



Town of Clareville

# Municipal Plan 2022-2032

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# 1.0 Introduction

## 1.1 Purpose of the Municipal Plan

The Clareville Municipal Plan is Council's comprehensive policy document for the management of growth and development within the Municipal Planning Area (MPA) over the ten-year planning period 2022-2032. The Plan repeals and replaces the Town of Clareville Municipal Plan 2010-2020. This Plan provides a policy framework for the land uses and activities, the land use zoning and subdivision regulations to be administered by Town Council through development and subdivision permits.

In guiding the physical improvement and sustainable growth of the community, the Municipal Plan indicates the location and timing of residential development and the general layout and scheduling of capital works to support development such as: maintenance related to municipal servicing, road works, and pursuing economic development opportunities. The Future Land Use Map(s) complement the Municipal Plan laying out the general designations of land use.

The Municipal Plan also identifies strategies to address the environmental, social, cultural, economic, and governance needs of the community. As required under the *Urban and Rural Planning Act, 2000*, hereby referred to as "the Act," all relevant planning issues have been reviewed in the preparation of this Plan and are presented in the *Town of Clareville Municipal Plan Background Report 2022-2032*.

The *Town of Clareville Municipal Plan 2022-2032*, consisting of this document and the associated Future Land Use Maps, constitutes a legal document once approved in accordance with the Act, and is binding on Council, and all other persons, corporations and organizations.

## 1.2 Plan Contents

The *Town of Clareville Municipal Plan 2022-2032* outlines the following:

- Council's vision for the future, with supporting goals and objectives,
- The allocation of land for various uses as designated on the Future Land Use Maps,
- Policies pertaining to land use, growth and the sustainable development of the community, and
- The timing and costs of recommended capital works over the next decade and a projected five-year capital works program.

The Background Report was prepared to provide an accurate and up-to-date examination of current

conditions and an analysis of key trends and substantive changes since the last Municipal Plan review. The report also provides the basis for the rationale used for policies proposed in the Municipal Plan. It does not form part of the legal document.

### 1.3 Plan Preparation and Consultation

In 2020, Town Council sent its resolution to hire a consulting team lead by Plan-Tech Environment Ltd. to prepare a Municipal Plan and Development Regulations to the Department of Municipal and Provincial Affairs. The letter contained the request to initiate the provincial Interdepartmental Land Use Committee review process (ILUC) to solicit feedback from various departments and agencies that represent provincial government interests associated with the municipal planning and land development.

Meetings with the Public Works and Planning Committee (PWPC) and Council revealed challenges and opportunities and defined Council's priorities and rationale for preparing a Municipal Plan and Development Regulations for Clarendville. The policies and land use designations described in this Plan are not intended to remain static but are subject to continuous review and modification as required in light of the changing economic, social, environmental and technological developments.

By preparing the *Town of Clarendville Municipal Plan 2022-2032*, the Town of Clarendville is taking the opportunity to review its policies and formulate new ones which are more in keeping with the changes that have occurred and are likely to occur within the Town in the next 5-10 years. This review also provides the opportunity to update the provisions of the Development Regulations, in particular Schedule C, as required by the Act.

This Plan was prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*. The Plan documents are based on current land uses and analysis, available mapping, and other studies of the community and on Council's perception of the land use problems facing the community, opportunities for improvements to its physical environment, and the direction of future growth. A program of community engagement was implemented, and consultation played a major role in all aspects of the preparation of the Municipal Plan, accompanying Development Regulations and associated maps.

As part of its background research, the consulting team conducted a **site visit** of the community in October 2020 (while the province was in Alert Level 2 as a result of Covid-19). Various meetings (one in-person when it was possible, and others virtually via Zoom/Webinar due to covid-19 restrictions) were held with Town staff, Council, and residents to determine development opportunities and challenges within the planning area boundary based on the community's resources and capabilities.

A list of key **stakeholders** was provided by the client. Consultants contacted each stakeholder beginning with a letter of introduction and discussion about the Municipal Planning review process and the goal of the stakeholder interviews. Each stakeholder was contacted again (some numerous times) by telephone as well as email in order to reach each individual by the most convenient method. Individual meetings were held with stakeholders (and in some cases by staff identified by the stakeholder) via telephone. A summary of stakeholder discussions and emerging trends was prepared and shared with staff and Council.

A **survey questionnaire** targeted to residents of Clarendville was developed and hosted on Survey Monkey platform with links posted to the Town's website and Facebook page. The survey was open for 3 weeks and advertised via social media.

A PowerPoint presentation about planning, highlighting aspects of the Background Report, results of public engagement, emerging issues and discussion of planning challenges in Clarendville, and a review of the updated zoning map, was conducted via **Zoom Webinar in April 2021**. This **public engagement** opportunity was advertised for 3 weeks on the Town's website and Facebook page.

Drafts of the revised Municipal Plan and Development Regulations were reviewed with the Public Works and Planning Committee (PWPC) and with Council for their input and consideration of edits and changes. With Council's approval the **draft documents were posted to the Town's website for public review** as advertised on the website and Town's Facebook page.

A **public open house** was hosted at the Eastlink Events Centre on August 11, 2021, from 5:00 – 7:00 pm. This provided an opportunity for public input and discussion about the planning documents and the future land use and land use zoning maps. Several themes emerged surrounding discretionary uses in some zones, as well the interpretation of specific definitions and policies.

A summary document of the public opinions raised at the open house was shared with Council and discussed at **ZOOM meeting with Council and staff** held on Tuesday August 17, 2021. Council provided direction on three matters it wishes addressed in the planning documents.

Upon final review of edited documents with staff, Council approved the submission of the Town of Clarendville Draft Municipal Plan and Draft Development Regulations 2022-2032 to the Department of Municipal and Provincial Affairs for Section 15 Ministerial review and release.

## 1.4 Bringing into Effect

Sections 14 to 24 of the *Act* set out the process for bringing a Municipal Plan and Development Regulations into effect. Upon holding public consultations, and when Council is satisfied with the draft Municipal Plan and Development Regulations, it may submit these documents to the Department of Municipal and Provincial Affairs for Ministerial review and release as per Section 15. Upon successful review, the Minister releases the documents, enabling Council to adopt the proposed Municipal Plan and Development Regulations. Council then gives notice of adoption of the documents, where and when they may be viewed, as well as the date, time, and location of the Public Hearing of Objections, as per section 18 of the *Act*. Council appoints a commissioner to conduct the Public Hearing and to prepare a written report on any representations made. Upon receipt and review of the Commissioner's report, Council approves the Municipal Plan and Development Regulations by resolution, then submits them to the Department of Municipal and Provincial Affairs for registration. When notified that the documents are registered, Council gives notice of the registration in the Newfoundland and Labrador Gazette and a local newspaper. The date of publication of the notice in the Gazette is the date the Municipal Plan and Development Regulations come into effect.

## 1.5 Plan Administration

Once the Municipal Plan has received the Minister's approval and is published in the Newfoundland and Labrador Gazette, the Plan is legally binding upon Council and all other persons, corporations, and organizations.

Council will administer the Municipal Plan by carrying out the Plan's policies. This is done in several ways:

- By preparing land use zoning and subdivision regulations (prepared and approved at the same time as the Municipal Plan);
- By issuing development permits to applicants wishing to build or change the use of a building or to subdivide land in accordance with the regulations;
- By undertaking the capital works and development schemes outlined in the Plan as financial resources become available.

In five years, Council will review this Plan to determine any required revisions in support of developments that maybe anticipated during the next 10-year period in accordance with Section 28(1) of the *Act*. Amendments may be made at any time prior to the five-year review in response to new development proposals or changed community priorities. These amendments must follow the process outlined in Sections 14 to 24 of the *Act*.

## 1.6 Municipal Planning Area Boundary

The Town of Clarendville has a defined municipal boundary. The town's infill limits follow an historic pattern of settlement dating back more than 100 years as illustrated in Figure 1. The Planning Area Boundary is designated by the Minister and may include land outside of the municipality. The land within the Municipal Planning Area boundary is governed by Town Council, which exercises control over all development, control of watersheds for the purposes of municipal water supply, environmentally sensitive areas, and amenities of the municipality and surrounding lands within the planning area.

