensification must meet the approval of Council. Developments must be compatible with the existing neighbourhood character and in accordance with Council's objectives and development standards with respect to lot size, frontages, road widening, alignments, installation of municipal services, environmental protection, retention of open space, and matters concerning current or future public works.

**7. Public Streets and Infrastructure**

- (1) Public streets and infrastructure are generally permitted in all areas except the Environmental Protection designation subject to conditions to mitigate environmental impacts.
- (2) Within the Environmental Protection designation, public streets and infrastructure can be permitted if no alternative route is feasible subject to conditions to minimize or mitigate environmental impacts.

**8. Public Access to Watercourses and Coastal Shorelines**

- (1) Council will ensure that sufficient and appropriate public access is maintained to ponds, rivers, streams, and coastal shorelines provided that such access does not unreasonably impinge on the use and enjoyment of adjacent private lands.

**9. Comprehensive Development**

- (1) In order to allow for acceptable development of a site that could not otherwise be developed due to spatial or physical constraints or to accommodate a desirable type of non-conventional development (for example, a planned unit development), Council can permit a comprehensive development that, except for overall density and use classes, does not comply with the lot size, frontage, and minimum yard standards of the zone in which it is located.
- (2) A comprehensive development will not be permitted on a site that Council considers to be unsuitable for development due to insufficient area or other physical, locational, or environmental constraints.
- (3) Council can require a comprehensive development to provide for higher standards than are normally required for environmental protection, provision of land for open space or public use, and protection of heritage sites and scenic landscapes.

- (3) A comprehensive development must be compatible with adjacent land uses.

#### **10. Adaptive Reuse of Existing Buildings and Properties**

- (1) Council will encourage the adaptive reuse of existing buildings and properties for land uses that are permitted under a designation and will be compatible with nearby existing land uses.
- (2) In order to facilitate adaptive re-use of existing buildings and properties, Council at its discretion may reduce the minimum offstreet parking and loading requirements beyond a ten percent variance where it can be established that there will be no negative impacts on nearby properties.

#### **11. Heritage and Archaeological Resources**

- (1) Council will encourage the preservation of individual sites and buildings that have heritage significance.
- (2) In reviewing new development proposals, Council will give priority to ensuring that new buildings and site developments will be of a scale, mass, and architectural style that is compatible with, or will not detract from, nearby heritage sites and buildings.
- (3) Council will cooperate with landowners to identify new or enhanced uses for older buildings and make owners aware of public programs aimed at preserving built-heritage.
- (4) Archaeological sites are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development will stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation will be notified and consulted on how the development should best proceed.

## 12. Discretionary Uses

- (1) Council may decide that a land use should be set out as a discretionary use in the Development Regulations, where:
  - (a) the suitability of the use within a zone is not clear and may depend on the land use characteristics and circumstances of individual locations within the zone,
  - (b) Council determines that the use could negatively affect the predominant uses of the zone and in order to mitigate this impact it would be desirable to consult with the public prior to issuing, issuing subject to conditions, or refusing a permit, or
  - (c) it is necessary to attach conditions to an approval that differ from the standard conditions under the Development Regulations to ensure that the use is developed in a way that is compatible with nearby uses and the predominant uses of the zone.

## 13. Mineral Exploration

- (1) Subject to other provisions of this Municipal Plan, mineral exploration that is not classed as a development by virtue of drilling, appreciable ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- (2) Mineral exploration that is classed as a development can or may be permitted in various designations, provided that adequate provision is made for site reinstatement, landscaping, buffering or other mitigations of impacts on existing or future residential, commercial, industrial, institutional and recreational areas.
- (3) Mineral exploration will only be permitted if all necessary Provincial approvals have been obtained.

**14. Mineral Working**

- (1) Mineral working operations will be permitted in appropriate areas subject to necessary terms and conditions to minimize impacts on surrounding land uses, particularly in or near built-up areas.
- (2) Aggregate extraction operations will take measures to ensure water resources and other sensitive resources will not be negatively affected by extraction activities.

**15. Forest Resources and Trees**

- (1) Forests will be preserved and protected for the production of forest-based products as well as the realization of important non-timber values such as fish and wildlife habitat, water quantity and quality, biodiversity, scenery, and outdoor recreation and tourism.
- (2) Harvesting of forests and trees will respect the Town's objectives for environmental protection, preservation of scenery, outdoor recreation, stormwater control, and drinking water protection.
- (3) In order to preserve a site's natural characteristics and attractiveness for development, Council can restrict, or set conditions on, tree removal in areas planned for future residential development.

**16. Utilities**

**(1) Utility Easements and Facilities**

Municipal and public utility works such as telephone and power transmission lines, communication towers, stormwater drains, water and wastewater pipes and treatment facilities, energy generation facilities, and pollution control can be permitted in all land use designations subject to conditions set by Council.

Council will restrict the development of certain utilities such as stormwater drains in the Environmental Protection designation.

**(2) Alternative Energy Facilities**

Wind, small hydro, and solar energy generation facilities may be permitted in any land use designation subject to conditions set by Council, including the following:

- (a) The location and design of such utilities shall take into consideration potential impacts on nearby land uses, persons, and the natural environment.
- (b) Wind generators within built-up areas will be limited to single turbines designed to serve individual properties.
- (c) To provide for adequate safety and comfort of persons and properties, Council will ensure that there is an adequate separation distance between any type of wind generator and nearby buildings and structures.
- (d) Energy utilities are subject to required approvals by relevant provincial and federal departments.
- (e) Unless specifically exempted by the relevant agencies, the design, construction and location of a utility shall be certified by a professional engineer who has consulted with the required agencies.

**17. Trails**

- (1) Council will preserve and protect important trails and walkways to ensure they continue to play an important role in meeting the transportation, recreation, health, and sustainability needs of the town.
- (2) Council may establish terms and conditions for any proposed development to be located within the vicinity of an existing or proposed trail to ensure the development will not negatively affect public use and enjoyment of the trail.

**18. Provision for the Disabled and Elderly**

- (1) Council will consider the mobility needs of disabled and elderly residents in the planning and design of municipal streets, buildings, and recreational facilities, and when approving commercial, public, and large residential buildings and facilities.