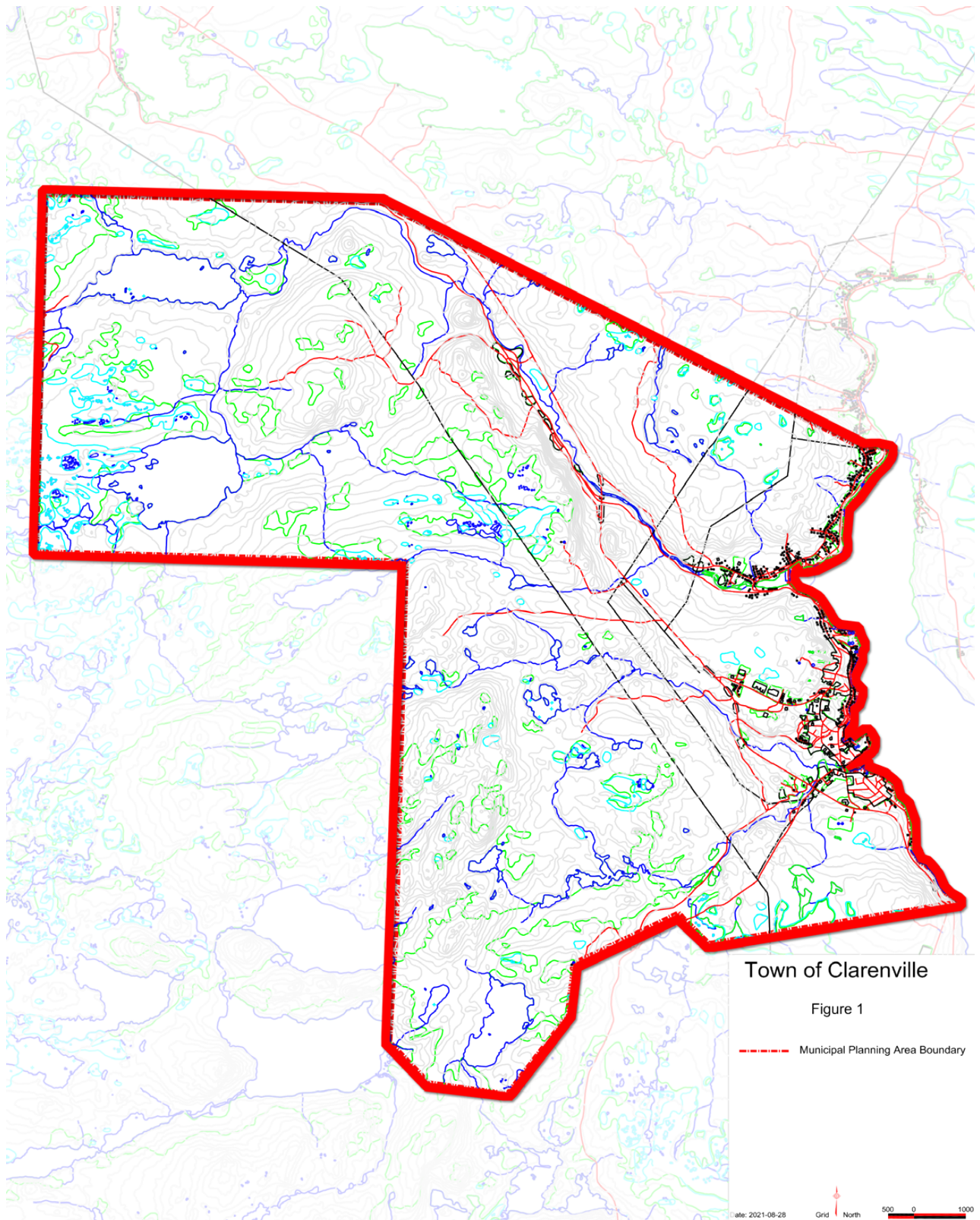
## 1.7 Interpretation

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" (MPA) 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.





**Figure 1:** Town of Clarendville Municipal Planning Area Boundary



## **2.0 Vision, Goals and Objectives**

This Chapter outlines the Council's planning vision, goals, and objectives that will be pursued for the planning period 2022-2032. The vision statement establishes a broad picture of the community's future – a future that Council will endeavour to achieve through the implementation of the policies and proposals outlined in the Municipal Plan. A goal is a desired state that reflects the long-range desires of Council and is related to an area of concern. It is concrete, realistic, action-oriented, and attainable within a period of three to five years. The realization of an objective should move the goal closer to reality. The community vision, goals and associated objectives were determined through consultation with Council, stakeholders, and the public.

Based on the Clarendville Municipal Plan Background Report, 2021, a comprehensive study of the demographic and planning characteristics of the Clarendville Municipal Planning Area, the following are the goals and objectives of this Municipal Plan, which are to be pursued within the ten-year planning period 2022-2032.

### **2.1 Community Vision**

Discussions with Council and staff, followed by public consultations, confirmed the planning vision that was created for Council's consideration and incorporation into this Municipal Plan.

When the provincial and federal governments entered into an agreement to distribute gas tax revenue to municipalities, this was contingent upon each municipality developing an Integrated Community Sustainability Plan or ICSP. With the help of volunteers, organizations and residents, 2 separate planning exercises were conducted that resulted in comprehensive reports dealing with the future growth and development of the town and its economy. These documents, The Town of Clarendville – Economic Development Strategy 2006-2009; and Assessing the Factors Impacting the Sustainability of the Clarendville Bonavista Rural Secretariat Region – Phase 2 Final Report (2014 sic), were the basis of the Vision Statement and Council's Mission Statement included in this Plan. During the ICSP process, much time and effort was given to developing a vision that encapsulated the future potential of Clarendville, its growth, character, and quality of life.

Through consensus and with minor adjustments, Council determined that the Vision created through the ICSP process is relevant today. Council also chose to incorporate a Mission Statement into the Municipal Plan to demonstrate its commitment to the long term growth and sustainability of the community. These statements were presented to the public in a virtual meeting in April 2021 (via ZOOM webinar). Discussions with attendees resulted in additional minor edits, which Council has endorsed and adopts for this Municipal

Plan.

### A Vision for Clarendville

*The Town of Clarendville is a healthy and inclusive community, where people, businesses, and ideas, thrive amongst a strong sense of community. Our continued growth is built on our people, our partnerships, our strategic location and a strong local and regional economy that is supported by the delivery of well planned and managed municipal services and modern infrastructure.*

### Council's Mission Statement

The Town Council will achieve its vision of long term growth and sustainability by enabling residents to seize opportunities in the business, tourism, and cultural and recreation sectors. The municipality will accomplish this by:

- **Promoting** the unique characteristics of Clarendville.
- **Strengthening partnerships** with residents, organizations and surrounding communities.
- **Improving** town infrastructure and service delivery.
- **Advocating** for the interests of the community.

## 2.2 Community Goals and Objectives

Based on the comprehensive *Background Study* for the Clarendville Municipal Plan, and recommendations of the Intergovernmental Land Use Committee (ILUC) Report, the following goals and objectives have been developed for the ten-year planning period.

### 2.2.1 Community Structure and Character

#### Goals:

To ensure future growth is compatible with Clarendville's structure, character, and pattern of land use development.

#### Objectives:

- a. Encourage orderly and properly sited development, efficient and economic use and expansion of municipal services, and compatibility between land uses, to maintain the attractive features of the Town and its setting.
- b. Provide safe and accessible pedestrian sidewalks that link residential neighbourhoods to commercial

areas, places of employment, and recreational amenities.

- c. Preserve and enhance appropriate areas of open space and lands for passive recreation use to balance the built-up urban environment.

### 2.2.2 Economic Development

#### Goal:

To promote Clarendville as an important Regional Service Centre offering desirable residential neighbourhoods, a good variety of commercial goods and professional services, excellent leisure, and recreation opportunities, supported by a strategy for future growth of the community.

#### Objectives:

- a. Encourage diversified and balanced economic development that creates employment opportunities for residents, promotes good quality of life, contributes financially to the municipality, and strengthens its role as the Regional Service Centre.
- b. Encourage diversification of the local economy through the attraction of new businesses, industries, and the support of local entrepreneurship, and home occupations.
- c. Promote Clarendville as a tourism recreation destination that offers year-round opportunities capitalizing on its wealth of cultural and recreation infrastructure, accommodations and amenities, and physical location within the province.
- d. Support local community groups, agencies, non-governmental organizations, and sponsors who provide services, programs, shelter, food, and other opportunities for all residents of Clarendville, especially the disenfranchised.

### 2.2.3 Commercial and Industrial Development

#### Goal:

To strengthen commercial and industrial activity in the Town by encouraging an appropriate mix of retail, office and services activities that serve the residents of Clarendville as well as the Clarendville Bonavista region.

#### Objectives:

- a. Allocate an adequate supply and variety of land in appropriate locations for various commercial, industrial and services uses.

- b. Promote development in the *traditional downtown* area through the adaptive re-use of buildings and sites for mixed development uses such as retail, professional services, offices, studios, and the like as well as multi-unit housing.
- c. Allocate specific areas for highway service oriented commercial development.

### 2.2.4 Housing

#### **Goal:**

To encourage the development of appropriate quality, quantity and mix of housing that serves the needs of all residents of Clarendville.

#### **Objectives:**

- a. Allocate sufficient land for residential development to meet requirements of anticipated growth during the planning period.
- b. Facilitate the development of new residential subdivisions, especially those that promote solutions for sustainable design, stormwater management, and minimal disturbance of the natural environment.
- c. 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 ability requirements.
- d. Promote opportunities for the development of innovative or specialized forms of housing through measures such as adaptive re-use of existing buildings.

### 2.2.5 Open Space and Recreation

#### **Goal:**

To develop and maintain recreational facilities and open spaces to accommodate a range of active and passive recreation opportunities for Clarendville residents.

#### **Objectives:**

- a. Protect important outdoor recreation facilities, particularly Clarendville's network of trails, from encroaching development.
- b. Facilitate the continued maintenance of walking trails throughout the town and support the community groups who volunteer their services.
- c. Encourage and support recreation groups, recreation program providers, and community organizations that promote and organize programs, fairs, sporting events and other attractions.

### 2.2.6 Culture and Historic Sites

**Goal:**

To protect and support Clarendville's cultural and historic amenities.

**Objectives:**

- a. Support efforts by the Clarendville Heritage Society to showcase Clarendville's history and culture.
- b. Protect and enhance important sites of historic significance for Clarendville.
- c. Ensure that archaeological resources are identified and protected in consultation with the Provincial Archaeology Office.

### 2.2.7 Municipal Services

**Goal:**

To provide an acceptable and consistent level of municipal services to all residents of Clarendville.

**Objectives:**

- a. Maintain a water system capable of providing domestic water as well as fire flows to all areas of Clarendville.
- b. Maintain a sewage collection system and outflows that will have minimal long-term impacts on the natural environment.
- c. Improve stormwater management for flood prevention, erosion control, and protection of properties, watercourses, and other environmentally sensitive areas.
- d. Continue the provision, maintenance and upgrading of existing municipal services and infrastructure as required and encourage infill development in existing serviced areas.

### 2.2.8 Transportation

**Goal:**

To provide a safe and efficient transportation network in Clarendville that serves the needs of motorists, cyclists, and pedestrians.

**Objectives:**

- a. Ensure all new and proposed developments provide safe and efficient vehicular and pedestrian mobility.
- b. Promote principles of walkability and connectivity within new residential subdivisions linking to the

greater neighbourhood, to commercial areas and recreational amenities.

- c. Improve accessibility for all residents by promoting barrier free design principles and standards in the planning and design of streets, sidewalks, crosswalks, parking areas, trail systems to accommodate residents of all ages and abilities.

### 2.2.9 Environment

#### **Goals:**

To encourage a community philosophy that values and protects Clarendville's natural environment and ecological integrity.

To ensure that emerging environmental issues such as the impacts of climate change remain a priority as the Town continues to develop in the next 10-year planning period.

#### **Objectives:**

- a. 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.
- b. Protect land that is unsuitable for development due to slope movement, flooding, and coastal erosion to mitigate negative environmental impacts.
- c. Protect the Clarendville drinking water supply from development that might reduce the quality and quantity of water available for municipal use.
- d. Reduce stormwater flows, erosion, and impacts on watercourses, wetlands, waterbodies, and downslope lands by managing drainage and stormwater run-off.

### 2.2.10 Municipal Finances

#### **Goal:**

To manage municipal expenditures and revenues in order to provide municipal services and facilities within a framework of long-term financial stability.

#### **Objectives:**

- a. Develop a Five-Year Capital Works Program based on realistic and available funding.
- b. Manage municipal public works expenditures and debt burdens to ensure residents are provided with adequate services throughout the planning period.

- c. Encourage compact, phased development that ensures effective use of the Town's financial resources.
- d. Manage and reduce the municipal debt load considering the Town's ability to meet expenditures over the 10-year planning period.

## 3.0 The Land Use Plan

The policies contained in this Chapter, in conjunction with the Future Land Use Maps (1& 2) constitute the land use component of the *Town of Clarendville Municipal Plan, 2022-2032*. This land use component designates land within the Clarendville Municipal Planning Area for uses that are deemed most appropriate for future development. The Land Use Plan is meant to complement the Goals and Objectives outlined in Chapter 2 of the Municipal Plan.

The policies outlined in this Municipal Plan have been prepared to ensure that the physical development of Clarendville takes place in an efficient and cost-effective manner during the planning period. Demographic and environmental considerations have also formed the basis of the policies and proposals surrounding land use, community amenities, transportation, and municipal services.

The Intergovernmental Land Use Committee (ILUC) has provided recommendations for inclusion into the planning documents with respect to the protection of provincial interests.

### 3.1 General Policies

The following policies can be categorized as general in nature and may apply to more than one land use designation and to different areas of the Clarendville Municipal Planning Area.

#### 3.1.1 Physical Structure

It is Council's policy that the Municipal Plan shall provide for development within the Municipal Planning Area for a period of 10 years as described by the *Urban and Rural Planning Act, 2000*, Section 13(2)(g).

Land uses shall be allocated in accordance with the Future Land Use Map(s). Development within the Planning Area shall be controlled in accordance with the Town of Clarendville Development Regulations, and in adherence with appropriate policies, Acts, and Regulations of the Province.

Nothing in the Plan shall affect the continuation of a use which was legally established on the day that this Plan was registered by the Minister of Municipal and Provincial Affairs. Where a building or use exists, which does not comply with the intent of the Plan and the designated use, then it shall not be permitted to expand substantially. Minor extensions of such properties may be approved provided there will be no adverse effects on surrounding properties or the environment. Section 108, Non-Conforming Uses of the Urban and Rural Planning Act shall apply.



Furthermore, under the *Urban and Rural Planning Act, 2000*, Section 108(3)(d), council may allow a building, structure or development that does not conform to a scheme, plan, or regulations to continue, and may vary the existing use of that building, structure or development, to a use that is, in council's opinion more compatible with the Municipal Plan and Development Regulations.

### 3.1.2 Archaeological Sites

To ensure that all archaeological resources are protected, it is Council's policy that consultation with the Provincial Archaeology Office (PAO) shall be initiated during the early planning stages of any major land development that involves land use or ground disturbance. These discussions are necessary to ensure that appropriate measures are taken to protect historic resources and where deemed necessary, to recommend when archaeological work is required to identify and safeguard any sites yet to be discovered.

### 3.1.3 Heritage Buildings and Sites

The former CNR Railway Station building and property is designated a heritage building and site by Council. It is Council's policy that:

- a. No development shall be allowed which could impair the quality of the building or site, or other buildings or sites which would be so designated or identified.
- b. Any development adjacent or within thirty (30) metres of these properties shall be reviewed by Council to ensure that there are no negative effects on these properties.
- c. Council may from time to time designate additional heritage sites and areas under the Municipalities Act.