**3.2.2 General Environmental Policies**

Conservation values are intrinsic to this Municipal Plan. High priority is given to protecting sensitive areas from water contamination, stormwater impacts, soil erosion, watercourse scouring and sedimentation, coastal erosion, and loss and fragmentation of habitat. All land use decisions will duly consider environmental sustainability and biodiversity objectives.

**1. General Environment**

**(1) Protection of Sensitive Areas**

Land and natural resources that are environmentally sensitive, including watercourses, riparian areas, water supply areas, wetlands, steep slopes, coastal resources, wet or unstable soils, and important habitat will be protected from the potentially damaging effects of development.

**(2) Consideration of Environmental Impacts**

Potential environmental effects will be considered when reviewing development applications. At its discretion, or in accordance with other statutory requirements, Council may refer development proposals to the Provincial or Federal departments such as Environment and Conservation, Government Services, Health, and Fisheries and Oceans Canada for advice and/or regulatory approval.

**2. Soils and Drainage**

- (1) Development shall be permitted only on lands with soil and drainage conditions that in the opinion of Council are suitable for the proposed uses.

### **3. Watercourse and Wetland Protection**

- (1) Development in the vicinity of watercourses and wetlands will be carried out in a manner that minimizes the potential for environmental impacts, protects natural drainage, and preserves existing public access to the water.
- (2) Conservation buffers will be established to protect watercourses and riparian areas from stormwater discharges, erosion, sedimentation, pollution, and other adverse effects of development.
- (3) In areas of existing development, the establishment of watercourse buffers will strive for a reasonable balance between environmental protection objectives and the utilization of vacant land fronting onto existing streets.
- (3) Where it believes that a proposed development may affect a wetland, Council may, at its discretion:
  - (a) require the developer to have the wetland delineated by a qualified consultant,
  - (b) establish a sufficient buffer from the edge of the wetland, in which development will not be permitted,
  - (c) require such other conditions or restrictions as may be necessary to protect the wetland, and/or
  - (d) refuse to approve the development if it believes that identified impacts cannot be sufficiently minimized or mitigated.

### **4. Unstable Geology and Soils**

- (1) Development in areas that are environmentally sensitive or hazardous for development due to wet or unstable soils, or unstable geological conditions, may be restricted or subjected to terms and conditions to reduce potential impacts.

**5. Coastal Lands**

- (1) Development in the vicinity of coastal shorelines shall be carried out in a manner that minimizes the potential for environmental impacts, protects natural coastal features, and preserves existing public accesses to the shore.
- (2) Conservation buffers and other measures will be used to protect coastal beaches, beach banks, salt marshes, rock platforms, and other sensitive coastal features from the impacts of development.

**6. Flood Risk Areas**

- (1) Conservation buffers and development restrictions will be used to protect persons, properties, and ecologically important sites in areas of high and medium flood risk.
- (2) Development may not be permitted, or may be subject to special conditions, on sites that in the opinion of Council are subject to local flooding.

**7. Steep Slopes**

- (1) Sensitive steep slopes will be subject to development restrictions or other conservation measures designed to minimize environmental impacts and hazards to properties resulting from development.

**8. Storm Drainage**

- (1) Development will not be undertaken in a manner that causes excessive increases in stormwater runoff that could be detrimental to adjacent properties, steep or unstable slopes, nearby watercourses, and other sensitive areas.
- (2) Development will not be permitted on any site where it would otherwise be permitted when, in the opinion of Council, the development might result in significant stormwater impacts, for example, excessive run-off onto adjacent

properties, flooding, soil erosion, and siltation or scouring of streams.

- (3) In areas where there is concern that development may contribute to stormwater increases, Council may require developers and landowners to:
  - (a) Set aside open space areas where stormwater can be discharged to naturally infiltrate into the soil.
  - (b) Maintain vegetated buffers between stormwater drainage outlets and watercourses to minimize direct discharges into watercourses.
  - (c) Preserve existing trees or plant additional trees and shrubs to promote soil infiltration and capture sediments.
  - (d) Reduce pavement and other impervious surfaces irrespective of standards set out in the Development Regulations for parking, sidewalks, pavement width, and other developments.
  - (e) Channel runoff to gardens and low-lying areas on the development site and on individual lots.
  - (f) Capture roof drainage in rain barrels.
  - (g) Take advantage of the topography to reduce storm drainage, for example, retain natural depressions in the landscape to accumulate runoff and promote soil infiltration.
  - (h) Re-establish vegetative cover as rapidly as possible on gravel surfaces, banks, drainage ditches, and other areas disturbed by construction activity.
- (4) In addition to regulatory requirements, Council can educate and encourage individual landowners to reduce stormwater runoff and pollution through measures such as:
  - (a) Reducing impervious surfaces, for example, by installing narrower driveways and using crushed stone rather than pavement.
  - (b) Maintaining natural soils, trees, and vegetation, especially in lower-lying portions of the lot.

- (c) Increasing the use of grass swales and rain gardens and reducing reliance on storm drains.
  - (d) Keeping grass longer to reduce runoff and promote infiltration and evaporation.
  - (e) Using rain barrels and other containers to collecting roof drainage.
  - (f) Reducing sources of stormwater pollution, for example, by cleaning up pet waste regularly and reducing pesticide and fertilizer use.
- (5) Council will undertake a comprehensive stormwater study of existing and proposed development areas in the town. A stormwater management plan will be prepared, which among other things will evaluate Low Impact Development measures to reduce and manage stormwater on or as close to the development site as possible.

**9. Clearing, Excavation, and Filling-in of Development Sites**

In order to assist the Town's objectives for more environmentally sustainable and attractive development,

- (a) The clearing, excavation, and filling-in of land to prepare a property for development will be limited to an extent that is environmentally and aesthetically acceptable and no more than necessary to suitably develop the property as determined by the Town.
- (b) A subdivision development application will provide sufficient information to show the extent of proposed clearing, excavation, and/or filling-in of the property.
- (c) An approval in principle or a permit to develop will not be granted when in the Town's opinion the proposed clearing, excavation, or filling-in of land will result in unacceptable stormwater, environmental, or aesthetic impacts, or will be more than is necessary to suitably develop the site.

### 3.2.3 Infrastructure Policies

#### 1. Water Supply System

##### (1) Maintenance

Council will maintain the water intake, treatment plant, and distribution system in good working order to ensure residents, businesses, and public facilities have an adequate quantity and high quality of water consistently available for their needs.

##### (2) Fire Flows

Adequate fire flows will be maintained in all areas served by municipal water.

##### (3) Low Pressure Areas

Development will be restricted in higher locations where it would be difficult and costly to achieve sufficient water pressure for fire flows and residential needs.

##### (4) Dead-End Water Pipes

The installation of dead-end water mains in new subdivision developments will not be permitted. Because dead-end pipes prevent continuous water flow, water quality is reduced and maintenance needs are much higher and more costly.

#### 2. Sanitary Sewer System

##### (1) Maintenance

Council will maintain the town's sanitary sewer system in good working order.

##### (2) Concentration of Sewage Flows

Sewage flows from new development areas will be directed as much as possible to one, or no more than two, existing sewage outfalls to facilitate the feasibility of developing new sewage treatment plants as they become necessary.

**(3) Sanitary Sewer Study**

It is Council's intention to undertake an engineering assessment of the town's sewage distribution system to determine the most appropriate existing outfall(s) to receive sewage flows from new development and associated capital improvements needed in the sewage distribution system.

**3. Stormwater Management**

**(1) Storm Sewer System**

Council will maintain the municipal storm drainage system in good working order.

**(2) Storm Management Improvements**

Council will strive to make improvements aimed at managing stormwater at or as near to its source as possible, reducing underground infrastructure that is costly to install and maintain, and reducing direct runoff into natural watercourses

**(3) New Developments**

Applications for new residential, commercial, and public developments, particularly developments that will involve substantial parking and other impervious areas, will include a detailed plan showing how stormwater will be managed and disposed of. Council will not approve a development application if it is not satisfied with the proposed stormwater control measures.

**(4) Stormwater Management Plan**

It is Council's intention to undertake a comprehensive stormwater study to:

- (a) Assess potential stormwater quantities and impacts resulting from future development in different areas of the town,
- (b) Assess alternatives for the management and disposal of stormwater, with particular emphasis on reducing stormwater flows at and near their source,

- (c) Prepare a municipal stormwater management plan that considers the town's topography, vegetation, surface and groundwater conditions, and makes land use and infrastructure recommendations to effectively manage stormwater on development sites and reduce environmental problems related to off-site drainage.

### **3.3 Land Use Designations**

Land use designations are set out on the Future Land Use maps.

#### **3.3.1 Environmental Protection**

##### **1. General Intent**

- (1) In the Environmental Protection designation, highest priority is given to protecting sensitive and scenic areas from the adverse impacts of development.
- (2) The Environmental Protection designation will protect environmentally sensitive areas, including, but not limited to, lakes, rivers, streams, estuaries, riparian areas, wetlands, steep slopes, 1:20 year floodway areas, and coastal buffer areas.

##### **2. Land Use**

- (1) Conservation uses, as well as buildings and structures associated with conservation, will be permitted.
- (2) At its discretion, Council may permit passive recreation uses such as walking trails and boardwalks. Before approving such developments, it must be clearly demonstrated to Council that potential adverse effects on the site or adjacent waterways will be minimal.
- (3) At its discretion, Council may permit certain developments in the Environmental Protection zone if no alternative locations are possible and if it considers that the

proposed development will be in the public interest. Examples include road crossings of streams, municipal infrastructure, coastal wharves, and marine infrastructure. Council will consult with the Department of Environment and Conservation, Fisheries and Oceans Canada, and other relevant agencies before approving any such development.

- (4) At Council's discretion, existing buildings may be improved but not enlarged.
- (5) The filling-in of land and water will not be permitted unless it is for flood protection or redirection of flood waters and is a public work that has been approved by the Water Resources Division of the Department of Environment and Conservation.

### **3.3.2 Water Supply**

#### **1. General Intent**

- (1) Areas are designated Water Supply Area to protect the quantity and quality of the Clarenville drinking water supply. The water area includes the area of the Shoal Harbour River watershed upstream of the Town's water treatment plant.
- (2) The Water Supply Area designation provides for two levels of protection for the Clarenville water supply, as implemented through the zoning in the Development Regulations. The highest level of protection is provided in the lower portion of the Shoal Harbour River watershed directly upstream of and in the vicinity of the water supply intake. In the much larger upper portion of the watershed, while the level of protection is also high, certain resource uses may be permitted subject to strict conditions

#### **2. Land Uses**

- (1) Permitted uses in the Water Supply Area include conservation uses and developments expressly related to managing water resources.

- (2) In the area of highest protection, certain passive recreational uses such as walking trails may be permitted at Council's discretion if they are deemed to be compatible with water supply protection. In the more remote upper portion of the watershed, discretionary uses may include certain resource uses such as forestry, agriculture, mineral workings, and recreational open space. These will be subject to high standards and conditions to ensure they will have no effect on the water supply.
- (3) No form of residential or other built-up development will be permitted in a Water Supply Area.

### **3. Department of Environment and Conservation**

- (1) No form of development shall be permitted in the designated Water Supply Area without the approval of the Water Resources Branch of the Department of Environment and Conservation.

### **4. Watershed Monitoring and Enforcement**

- (1) Council will closely monitor land uses and activities in the Water Supply Area development to ensure they are being carried out in a manner that will not harm water quantity and quality.
- (2) Uses or activities that are found to be taking place in a manner deleterious to the water supply will be subject to an immediate stop-work order.

### **5. Emergency Measures**

- (1) Council will encourage the Departments of Transportation and Municipal Affairs, and other appropriate agencies, to take steps to reduce the threat of chemical contamination of the Shoal Harbour River water supply by road salt and vehicle

mishaps on the Trans Canada Highway and establish emergency procedures to deal adequately with a catastrophic chemical spill.