### 3.1.4 Development Agreement

It is Council's policy that as a condition of approval, Council shall require the developer to sign a development agreement with the municipality. (see also Sections 3.1.34 Site Plan for Development and 3.1.35 Development Criteria for Non-residential Sites).

### 3.1.5 Conveyance to Council of Private Roads

It is Council's policy that roads in new subdivisions shall be constructed or upgraded to the Town's road standards before Council shall assume ownership and responsibility for future maintenance. All new roads shall have a legal land survey and a Deed of Conveyance, approved by the Town's solicitor, before Council assumes ownership.

### 3.1.6 Frontage and Access on a Public Road

It is Council's policy that all new development and all newly created lots shall have direct frontage onto a publicly-maintained road or in the case of a new subdivision shall have frontage on a road being constructed under the terms of a development permit issued by Council. The costs of providing or extending municipal road infrastructure to any new subdivision development shall be the sole responsibility of the developer.

### 3.1.7 Easements and Emergency Access

It is Council's policy that where land is required for utility easements or emergency access, the land may be obtained for the appropriate agency (e.g., power, electrical and etc.) while approving subdivision or other development applications.

Municipal and public utility works such as electrical power, telephone, and pollution control facilities may be permitted in all land-use designations provided that no adverse effects are created that impact adjacent land uses or the environment. Buffers, such as landscaped areas, shall be provided between any such works and adjacent land uses, where appropriate.

### 3.1.8 Site Suitability

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

### 3.1.9 Infill Housing

It is Council's policy to encourage the intensification of development in areas that are accessible to municipal water and sewer services. This can occur through infilling in existing neighbourhoods, and through the development of new streets and street extensions.

Site plans for infill development and land use intensification shall require 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.

In older developed sections of the Town infill lots may not meet current standards. Council shall review any proposed development on a lot-by-lot basis. Lots that do not meet current frontage development standards may be approved for infill residential development under Council's discretionary authority

provided they are serviced with municipal services and there are sufficient lands for the safe development of the lot.

### 3.1.10 Adaptive Reuse of Existing Buildings and Properties

It is Council's policy to encourage the adaptive reuse and redevelopment of vacant and underused buildings and properties that is compatible with the adjacent neighbourhood, and in Council's determination, shall contribute to the revitalization of the area. The restoration, reuse and enhancement of vacant buildings, structures and sites in residential, mixed use, commercial and public use areas shall be encouraged as per the standards contained in the Development Regulations.

### 3.1.11 Alterations to the Natural Environment

It is Council's policy that development proposals shall include plans for grading, ditching, and landscaping. Significant alterations to the natural environment (such as changing the drainage pattern, removing vegetation or mineral aggregate materials) shall be considered during the evaluation of development proposals. Alterations which will adversely affect adjacent property or watercourses shall not be permitted.

### 3.1.12 Removal of Topsoil

It is Council's policy that topsoil shall not be removed unless a permit has been obtained from the Department Industry, Energy and Technology, Mining and Mineral Development Division and a permit issued by Council.

### 3.1.13 Preservation of Trees

It is Council's policy to require, when necessary, a Landscape Plan to identify how mature trees shall be preserved and replaced where necessary. Such trees shall be removed only if they become dangerous because of age, disease, or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy, or if they will unduly inhibit construction.

### 3.1.14 Water Resources

It is Council's policy that a proponent must apply for and obtain a permit under the *Water Resources Act, 2002*, specifically Section 48 for any work in any body of water, including wetland, prior to the start of construction. Any effluent or runoff leaving the site will required to conform the requirements of the *Environmental Control Water and Sewage Regulations, 2003*.

### 3.1.15 Protection of Watercourses, Wetlands, and Waterfowl Habitat

Rivers, streams, ponds, and shorelines shall be protected from pollution and development. The existing vegetation shall be maintained along banks and shorelines where possible. No development shall be permitted within a minimum 15 metres to 30 metres of a watercourse without approval from the Department of Environment and Climate Change, Water Resources Management Division.

A buffer zone will be left in its natural state and is intended to separate developed areas from bodies of water to provide basic protection of water resources. This zone may coincide with a Crown land reservation of a shoreline as prescribed by Section 7(1) of the *Lands Act, 1991*.

In the absence of specific setback requirements (depending on the activity) the buffer is taken to be 15 metres measured from the high water mark which is understood to be the 1 in 100 year (1:100) high water mark.

It is Council's policy to encourage the preservation and protection of watercourses, shorelines, and sensitive wetlands that are valuable for controlling flooding; provide habitat for waterfowl or have important aesthetic value to the surrounding areas. Any development proposal within sensitive wetlands areas shall be referred to the Department of Environment and Climate Change, Water Resources Management Division, prior to Council approving any development proposal.

### 3.1.16 Wildlife Protection

It is Council's policy to recognize recommendations that the northern portion of the Municipal Planning Area contains Newfoundland Marten core habitat. And that the Newfoundland Marten is listed as "threatened under the NL Endangered Species Act.

It is Council's policy to acknowledge that the MPA may contain stands of red pine that are home to the Red Crossbill, a forest bird, listed on the Newfoundland and Labrador Endangered Species List, and the Harlequin Duck, a species listed as Vulnerable, and also require protection.

### 3.1.17 Scheduled Salmon River

It is Council's policy to acknowledge that the Shoal Harbour River within the Clarenville Municipal Planning Area is a scheduled salmon river. Proposed development associated with a scheduled salmon river may come under provincial and federal jurisdiction.

### 3.1.18 Infilling Within 15 metres of Bodies of Water

It is Council's policy that no infilling work within 15 metres of a body of water shall be allowed prior to applying for permitting to the Department of Environment and Climate Change, Water Resources Management Branch, and Section 48 of the *Water Resources Act, 2002*. Any proposed infilling within 15 metres of a body of water shall comply with the Department's Policy for Infilling Bodies of Water.

### 3.1.19 Development in Shore Water Zones

It is Council's policy that no development shall be permitted in shore water zones prior to applying for permitting with the Department of Environment and Climate Change, Water Resources Management Branch, under Section 48 of the *Water Resources Act, 2002*. Any proposed work in the shore water zones shall comply with the Department's Policy for Development in Shore Water Zones.

### 3.1.20 Climate Change and Environmental Impact

Climate change is expected to result in more precipitation and more frequent extreme weather events that may result in increased flooding, sea surge and coastal erosion. Council shall consider these factors when allocating land for future development that is in close proximity to rivers, floodplains, or the coastline. Provincial climate change projections created for the nearest site (in this case Gander), shall be considered for different stages of development in consultation with the Department of Environment and Climate Change.

The federal and provincial governments have mandated (e.g.: National Building Code) that the design and installation of all infrastructure shall be engineered in order to anticipate and mitigate the effects of climate change. As indicated by ILUC there are areas where development should be prohibited, and other areas where development should be restricted to design solutions that are engineered to mitigate the effects of climate change. ILUC proposes coastal development and buffer measures based on the coastal 4.0 metre contour.

It is Council's policy to prohibit development below the 4.0 metre contour and designate those areas as Environmental Protection.

It is Council's policy to monitor lands above the 4.0 m contour that may also be at risk from coastal flooding, erosion, and storm surge during the planning period.

### 3.1.21 Geological Hazards and Environmental Impact

It is Council's policy to restrict development in areas that are environmentally sensitive or hazardous for development due to steep slopes, wet or unstable soils, or unstable geological conditions, flooding, and coastal erosion in order to reduce potential environmental impacts. Steep slopes and other areas of geological hazard shall be subject to development restrictions or other conservation measures designed to minimize environmental impacts and mitigate risks to adjacent properties resulting from development. Development shall be prohibited in areas within 30 metres of the rock cliff along the coastline where coastal erosion has been identified or is of concern.