### **3.3.3 Flood Risk**

#### **1. General Intent**

The Flood Risk designation exists in areas that historically have been subject to flooding in order to reduce the potential of personal injury, property damage, and adverse environmental impacts. The designation includes land near the mouth of Shoal Harbour River as well as some areas in the vicinity of Lower Shoal Harbour River and Dark Hole Brook that have been known to flood.

#### **2. Land Use**

- (1) Conservation, open space, recreation, and small-scale agriculture will be permitted in Flood Risk areas. None of these uses will involve the erection of buildings other than minor accessory buildings.
- (2) At Council's discretion, an accessory building or home occupation related to an existing residential dwelling may be permitted provided that Council is satisfied that it will not result in increased flood risk, flood damages, or liability for the Town. Application for such development shall be referred to the Water Resources Management Division of the Department of Environment and Conservation for its recommendation before Council considers an application for approval.
- (3) Existing residential and other buildings may be improved but not enlarged.
- (4) The development of public works may be permitted provided the development takes account of the flood risk and has been approved by the Water Resources Division of the Department of Environment and Conservation.
- (5) The filling-in of land or water will not be permitted except for the purposes of

flood protection, redirection of flood waters, or a public work that has been approved by the Department of Environment and Conservation.

### **3.3.4 Residential**

#### **1. General Intent**

- (1) Areas are designated Residential in order to accommodate new housing needs and preserve the amenity of existing residential areas.
- (2) Residential development will be limited to areas that can be economically connected to existing streets and piped services, including infill along existing roads, expansions of existing subdivisions, and backland areas that can be made readily accessible for servicing.
- (3) Development of unserviced subdivisions will not be permitted.

#### **2. Guiding Principles**

- (1) In guiding residential growth, Council will endeavour to achieve a balance between the following principles:
  - (a) New residential development will maintain the Town's natural character.
  - (b) New development will accommodate an appropriate mix of housing types to meet changing market conditions and socio-demographic needs of residents.
  - (c) New development will ensure that municipal infrastructure and services can be delivered and maintained at a reasonable cost to taxpayers.
  - (d) New development will include satisfactory measures to prevent unacceptable increases in stormwater flows and associated impacts such as erosion, overloading of streams, and runoff onto adjacent properties.

### **3. Land Uses**

- (1) The predominant use of land in areas designated Residential will be single-detached housing. Higher-density housing such as semi-detached dwellings, townhouses, and apartment buildings can be permitted in appropriate areas at the discretion of Council.
- (2) Conservation and open space are considered as complementary uses of land in the Residential designation.
- (3) Non-residential uses that are complementary to, that is serve the everyday needs of, residential neighbourhoods can be permitted, for example, recreational open space, walking trails, daycare centres, and certain types of shops.
- (4) Home occupations are considered acceptable in Residential areas and can be allowed in a way that minimizes negative impacts on neighbourhoods.

### **4. Council Control of Land Development**

- (1) No residential land development involving new street construction will be permitted except in accordance with a subdivision plan that has received the final approval of Council, and where necessary, an overall area plan that includes lands surrounding the development.
- (2) Each subdivision plan must demonstrate how the proposed development will affect the surrounding area and, if deemed necessary, must show how the development will provide access to accommodate future development in the surrounding area.
- (3) Council will monitor each residential land development to ensure that the development complies with the approved subdivision plan and will not result in an undue financial burden for the Town.

- (4) All costs associated with road development and the installation of piped services will be the responsibility of the developer.
- (5) No subsequent phase of a subdivision development will be permitted to proceed until the preceding phase has been completed to Council's satisfaction.

## **5. Municipal Water and Sewer**

- (1) All residential developments will be connected to the municipal water and sewer system.
- (2) All water and sewer infrastructure associated with new subdivision development must meet the minimum standards of the Town and be approved by the Town's engineer.
- (3) The costs of installing water and sewer services and connecting a new subdivision to the municipal system will be the sole responsibility of the developer.

## **6. Home Occupations**

A home occupation can be permitted within a residential dwelling in accordance with conditions outlined in the Development Regulations as well as any other conditions that may be required by Council.

## **7. Small Scale Agriculture**

- (1) Small-scale agricultural uses can be permitted in the Residential designation at Council's discretion. Types of small-scale uses that can be approved include accessory greenhouses and the growing of vegetables, fruits, flowers, and ornamental plants.
- (2) The keeping of livestock, including horses, will not be permitted.

- (3) Where a small-scale agricultural use is permitted in the Residential designation, the development will be in accordance with standards and conditions that Council feels may be necessary to prevent undesirable impacts on surrounding residential properties.
- (4) Small scale agricultural uses may not be enlarged beyond the intent of the Residential designation except by amendment to this Municipal Plan.

### **3.3.5 Mixed Use**

The Mixed Use designation applies to much of the old downtown area of Clarenville in the vicinity of Memorial Drive and Marine Drive to recognize the existing mix of residential, commercial, and public uses that has evolved over time.

#### **1. General Intent**

- (1) Council will carefully manage new development in this designation to maintain and enhance Clarenville's traditional downtown and waterfront area. Land uses and design approaches will be promoted that preserve historic sites and enhance the traditional mixed use character of these areas.
- (2) Council will encourage the revitalization of Mixed Use areas that have suffered from economic decline by promoting and facilitating adaptive re-use and redevelopment of vacant and underused buildings and properties.
- (3) The Mixed Use designation will accommodate a compatible mix of land uses to enhance the potential of these areas to function as hubs of community and commercial activity. The designation will allow for the development of various types of housing, public buildings, recreational open space, home-based businesses, and low-impact commercial and light industrial uses. Higher-impact uses, such as service stations and auto body repair shops, can be permitted only if

they are deemed by Council to be suitable for the area and compatible with existing land uses.

## **2. Compatibility of Uses**

- (1) In evaluating development proposals in Mixed Use areas, Council will pay particular attention to the compatibility of uses, particularly between residential and non-residential uses.
- (2) Where an area within the Mixed Use designation is predominantly residential in character, proposed non-residential uses will not be approved if they are considered to be incompatible with existing uses and the residential character of the area.
- (3) Before permitting any non-residential development, Council will be satisfied that its requirements with respect to building setbacks, buffering between uses, off-street parking, outdoor storage, and other site related matters can be met.
- (4) Council may impose conditions to require a commercial or light industrial use to maintain an attractive appearance and minimize adverse impacts on existing uses, including proper site layout, buffering, screening, and control or restriction of potentially noxious or hazardous activities. Required screening may include fencing, berms, and/or appropriate plantings of trees and shrubs.

## **4. Guidelines**

- (1) The following principles will be pursued by Council within the Mixed Use designation:
  - (a) Adaptive reuse and redevelopment of vacant and underused properties and buildings will be encouraged to the extent that the reuse or redevelopment is compatible with surrounding area and, in Council's opinion, will contribute to the revitalization of the area.

- (b) The preservation and enhancement of buildings and structures of architectural or historic interest will be encouraged.
- (c) The traditional community form will be maintained.
- (d) The appearance, scale, siting, and use of new buildings, as well as expansions and renovations to existing buildings, will have regard for and not detract from the character of the surrounding area.
- (e) The restoration and reuse of dilapidated buildings, structures and sites that contribute to the historical legacy and visual character of the area will be encouraged.
- (f) Scenic views, public rights-of-way, natural amenities, and historic uses will be preserved where possible.
- (g) Existing trails and small open spaces that provide access to the coastline will be preserved.

## **5. Other Municipal Plan Requirements**

- (1) Other requirements for public, commercial and residential development expressed elsewhere in this Plan shall, where relevant, also apply to development within the Mixed Use designation.

## **6. Use of Discretionary Authority**

- (1) If Council forms an opinion that a proposed development in the Mixed Use designation will adversely affect the character or heritage of the area, it may exercise its discretionary authority to set terms and conditions on the development or to refuse the application.

### **3.3.6 Commercial**

#### **1. General Intent**

- (1) In keeping with Council's goal of increased economic activity, areas are designated Commercial to facilitate business development and enhance Clarenville's position as a regional service centre.

- (2) The Commercial designation allows for a range of commercial and light industrial uses, including retail, offices, services, highway oriented businesses, travel and tourism businesses, wholesale, storage, shopping malls, and other compatible uses.

## **2. Compatibility with Neighbouring Uses**

- (1) New development will be permitted to the extent that it is a suitable fit with surrounding existing development and will not unreasonably affect nearby residential areas with respect to noise, dust, glare, vibration, smell, traffic, and related factors.
- (2) Council may impose conditions to require a commercial or industrial use to maintain an attractive appearance and minimize adverse impacts on existing uses, including proper site layout, buffering, screening, and control or restriction of potentially noxious or hazardous activities. Required screening may include fencing, berms, and/or appropriate plantings of trees and shrubs.

## **3. Control of Street Access**

- (1) Access points to the public street shall be limited in number and designed to keep the street safe and efficient for vehicles and pedestrians.

## **4. Off-Street Parking and Loading**

- (1) Adequate off-street parking and loading facilities shall be provided to Council's satisfaction.

## **5. Trans Canada Highway**

- (1) Development of designated commercial lands along the Trans Canada Highway shall be oriented to serving the travelling public. Permitted uses will include motels and hotels, service stations, restaurants, tourist chalets, and tourist recreation uses.

- (2) In addition to Council requirements, these lands will be developed in accordance with the Department of Transportation policies and regulations for safe and efficient traffic flow.

## **6. Design and Appearance of Properties**

- (1) Council will ensure that a high standard of building design and appearance is maintained for all commercial and light industrial development.

## **7. Area Plan**

### **(1) Purpose**

Council will require an Area Plan to be approved before permitting development of new streets in the Commercial designation.

### **(2) Area Plan Adoption**

An Area Plan will be a professionally prepared document with text and accompanying maps. It will be reviewed by Council to determine conformity to the Municipal Plan and Development Regulations. Prior to approving an Area Plan, Council at its discretion may give public notice, make the plan available for public review, and consider all objections and representations received.

## **3.3.7 Industrial**

### **1. General Intent**

- (1) The Industrial designation is established to accommodate general and light industrial uses and may include uses that are potentially hazardous in nature.
- (2) The Industrial designation covers sites occupied by general industrial uses such as fuel storage, marine industries, processing, manufacturing, fabrication, construction yards, trucking and heavy equipment depots, bulk storage, warehouses, industrial storage yards, and concrete plants.

The designation also covers sites that are occupied by light industrial and compatible commercial uses. Examples include plumbing shops, fabrication and repair shops, lumber yards, rental shops, custom workshops, heavy equipment dealers, etc.

Complementary uses that may be permitted include offices, service stations, utilities, and catering.

**2. Compatibility with Neighbouring Uses**

- (1) New development will be permitted to the extent that it will not unreasonably affect nearby residential areas with respect to noise, dust, glare, vibration, smell, traffic, and other related factors.
- (2) Council may impose conditions to require an industrial or commercial use to maintain an attractive appearance and minimize adverse impacts on nearby residential areas, including proper site layout, buffering, and screening.

**3. Control of Street Access**

- (1) Access points to public streets shall be limited in number and designed to keep the street safe and efficient for vehicles and pedestrians.

**4. Off-Street Parking and Loading**

- (1) Adequate off-street parking and loading facilities shall be provided.

**5. Area Plan**

**(1) Purpose**

Council will require an Area Plan to be approved before permitting development of new streets in the Industrial designation.

**(2) Area Plan Adoption**

An Area Plan will be a professionally prepared document with text and accompanying maps. It will be reviewed by Council to determine conformity to the Municipal Plan and Development Regulations. Prior to approving an Area Plan, Council at its discretion may give public notice, make the plan available for public review, and consider all objections and representations received.

**3.3.8 Public Use**

**1. General Intent and Land Uses**

- (1) Lands are designated Public Use in order to permit the development of public land uses such as churches, schools, seniors homes, community facilities, and indoor and outdoor recreational facilities.

**2. Use Requirements**

- (1) Council will ensure that all public uses have adequate vehicular and pedestrian access to the site, while ensuring safe and efficient traffic and pedestrian flow. Adequate off-street parking shall be provided according to standards established in the Development Regulations.