### 3.1.22 Land Dedication for Public Purposes

It is Council's policy that a proponent seeking a permit for subdivision shall dedicate to the Council, not more than 10% of the subdivision or land to be developed, for public use as recreation open space. The land dedicated shall be suitable for parks, tot lots, walking trails, community gardens, or other recreation open space uses Council deems appropriate.

Alternately, in lieu of the land dedication, it is Council's policy to accept a sum of money that is equivalent to the value of the land in that subdivision had the land been conveyed.

### 3.1.23 Land for Environmental Protection

When approving a subdivision or other major development, it is Council's policy to require portions of the site for development 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*.

### 3.1.24 Stormwater Management

Managing stormwater runoff throughout the planning area, is becoming increasingly challenging through the incidence of more intense storms and further urban development resulting in increased water runoff.

To this end, it is Council's policy to endorse the following:

- a. Council shall require land to be developed on the basis of zero net runoff unless otherwise approved by Council. Council shall encourage alternative zero net methods of storm water management such as retention ponds and other techniques that decrease water run-off.

- b. Council shall encourage and support development design and infrastructure that incorporates stormwater management best practices.
- c. Development shall be designed so that run-off from the development does not negatively impact adjoining properties.
- d. Proposals for development, including the clearing of land, shall include plans to manage stormwater runoff to prevent sedimentation and excessive flooding.

### 3.1.25 Non-Domestic Water Use for Any Purpose

It is Council's policy that prior to the start of construction, the proponent shall apply for and obtain a water use license under the *Water Resources Act, 2002*, for the use of water from any source for any purpose. This applies to all non-domestic uses with an existing, new, or planned water use from any source.

### 3.1.26 Upkeep of Properties

It is Council's policy to promote the upkeep of residential properties, businesses, and institutions; encourage the repair or removal of dilapidated buildings and structures; and prohibit indiscriminate dumping. Council shall encourage businesses and contractors to store their materials and heavy equipment at the rear of their property or screen it from view with fences, hedge rows or other planting, or a combination of both.

### 3.1.27 Home Gardens

It is Council's policy to permit the gardening of fruits and vegetables, for the personal use of the homeowner/ resident, in all land use designations, where a residential use is carried out on the lot.

### 3.1.28 Water Management

It is Council's policy to prohibit the filling of outdoor swimming pools with the existing potable water supply. Other alternatives, such as the use of tanker trucks for the filling of swimming pools, shall be encouraged.

### 3.1.29 Digital Government and Service NL

It is the policy of Council to advise proponents considering development to contact the Regional Office of Digital Government and Service NL to acquire all relevant permits prior to starting a development.

The Trans-Canada Highway, Route 1, is a Protected Road and falls under the jurisdiction of the *Protected Road Zoning Regulations*. The building control line is 150 metres in the municipal planning area boundary

and 100 metres within the municipal boundary. Proposed development within the building control line shall require a permit from the Government Service Centre, Department of Digital Government and Service NL in addition to a development permit from the Town.

All provincial highways fall under the jurisdiction of the *Highway Signs Regulations, 1999*. Proposed signage shall require a permit from the Government Service Centre, Department of Digital Government and Service NL, in addition to a development permit from the Town.

#### **3.1.30 Transmission Lines**

It is the policy of Council that developers seeking to undertake any new developments shall contact NL Hydro prior to construction so as to identify issues or conflicts and resolve them with the authorities. Developers shall provide NL Hydro with development plans that locate easements for electrical services.

Access to NL Hydro transmission lines shall be maintained throughout the Planning Area. No development shall be permitted to occur in the hydro rights-of-way. Any structures or facilities impeding Hydro's access to perform upgrades, maintenance or repair work, shall be subject to removal.

#### **3.1.31 NL T'Railway Provincial Park**

The NL T'Railway Provincial Park travels through the entire municipal boundary of the Town of Clarendville. Management of the T'Railway is within the jurisdiction of the Provincial Department of Tourism, Culture, Arts and Recreation, Parks Division.

It is Council's policy that developers shall obtain from the Parks Division, Special Permits for Temporary Vehicular Use and for Construction and Use of the T'Railway.

#### **3.1.32 Municipal Services**

It is Council's policy that new development shall be permitted only in areas which can be provided with municipal water and sewage services. The costs of providing or extending municipal water and sewage services to any new subdivision development shall be the sole responsibility of the developer.

#### **3.1.33 Public Access to Watercourses and Coastal Shorelines**

It is Council's policy to ensure that sufficient and appropriate public access is maintained to ponds, rivers, streams, and coastal shorelines provided that such access does not unreasonably impact the use and enjoyment of adjacent private lands by their owners.



### 3.1.34 Development of Land with Slope Conditions

#### **Steep Slopes –15% to 20%**

It is Council's policy that development proposed on steep slopes from 15 percent (%) to 20 percent (%) shall require the preparation of a geotechnical report and/or drawings to identify how to minimize risk of erosion, subsidence, and stormwater hazards.

The report shall provide an evaluation of soil and geological stability; proposals for site grading, drainage, vegetation removal, and remediation of the site through landscaping. The report shall address the potential of the development to cause stormwater runoff, erosion, and pollution that may impact adjacent properties, wetlands, and water bodies, and other matters determined to be relevant.

#### **Moderate Slopes – 11%-15%**

Slopes in this range may create difficulties with respect to road and driveway construction, installation of water and sewer, stormwater run-off, and soil erosion.

It is Council's policy that development proposed on moderate slopes that range from 11- 15 percent (%) shall require a geotechnical report and/or engineered drawings to address, where it is demonstrated that the steepness of the grade may cause difficulties for the construction of road infrastructure, installation of water and sewer services, stormwater run-off, or soil erosion.

#### **Gentle Slopes - 4% to 10%**

Slopes in this range are considered the easiest to build on and are generally free of development limitations.

#### **Flat Slopes - 0% to 3%**

Slopes in this range are normally free from development limitations. However, these areas may contain poorly drained soils that may require alternate mitigation measures, such as soil remediation or the installation of weeping tiles, and other actions.

It is Council's policy that development proposed on flat slopes with poorly drained soils shall be revealed to the Development Office at time of permitting to determine whether a geotechnical study is warranted or remediation measures identified.

### 3.1.35 Site Plan for Development (Subdivision)

It is Council's policy that a Site Plan is required to ensure that subdivision development of land for residential, commercial and industrial development proceeds in an orderly and efficient manner that makes optimal

use of land and municipal services. Generally, Site Plans shall be for areas large enough to show the relationship between adjacent parcels of land and proposed roads.

It is Council's policy that applications for new subdivision developments that are greater than 10 lots, shall provide a Functional Servicing Report (FSR) as a component of the approval process. The Functional Servicing Report shall be reviewed by Council prior to approval of any new development.

It is Council's policy that Site plans that deal with individual cul-de-sacs proposed on single parcels of property shall not be approved unless it is demonstrated to the satisfaction of council, the development will not interfere with the optimal development potential of surrounding lands.

It is Council's policy that large-scale developments that do not require the subdivision of land but have potential impacts on adjacent properties or the neighbourhood, municipal infrastructure, road network, or environment, shall submit to Council a site plan for development for review and approval prior to the issuance of a development permit.

It is Council's policy that all proposed developments shall be subject to a comprehensive evaluation by Council. The content of this evaluation for development shall comply with the requirements listed in the Development Regulations.

It is Council's policy that when reviewing a Site Plan, Council may seek input from neighbouring residents during the approval process. Council may provide opportunity for local residents to view any proposed development plans and provide comments to Council and municipal officials.

#### **3.1.36 Development Criteria for Non-Residential Sites**

It is Council's policy that all development of non-residential land uses shall conform to the following criteria:

- a. Each site shall have direct frontage on a public road.
- b. Development shall be located and designed in a manner that minimizes the impact of traffic, noise, lighting, and signage on adjacent residential areas. Where necessary, screening shall be required through the provision of trees, shrubs, banks and berms, landscaping or fencing, or a combination thereof.
- c. Properties shall be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- d. Access points to the public street shall be limited in number and designed for maximum safety for pedestrians and vehicles.

- e. Each site shall provide space for adequate off-street parking and loading facilities to meet the needs of the proposed development.
- f. Adequate municipal services must be available to meet the needs of each proposed development.

It is Council's policy that development shall be in accordance with the Town's Development Regulations and where applicable the Regulations of the Departments of Climate Change and Environment, Transportation and Infrastructure, Digital Government and Service NL, Fisheries and Oceans Canada; and other relevant agencies.

#### **3.1.37 Professional Review**

It is Council's policy that a proposed development that may result in undesirable environmental effects or create problems for the development of adjacent properties, shall require an assessment of the proposed development by a certified professional, such as an engineer, planner, landscape architect, or professional with similar credentials.

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 adjacent properties and bodies of water due to drainage, stormwater run-off, erosion, or pollution.

#### **3.1.38 Survey Control Marker**

It is Council's policy that development works within the Town that disturb an existing Control Survey Marker must be reported to the GIS and Mapping Division, Department of Fisheries, Forestry and Agriculture.

#### **3.1.39 National Building Code of Canada**

It is Council's policy to direct developers to the National Building Code of Canada to ensure that new energy efficiency requirements are followed for all new development.

## 3.2 Specific Land Use Policies

The land resources of the Clarendville Municipal Planning Area shall be managed in accordance with the proposed land uses shown on the Future Land Maps 1 and 2 and the land use policies of this Municipal Plan.

### Land Use Designations

It is Council's policy to manage land uses in the Clarendville Municipal Planning Area in accordance with the policies outlined in the following sections of this Municipal Plan, the Future Land Use Map(s) 1 and 2, and Schedules A through D of the Development Regulations.

Land use designations shall include:

- **Residential Medium Density**
- **Mixed Use**
- **Town Centre**
- **Commercial Highway**
- **Tourism Resource**
- **Industrial General**
- **Public Use**
- **Open Space Recreation**
- **Rural**
- **Protected Public Water Supply Area**
- **Flood Risk**
- **Environmental Protection**
- **Comprehensive Development Area**

Overlays shall include:

- **Mineral Working**
- **1:20 Floodway (Designated)**
- **1:100 Floodway Fringe (Designated)**

The specific policies that apply to each of these land use designations are described in the sections that follow. Additional sub-categories of land use designations are discussed in greater detail as warranted with respect to approval considerations.

## 3.3 Residential Medium Density

### General Intent

The most suitable land for long-term residential expansion has been identified as the area between Shoal Harbour Drive and the Trans Canada Highway. The topography of area is fairly gentle. Directly west of Walmart, the land is generally flat to the Trans Canada Highway. From there it slopes gently in the direction

of the Shoal Harbour River with most slopes ranging between 8 and 10 percent. There are a few areas where the slopes rise as high as 20 percent and others where it flattens out to less than 5 percent.

This area is highly suitable for new subdivision developments. In addition, water and sanitary sewer servicing are available on Shoal Harbour Drive in the vicinity of the two recent residential developments and could be extended to service this area.

Development must be directed to areas outside of the Protected Public Water Supply Area Zone. Stormwater management shall be implemented to ensure there are no negative impacts (such as pollution by sediment laden runoff, etc.) on the Protected Public Water Supply Area.

Shoal Harbour Drive is a collector road and provides a connection to commercial areas as well as the Trans-Canada Highway via Manitoba Drive. The area between Memorial Drive and Thompson Street is currently undeveloped but the topography is too steep.

Council's intention is to preserve the amenity and character of existing residential areas and to reserve lands for future residential use in the Municipal Planning Area. Land is designated Residential Medium Density throughout the Town to provide for a mix of housing types that respond to the needs of residents of all ages and socio-economic backgrounds.

Council's intention is that housing developments respond to the needs of their target markets, such that housing for young families will include provision for open space and areas for play, while housing for retired persons and seniors considers adjacent landscape quality and walkability and proximity to services.

#### 3.3.1 Residential Medium Density Policies

The General Land Use policies described in section 3.1 of this Municipal Plan shall apply to the areas designated Residential Medium Density.

##### **RMD-1. Residential Medium Density Designation**

It is Council's policy that areas designated as Residential Medium Density on the Future Land Use Map(s), areas shall be further categorized on the Zoning Map(s) into the following zones:

##### **i. Residential Medium Density - RMD**

**Permitted uses in the Residential Medium Density (RMD) zone include:** Single Dwelling, Double Dwelling, Townhouse, Row Dwelling, Modular House, Open Space Recreation and Environmental Protection.

Criteria for the location and establishment of residential uses are outlined in the policies of this Plan and in the Development Regulations – Use Zone Tables, Schedule C. Non-residential uses may be permitted in this land use designation at the discretion of council.

**Discretionary uses include:** Apartment Building, Premanufactured (Mini) Home, Subsidiary Apartment, Convenience Store, Home Occupation, Bed and Breakfast, Childcare, Seniors Housing and Personal Care Facility, Recreation Facility, Urban Agriculture, Sawmill, and Mineral Exploration.

These uses may be permitted at the discretion of the Council provided they are compatible with the intent and residential character of the area. In addition to the standards outlined in the Development Regulations, Council may apply terms and conditions to discretionary uses.

#### **RMD-2. Mix of Housing Type**

It is Council's policy to encourage and support a mix of housing types within areas designated Residential. Land shall be identified for primarily single detached and double dwellings such as semi-detached, rowhouses, townhouses, and modular houses; and various forms of multiple dwellings such as apartment buildings and congregate living facilities may be considered.

#### **RMD-3. Congregate Living Discretionary Uses**

It is Council's policy to permit, on a discretionary basis, congregate living uses such as Seniors' housing, and Personal care facility, provided they adhere to the standards of the Development Regulations and Council is satisfied they do not conflict with neighbouring uses. In addition to conforming to the standards as described in the Development Regulations, Council may also apply terms and conditions to discretionary uses.

#### **RMD-4. Affordable Housing**

It is Council's policy to encourage and support the development of affordable housing that meets the needs of young families, retired persons, and senior citizens. To this end Council shall allow on a discretionary basis a premanufactured (or mini) home provided it conforms to the single detached dwelling standards as described in the Development Regulations.

#### **RMD-5. Infill Housing**

It is Council's policy to permit infill housing along existing roads provide they are connected to existing municipal water and sewer services at the expense of the developer.

### **RMD-6. Home Occupations**

It is Council's policy to permit, as a discretionary use, Home Occupation uses such as: office, salon, medical service, light industrial (arts and crafts), instruction, pet grooming, and bed and breakfast (see Schedule C). Council shall be satisfied that the dominant use of the site continues to be residential and that the use does not conflict with adjacent neighbouring uses. In addition to conforming to the standards as described in the Development Regulations, Council may also apply terms and conditions to Home Occupation uses.

### **RMD-7. Uses Not Permitted**

It is Council's policy to prohibit the following home occupation uses in the residential zone: autobody shop, minor vehicle repair, vehicle service station, vehicle car wash, vehicle storage area, vehicle wrecking yard, and welding shop, woodworking/carpenters shop, gunsmith shop, tinsmith shop, locksmith shop, or any use that is otherwise incompatible with the residential use and will unreasonably affect adjacent residential areas through the production of excessive noise, odour, use of toxic substances, dust, glare, vibration, traffic, hours of operation, and related factors.

### **RMD-8. Substandard Dwellings**

It is Council's policy to encourage the improvement of sub-standard dwellings and require removal of houses that cannot economically be improved.

### **RMD-9. Open Space Recreation Uses**

It is Council's policy to permit recreation uses that complement the purpose and function of a residential area. Residential neighbourhood recreation activities are pursued in open spaces generally owned and maintained by the municipality (or a neighbourhood association) for the use and enjoyment of local residents.

Recreation uses include tot lots, parks, playgrounds, community gardens and trails provided that adequate screening from nearby properties is provided, no dedicated parking lots are intended and safe setback distances from public roads can be maintained.