**3.3.9 Recreation Open Space**

**1. General Intent and Land Uses**

- (1) Land is designated Recreation Open Space to provide for the active and passive recreational needs of Town residents and visitors. Permitted uses may include parklands, sports fields, playgrounds, trail systems, and indoor recreational facilities.
  
- (2) Council will ensure that outdoor and indoor recreational facilities have adequate vehicular and pedestrian access to the site, while ensuring safe and efficient traffic and pedestrian flow. Adequate off-street parking shall be provided according to standards established in the Development Regulations.

### **3.3.10 Open Space**

#### **1. General Intent and Land Uses**

- (1) Land is designated Open Space to preserve natural areas such as woodlands and fields for ecological, hydrological, and aesthetic purposes, as well as for trails and other passive recreational uses. Permitted uses include conservation, open space, and passive recreational uses. Discretionary uses include cemeteries, energy generation facilities such as wind generators, and mineral exploration.

#### **(2) Trail System**

- (1) It is the intent of Council to facilitate ongoing development and improvement of Clarenville's trail system to accommodate a range of recreational and active transportation activities including walking, hiking, bicycling, and cross country skiing.
- (2) The trail system includes the Newfoundland T'Railway and Bonavista Branch Trail where both non-motorized and motorized recreational uses are permitted.
- (3) Council will encourage the development and expansion of its pedestrian/bicycling trails to connect the residential and commercial areas of the town. As much as possible, the trail system will incorporate freshwater and coastal buffer areas, scenic look-off points, and traditional local trails and pathways.
- (4) Council shall encourage local residents and landowners to cooperate with trail developers by facilitating access through and adjacent to private properties.
- (5) Within the constraints of municipal resources, Council will assist and facilitate trail development.

### 3.3.11 Tourism Recreation

#### 1. General Intent

- (1) Certain areas west of the Trans Canada Highway are designated Tourism Recreation to accommodate a range of tourism and recreation uses that would be compatible with the White Hills Ski Resort.

Until such time as a tourism or recreation development is approved in any given area of this designation, traditional rural and outdoor recreational uses may be permitted. Uses that would prejudice the intended use of this designation, such as private recreational cabins, shall not be permitted.

- (2) Before development of any proposed tourism or recreation development is permitted, the proponent must submit a development scheme for Council's approval in accordance with requirements set out in the Development Regulations.

#### 2. Land Uses

- (1) Permitted uses within this designation will include hotels, motels, tourist cottage operations, campgrounds, tourist information services, outdoor amusement uses, recreational open space, open space, and conservation uses. Certain other uses will be permitted as long as they are accessory to a main use. These include outdoor assembly uses, restaurants, take out restaurants, personal services, shops, convenience stores, and subsidiary apartments.
- (2) Outfitter operations, boarding and riding stables, land extensive recreational uses, multiple dwellings, recreation dwellings, mineral exploration, energy generation facilities, forestry, agriculture, and mineral working may be permitted at Council's discretion, subject to conditions. Discretionary uses that Council may permit as long as they are accessory to a main use include drinking establishments and amusement uses.

**3. Environmentally Sensitive and Scenic Areas**

- (1) Council may restrict or set conditions to land uses or resource extraction activities that it feels may adversely affect lands that are environmentally sensitive or are not conducive to development for aesthetic reasons. Examples include steep or unstable slopes, geologically unstable areas, publicly visible hillsides, wetlands, watercourses, and ravines. In these areas, protection rather than development measures will take priority.

**3.3.12 Rural**

**1. General Intent**

- (1) Areas are designated Rural to recognize their importance for natural resource utilization, habitat conservation, and outdoor recreation and open space uses.
- (2) Urban encroachment into rural areas will be minimized in order to sustain resource-based activities and reduce the loss, fragmentation, and degradation of natural habitat.

**2. Land Uses**

- (1) Permitted uses within this designation will include conservation, agriculture, forestry, mineral exploration, and outdoor recreation.
- (2) Developments that Council may permit at its discretion include aggregate extraction, mining, resource-based industrial and commercial uses, outdoor tourism, and renewable energy infrastructure such as wind turbines.

**3. Environmentally Sensitive and Scenic Areas**

- (1) Council may restrict or set conditions to land uses or resource extraction activities that it feels may adversely affect lands that are environmentally sensitive or are not conducive to development for aesthetic reasons. Examples include steep or unstable slopes, geologically unstable areas, publicly visible hillsides, wetlands,

watercourses, and ravines. In these areas, protection rather than development measures will take priority.

#### **4. Mineral Working**

- (1) Mineral working operations will be carried out in a manner that protects existing land uses and environmental and scenic resources. To this end, minimum separation distances and buffering requirements will be required between pits and quarries and nearby uses such as residential areas, public highways and streets, watercourses, and major recreational developments.
- (2) Proposals for new mineral working operations shall be subject to an assessment of impacts on environmental and scenic resources and existing nearby land uses.
- (3) Council will establish standards in the Development Regulations aimed at reducing the potential impacts of mineral working operations on nearby built-up areas and environmentally sensitive areas, and may require measures to:
  - (a) Protect watercourses, wetlands, steep slopes, and other environmentally sensitive areas.
  - (b) Restrict mineral working in public viewsheds and near existing and proposed residential areas, roads, and important recreational areas.
  - (c) Restrict operating schedules.
  - (d) Establish conditions for site management, upkeep, and rehabilitation.

#### **6. Forest Management**

- (1) Forest harvesting and management activities will be subject to the requirements and supervision of the Department of Natural Resources.
- (2) Logging activities shall respect the Town's objectives for environmental protection, scenic preservation, recreation areas, municipal watershed protection,

and maintenance of trees and aesthetic characteristics in areas designated for future residential development.

### **3.3.11 Transportation**

The transportation system in Clarenville includes a hierarchy of arterial, collector, and local roads, as well as public walkways.

#### **1. Consideration of Environmental Impacts**

- (1) Council will encourage new roads and highways to be located and constructed so as to minimize adverse impacts on environmentally sensitive areas and resources.

#### **2. Arterial Roads**

##### **(1) Purpose**

The primary purpose of arterial roads is to provide safe and efficient traffic flow for vehicles travelling within or through the Planning Area.

##### **(2) Description**

Roads classified as Arterial within the Planning Area include the Trans Canada Highway and Balbo Drive.

The Trans Canada Highway provides access to Clarenville from all points east and west. Balbo Drive is the main connector road for traffic from the Bonavista Peninsula and Random Island.

##### **(3) Individual Accesses**

Council will use its discretionary authority if necessary to prohibit the development of new accesses to abutting properties along Arterial roads where they would adversely affect traffic safety and/or efficiency.

**(4) Future Road Connections**

Council will ensure that appropriate street reservations are reserved along Arterial Roads to provide for road connections to backland areas with future development potential.

**3. Collector Roads**

**(1) Purpose**

The primary purpose of collector roads is to distribute traffic between major points and local streets. Major collectors connect large traffic generators such shopping centres and the Trans Canada Highway, while minor collectors primarily provide access to lower traffic residential areas.

**(2) Description**

Major collector roads within the Planning Area include Memorial Drive, Manitoba Drive, Harbour Drive, and Shoal Harbour Drive. It is Council's intent that Thompson Street, currently a short cul de sac off of Manitoba Drive, will eventually be developed as a major collector to connect Manitoba Drive and Shoal Harbour Drive to a new intersection with the Trans Canada Highway.

Minor collectors include Cormack Drive, Marine Drive, and Huntley Drive.

**(3) Individual Accesses**

Access to abutting properties on collector roads will not be restricted but will be properly planned to ensure they do not impede safety and traffic efficiency.

**(4) Pedestrian Accommodation**

Council will require new collector roads and the redevelopment of existing collector roads to include at least one sidewalk. In special cases two sidewalks may be required.

**(5) Future Road Connections**

Council will ensure that appropriate street reservations are reserved along Collector Roads to provide for road connections to backland areas with future development potential.

**4. Local Streets**

**(1) Purpose**

Local streets are intended to serve abutting frontages and generally are not used by traffic except to approach adjoining properties and adjoining local streets. Certain local roads that provide more of a traffic connection function than others are referred to as local connectors.

**(2) Description**

Local streets include all remaining streets not referred to as arterials or collectors.

**(3) Pedestrian Accommodation**

Council will require new local roads and the redevelopment of existing local roads to include provision for a pedestrian walkway, which at Council's discretion may include a separate sidewalk or a wider roadway asphalt surface. Council's decision on the required type of pedestrian walkway will be related to the expected traffic volumes on the road.

**(4) Future Road Connections**

Council will ensure that appropriate street reservations are reserved along Local Streets to provide for future connections to backland areas with development potential.

**(5) Cul-de-sacs**

Council will limit the development of new cul-de-sacs as they are not efficient for water servicing or snowclearing. Cul de sacs will not be permitted except in

special circumstances where there is no opportunity to provide for a second access.

In instances where Council decides it will permit a new cul de sac, in order to prevent stagnant water at the end of dead-end water mains, the developer will be required to connect the water main to another main on a nearby street or to loop the water main back to itself.

The maximum permitted length of a proposed cul-de-sac will primarily consider factors that may affect the safety of residents and other users of the road.

**(6) Upgrading Local Road Network**

Council will endeavour to upgrade its local street network through street widening and surface improvements, as well as the elimination of some dead-end streets by connecting them to adjacent streets.

**5. Street Design and Construction**

- (1) The location, design, and construction of public streets will meet Council's minimum requirements to address public safety, traffic efficiency, access to adjoining land, and construction quality.
- (2) New streets shall be located such that there will be sufficient land on either side to allow for the development of dwellings in accordance with the development standards of the zone.
- (3) The layout of a new street will provide adequate reservations to accommodate road extensions and access to backland areas for future development.
- (4) The costs of constructing and connecting new streets to the municipal street system will be the sole responsibility of the developer.

**6. Provision for the Disabled and Elderly**

- (1) Streets, sidewalks, public walkways, parking areas, and access points to public and commercial buildings will be designed to facilitate easy access and movement by disabled and elderly persons.

DRAFT

## 4.0 IMPLEMENTATION

The Clarenville Municipal Plan will be implemented over the next 10-years through decisions of Council. Of particular importance to Council are the following:

- Effective administration of the Municipal Plan
- Public participation
- Development Regulations
- The basis of development control, and
- The procedure for considering amendments to the Municipal Plan.

These are dealt with in turn in this section.

### 4.1 Administration of the Plan

The Clarenville Municipal Plan is comprised of goals and objectives (Section 2 of this document), land use policies (Section 3), and a program of implementation (Section 4). The Background Report, presented as separate document, provides information but does not form part of the legally binding Clarenville Municipal Plan. All development applications will be evaluated as to their conformity to the policies in the Municipal Plan.

#### 1. Map Interpretation

- (1) For the purpose of administering the Municipal Plan, the **Future Land Use Map (Maps 1, 2, 3 and 4)** shall be read only in conjunction with the goals, objectives and land use policies of the Plan.
- (2) The boundaries of the land use designations shown on the **Future Land Use Map** are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No amendment to the Clarenville Municipal Plan shall be required to allow minor adjustments of the land use boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Plan.

## **2. Development Applications**

- (1) Every person or corporation wishing to develop land for any purpose within the Clarenville Municipal Planning Area must apply to Council for permission through the established procedure. Council shall require that all development applications conform fully to the Clarenville Municipal Plan before proceeding. Council may refuse or approve the application and may set conditions on approval. The decision of Council may be appealed to the appropriate appeal board.
- (2) Once conformity to the Municipal Plan has been established, Council shall ensure that each development proposal is given an evaluation.
- (3) If Council suspects that a Provincial or Federal policy or statute may come into effect, it will refer the development proposal to the relevant government department or agency for approval or comments.
- (4) Council's final decision on an application will be based on the desire to guide the development of the Clarenville in the best long-term interest of residents. Council may refuse or approve applications, with or without conditions.
- (5) Provisions regarding the appeal of Council decisions on development applications will be contained in the Development Regulations.