### **RMD-10. Urban Agriculture**

It is Council's policy to permit, as a discretionary use, a small scale, urban agriculture use limited to keeping poultry provided that Council is satisfied that the use does not conflict with adjacent neighbouring uses and conforms to the standards as set out in the Development Regulations, 2022-2032, and the Town of Clarendville Poultry Regulations, 2022. At its discretion, Council may impose additional terms and conditions to ensure the use is not incompatible with the residential use and will not unreasonably affect adjacent residential areas through the production of excessive noise, odour, use of toxic substances, dust, nuisance

lighting, vibration, hours of operation, and related factors. Home gardening of fruits and vegetables for the personal use of the homeowner/resident is permitted.

#### **RMD-11. Sawmill as Discretionary Use**

Personal use sawmills (including band saws) are permitted only if the proponent meets the zoning standards prescribed by the Development Regulations in the Residential Medium Density Zone in addition to any other terms and conditions that Council deems necessary.

#### **RMD-12. 1:100 Floodway Fringe (Designated) Overlay**

It is Council's policy that the 1:100 Floodway Fringe (Designated) Overlay shall also apply to specific areas within the Residential Medium Density designation that are identified on the Future Land Use Map, as well as the Land Use Zoning Map. (Refer to Section 3.11.3 Flood Risk in this Municipal Plan.)

### 3.4 Mixed Use

#### **General Intent**

The area of Mixed Use generally applies to much of the traditional settlement area of Clarenville and Shoal Harbour often considered the *old downtown*. While Clarenville as a whole has experienced steady growth, this growth is not equal in all areas. Some areas, particularly the older *downtown* and waterfront areas along Memorial Drive and Marine Drive, have experienced some decline. A number of commercial buildings have become vacant or underused as businesses have moved to new quarters in the Manitoba Drive/Shoal Harbour Drive area.

Vacant commercial buildings may offer potential for residential uses or a combination of residential and commercial activities. Because these areas already have a mix of uses, there is minimal potential for significant land use conflicts as long as appropriate conditions are placed on new developments. Conditions may include the submission of engineering reports and drawings as needed, to ensure that municipal storm and sewer systems can accommodate the proposed redevelopment.

Council shall carefully manage new development in this designation to maintain and enhance Clarenville's traditional downtown and waterfront area. Land uses and design approaches that preserve the traditional Mixed Use character of the area shall be promoted.

Land is designated Mixed Use throughout the *old downtown* area of Clarenville in the vicinity of Memorial Drive and Marine Drive and along Balbo Drive in Shoal Harbour to recognize the existing mix of residential, commercial, and public uses that has evolved over time.



### 3.4.1 Mixed Use Policies

The General Land Use policies described in section 3.1 of this Municipal Plan shall apply to the areas designated Mixed Use.

#### **MU-1. Land Designated Mixed Use**

It is Council's policy that areas designated as Mixed Use on the Future Land Use Map(s), areas shall be further categorized on the Zoning Map(s) as the following zone:

##### **i. Mixed Use - MU**

**Permitted uses in the Mixed Use (MU) zone include:** Single Dwelling, Double Dwelling, Subsidiary Apartment, Townhouse, Row dwelling, Childcare, Communications, Convenience Store, Educational, General Service, Commercial Residential, Indoor Market, Medical and Professional, Seniors Housing and Personal Care Facility, Office, Outdoor Market, Passive Recreation, Personal Service, Police Station, Public Building, Open Space Recreation, Catering, Theatre, Veterinary and Environmental Protection.

Criteria for the location and establishment of Mixed Use uses are outlined in the policies of this Plan and in the Development Regulations – Use Zone Tables, Schedule C. Other uses may be permitted in this land use zone at the discretion of council.

**Discretionary Uses include:** Apartment Building, Amusement Use, Fire Station, Funeral Home, Home Occupation, General Assembly, Light Industry, Marina, Transportation, Mineral Exploration, Passenger Assembly, Place of Worship, Recreation Facility, Service Station, Shopping Centre, Take Out Food Service, Taxi Stand, Urban Agriculture, Antenna, and Sawmill.

These uses may be permitted at the discretion of Council provided they are compatible with the traditional Mixed Use character of the area. In addition to the standards outlined in the Development Regulations, Council may apply terms and conditions to discretionary uses.

#### **MU-2. Recognition of Old Downtown**

It is the policy of Council to Land to designated Mixed Use throughout the *old downtown* area of Clarenville in the vicinity of Memorial Drive and Marine Drive and along Balbo Drive in Shoal Harbour to recognize the existing mix of residential, commercial, and public uses that has evolved over time.

#### **MU-3. Compatibility of Mixed Uses**

It is Council's policy to permit a compatible mix of land uses that are typical of the area, especially those

uses that shall continue to promote the area as a hub of residential and commercial activity.

#### **MU-4. Consideration of Development Proposals**

It is Council's policy that all development proposals shall be carefully considered regarding their impact on the residential character of the area. Proposed non-residential uses shall not be approved if they are considered to be incompatible with existing uses and the residential character of the area, or in the event that Council is not satisfied that the requirements of the Development Regulations with respect to building setbacks, buffering between uses, off-street parking, outdoor storage, and other site related matters have been met.

#### **MU-5. Screening and Buffering**

It is Council's policy to require screening, buffering, or other forms of impact mitigation where a commercial or industrial use, or other incompatible use is permitted adjacent to an existing residential use. Required screening shall include fencing, berms, appropriate plantings of trees and shrubs, or a combination of these measures.

#### **MU-6. Appearance of Commercial/Industrial Uses**

It is Council's policy that a commercial and industrial use shall maintain an attractive appearance to minimize adverse impacts on existing uses, including buffering, screening, storage of materials, off-street parking and loading areas and control or restriction of potentially noxious or hazardous activities.

#### **MU-7. Development Not Permitted**

Notwithstanding the considerations above, it is Council's policy to not issue a permit where it is of the opinion that a development proposal shall have an adverse or detrimental effect on adjacent properties.

#### **MU-8. Adaptive Reuse of Existing Buildings and Properties**

It is Council's policy to encourage the adaptive reuse and redevelopment of vacant and underused buildings and properties that are compatible with the adjacent neighbourhood, and in Council's determination, shall contribute to the revitalization of the area in compliance with the standards of the Development Regulations.

#### **MU-9. Urban Agriculture**

It is Council's policy to permit, as a discretionary use, a small scale, urban agriculture use limited to keeping poultry provided that Council is satisfied that the use does not conflict with adjacent neighbouring uses and conforms to the standards as set out in the Development Regulations, 2022-2032, and the Town of Clarendville Poultry Regulations, 2022. At its discretion, Council may impose additional terms and conditions

to ensure the use is not incompatible with the residential use and will not unreasonably affect adjacent residential areas through the production of excessive noise, odour, use of toxic substances, dust, nuisance lighting, vibration, hours of operation, and related factors. Home gardening of fruits and vegetables for the personal use of the homeowner/resident is permitted.

### **MU-10. Sawmill as Discretionary Use**

Personal use sawmills (including band saws) are permitted only if the proponent meets the zoning standards prescribed by the Development Regulations for the Mixed Use Development Zone in addition to any other terms and conditions that Council deems necessary.

## **3.5 Town Centre**

### **General Intent**

In Clarenville, the highest concentration of mercantile, retail and services uses extends from Memorial Drive in the vicinity of the Clarenville Shopping Centre, along Manitoba Drive, and more recently along Shoal Harbour Drive. Geographically this area corresponds with what is effectively the centre of town containing a mix of general assembly, and business and professional and personal services uses.

Manitoba Drive is developed to near capacity, the most favorable area for future mercantile and services expansion is in the vicinity of Shoal Harbour Drive. However, as the number of commercial uses increase it will create more strain on the storm sewer system in the dense commercial area generally extending from Shoal Harbour Drive to Manitoba Drive and to Memorial Drive. The Town's consulting engineer has identified specific areas of concern and suggested future remediation to the storm sewer system and recommended a stormwater management plan. (As detailed in the Background Report sections 4.9 Stormwater Management, and 4.10 Storm Sewers).