## **3. Subdivision Proposals and Agreements**

- (1) Evaluations of proposed subdivisions of land for development will include the following:
  - (a) An investigation of the physical conditions and features of the site and the opportunities for and constraints on development.
  - (b) A demonstration of how the proposed subdivision will join with existing

roads, how it will affect existing developments, and whether it will provide future access to undeveloped lands in the area.

- (c) A demonstration that the proposed subdivision will be compatible with surrounding land uses, both existing and future.
  - (d) An examination of proposed municipal services and the long-term public costs of providing and maintaining these services.
  - (e) Consideration of how stormwater drainage will be managed to minimize increased run-off onto adjacent lands.
  - (f) Consideration of how the development may affect important and sensitive environmental resources.
- (2) Before major land developments are approved in the Clarenville Municipal Planning Area, Council shall require the developer to enter into a development agreement with the Town. The agreement shall establish the conditions under which development will proceed and shall be binding on both parties. Any conditions governing the development will be enforced by attaching them to the development permit.

#### **4. Non-Conforming Uses**

- (1) A building, structure, or other development that does not conform with the intent and permitted land uses of this Municipal Plan, but which legally existed before the registration date of the Plan, will be permitted to continue as a “non-conforming use” subject to the provisions of Section 108 of the Urban and Rural Planning Act.
- (2) Notwithstanding subsection (1), if a non-conforming use is discontinued for a consecutive period of twelve months, or such further period as Council considers fit, it shall not be recommenced and any further use of the land or building shall conform with the intent of this Plan and its Development Regulations.
- (3) A non-conforming use under this Municipal Plan:

- (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,
- (b) shall not be structurally modified except as required for the safety of the building, structure or development,
- (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed,
- (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion more compatible with this Municipal Plan and its Development Regulations
- (e) may have the existing building extended where, in Council's opinion, that extension is not more than 50% of the existing building
- (f) where the non-conformance is with respect to the standards included in the Development Regulations, shall not be expanded if the expansion would increase the non-conformity; and
- (g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with this Municipal Plan and its Development Regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.

## **4.2 Public Participation**

The Municipal Plan is an expression of the goals and aspirations of the citizens of Clarenville, therefore, the periodic review of the Plan provides the opportunity for public participation and input, and can be an invaluable tool for the successful implementation of planning.

- (1) Council will take advantage of opportunities to involve the public in decision-making processes with respect to future planning and development of the community.

### **4.3 Development Regulations**

Pursuant to Section 35 of the Urban and Rural Planning Act, Council has adopted the Clarenville Land Use Zoning, Subdivision and Advertisement Regulations (referred to as the Development Regulations) in order to implement the goals, objectives and land use policies of the Municipal Plan. The Development Regulations control the subdivision and development of all land within the Clarenville Planning Area.

#### **1. Council Responsibility**

- (1) In accordance with Section 35 of the Urban and Rural Planning Act, the Development Regulations have been established to ensure that land is controlled and used only in accordance with the Clarenville Municipal Plan.

#### **2. Content**

- (1) The Development Regulations:
  - (a) divide the Planning Area into land use zones
  - (b) indicate permitted, discretionary, and prohibited uses of land in each land use zone,
  - (c) set out municipal-wide and zone-specific requirements and standards for the subdivision and development of land,
  - (d) set out the administrative procedures for dealing with development permit applications and the issuing of development and building permits,
  - (e) set out the regulations respecting the non-conforming development and use of land,
  - (f) set the minimum notice periods for Council for decisions respecting discretionary land uses, non-conforming land uses, and variances,
  - (g) set out the regulations and procedures respecting appeals of Council decisions, and
  - (h) set out the regulations respecting the enforcement of permit requirements.

## **4.4 Development Control**

### **1. Municipal Plan is Binding**

- (1) The Clarenville Municipal Plan is a legal document which is binding upon all persons and organizations, including the Council.

### **2. Council Responsibility**

- (1) Council shall exercise appropriate control over development in the Clarenville Planning Area in accordance with the Municipal Plan and the Development (Land Use Zoning, Subdivision, and Advertisement) Regulations.

### **3. Subdivision and Development Applications**

- (1) All persons wishing to subdivide or develop land for any purpose within the Planning Area shall apply to Council for permission on the prescribed applications forms and shall submit a detailed drawing of the proposal indicating the location and dimensions of the land and the development.
- (2) Council will examine the application on the basis of the Development Regulations. Council may approve the application, approve it with conditions, or refuse it.

### **4. Right to Appeal**

- (1) An applicant who receives a refusal decision from Council on a development application may appeal that decision to the Appeal Board in accordance with the Clarenville Development Regulations.

### **5. Provincial and Federal Referrals**

- (1) If Council forms an opinion that a proposed development may be affected by the regulations of a Provincial or Federal department, the application will be referred to the concerned department for comments before a permit is issued.

## **4.5 Amending the Municipal Plan and Development Regulations**

This Municipal Plan was prepared on the basis of existing and expected future conditions. It is Council's intention not to amend the Plan for a five-year period after its adoption, after which another Plan Review will be undertaken. Nevertheless, if conditions change in unforeseen ways during the planning period, Council may consider possible amendments to the Plan.

### **1. Municipal Plan Amendment**

- (1) If Council decides to adopt an amendment to the Municipal Plan, in accordance with Section 25 of the Urban and Rural Planning Act, the amendment procedure will be the same as for the adoption of the Municipal Plan as a whole. This procedure is described in Section 1.1.2 of this Municipal Plan and outlined in Sections 14 to 24 of the Act.

### **2. Stand-Alone Amendment to the Development Regulations**

- (1) If Council decides to adopt an amendment to the Development Regulations, which does not also require a change to the Municipal Plan, the amendment procedure will be in accordance with Section 35 (5) of the Act.
- (2) Council shall give notice of the proposed change in a newspaper circulated in the area and shall receive representations with respect to those changes before forwarding the adopted amendment to the Department of Municipal Affairs for registration under Section 24 of the Act.