The Clarenville Municipal Plan defines this area of mercantile and services uses as Town Centre. The Town Centre area has evolved over the years, as the primary mercantile, office, personal and business services, and cultural and civic hub within the community. Council's intention is to allow the continuation of these and other compatible uses during the planning period.

### **3.5.1 Town Centre Policies**

The General Land Use policies described in section 3.1 of this Municipal Plan shall apply to the areas designated Town Centre.

### **TC-1. Land Designated Town Centre**

It is Council's policy that areas designated as Town Centre on the Future Land Use Map(s), areas shall be

further categorized on the Zoning Map(s) into the following zone:

#### **i. Town Centre - TC**

**Permitted uses in the Town Centre (TC) zone include:** Theatre, Cultural and Civic, General Assembly, Commercial Residential, Childcare, Indoor Market, Office, Indoor Assembly, Medical and Professional, Personal Service, General Service, Seniors Housing and Personal Care Facility, Take-out Food Service, Taxi Stand, Shop, Convenience Store, Educational, Place of Worship, Catering, Shopping Centre, Open Space Recreation, and Environmental Protection.

Criteria for the location and establishment of Town Centre are outlined in the policies of this Plan and in the Development Regulations – Use Zone Tables, Schedule C. Other uses may be permitted in this land use zone at the discretion of council.

**Discretionary uses include:** Apartment Building, Funeral Home, Indoor Amusement, Passenger Assembly, Outdoor Market, Penal and Correctional Detention, Veterinary, Kennel, Light Industry, Service Station, Antenna, and Mineral Exploration.

These uses may be permitted at the discretion of the Council provided they are compatible with the intent and character of the Town Centre zone. In addition to the standards outlined in the Development Regulations, Council may apply terms and conditions to discretionary uses.

#### **TC-2. Intensification of Town Centre**

It is Council's policy to encourage and support continued mercantile, retail and services uses that expand, improve, and intensify development within the Town Centre area. Individual developers shall be expected to comply with the Town's priorities for stormwater management and the stormwater management plan.

#### **TC-3. Appearance of Town Centre Uses**

When approving developments, it is Council's policy to consider appearance and aesthetic improvements, such as building façade, parking areas, screening and landscaping, sidewalks, and signage, in addition to the impacts on traffic flows and pedestrian safety.

#### **TC-4. Compatibility with Residential Uses**

It is Council's policy that new development shall be permitted to the extent that it is a suitable fit with surrounding existing development and shall not unreasonably affect neighbouring residential areas with respect to noise, dust, glare, vibration, odour, traffic, hours of operation and such related factors.

#### **TC-5. Development Not Permitted**

Notwithstanding the considerations above, it is Council's policy to not issue a development permit where it is of the opinion that the proposal shall have an adverse or detrimental effect on adjacent properties.

#### **TC-6. Off-Street Parking and Loading**

It is Council's policy that adequate off street parking, loading and safe access to the street shall be provided. Parking shall meet requirements as outlined in Schedule D of the Development Regulations.

### **3.6 Commercial Highway**

#### **General Intent**

The Clarendville Municipal Plan allocates land for highway oriented commercial uses and services especially those that cater to the travelling public. As a Regional Service Centre and due to its strategic location on the Trans-Canada Highway, Clarendville serves a regional catchment area of over 96,000 in addition to the travelling public, vacationers, sightseers, and tourists.

Land designated Commercial Highway shall be developed primarily for commercial; retail, travel and tourism businesses, hospitality and catering uses and other compatible uses. Council's intention is to allow the continuation of these uses, most of which are long-standing.

#### **3.6.1 Commercial Highway Policies**

The General Land Use policies described in section 3.1 of this Municipal Plan shall apply to the areas designated Commercial.

#### **CH-1. Land Designated Commercial Highway**

It is Council's policy that areas designated as Commercial Highway on the Future Land Use Map(s), areas shall be further categorized on the Zoning Map(s) into the following zones:

##### **i. Commercial Highway - CH**

**Permitted uses in the Commercial Highway (CH) zone include:** Commercial Residential, Catering, Passenger Assembly, Police Station, Convenience Store, Shop, Open Space Recreation, Environmental Protection, and Antenna.

Criteria for the location and establishment of Commercial Highway are outlined in the policies of this Plan and in the Development Regulations – Use Zone Tables, Schedule C. Other uses may be permitted in this land use zone at the discretion of council.

**Discretionary uses include:** Outdoor Market, General Assembly, Indoor Market, Light Industry, Service Station, General Industry, and Mineral Exploration.

These uses may be permitted at the discretion of the Council provided they are compatible with the intent and commercial character of the area. In addition to the standards outlined in the Development Regulations, Council may apply terms and conditions to discretionary uses.

#### **CH-2. Commercial Development on Trans-Canada Highway**

It is Council's policy that commercial development on the Trans-Canada Highway shall be limited to those uses that:

- a. Serve the travelling public;
- b. Require sites on arterial roads that offer visual exposure and good vehicular access; and
- c. Cater to and rely on the travelling public and tourists.

#### **CH-3. Consideration of Development Proposals**

The Trans-Canada Highway falls under the jurisdiction of the Protected Road Zoning Regulations and all applications shall be referred to the Department of Digital Government and Service NL.

In considering development proposals, it is Council's policy to ensure that the following conditions are met:

- a. Access points and off-street parking must be provided to the satisfaction of Council;
- b. Where possible, shared access is permitted to reduce the number of new access points to the Trans-Canada Highway;
- c. The use of common or shared parking lots shall be encouraged. Parking shall meet requirements as outlined in Schedule D of the Development Regulations;
- d. Loading and outdoor storage shall be contained to a side or rear yard and shall be screened.
- e. In recognition of existing adjacent residential uses, the design shall incorporate buffer areas of planting, berming, fencing or combination thereof, on the periphery adjacent to the residential use; and
- f. These lands are developed in accordance with the Department of Transportation and Infrastructure policies and regulations for safe and efficient traffic flow.

### **CH-4. Development Not Permitted**

Notwithstanding the considerations above, it is Council's policy to not issue a development permit where it is of the opinion that the proposal shall have an adverse or detrimental effect on adjacent properties or the safe access and egress of vehicles to the Trans-Canada Highway.

## **3.7 Tourism Resource**

### **General Intent**

The largest portion of Clarendville's municipal area, lies outside the built-up town, mainly west of the Trans Canada Highway. These areas are notable for lakes, rivers, wetlands, valleys, and hillsides. They comprise a major portion of the town's protected drinking water supply area fed by the Shoal Harbour River watershed.

The Tourism Resource designation recognizes valuable tourism resource areas that contain existing tourism activities and have potential for future development of tourism and commercial recreation.

The intent of the Plan is to allow the continuation of these uses. Its purpose is to protect these areas from conflicting uses, enhance the potential of existing operations, and facilitate future development of appropriate activities.

Included in this designation is land located west of the Trans-Canada Highway and designated Tourism Resource to accommodate a range of tourism and recreation uses that would be compatible with the White Hills Ski Resort.

The Tourism Resource designation is established in order to facilitate the development of a compatible mix of tourism and commercial recreational activities. Examples of such activities include accommodations, restaurants and lounges, trailer/campgrounds, recreational facilities, and shops and convenience store.

### **3.7.1 Tourism Resource Policies**

The General Land Use policies described in section 3.1 of this Municipal Plan shall apply to the areas designated Tourism Resource.

### **TR-1. Land Designated Tourism Resource**

It is Council's policy that areas designated as Tourism Resource on the Future Land Use Map(s), areas shall be further categorized on the Zoning Map(s) into the following zone:

#### **i. Tourism Resource - TR**

**Permitted Uses in the in the Tourism Resource (TR) zone include:** Commercial Residential, Catering, Take-out Food Service, Outdoor Assembly, Personal Service, Convenience Store, Shop, Open Space Recreation, and Environmental Protection.

Criteria for the location and establishment of Tourism Resource are outlined in the policies of this Plan and in the Development Regulations – Use Zone Tables, Schedule C. Other uses may be permitted in this land use zone at the discretion of council.

**Discretionary uses include:** General Assembly, Light Industry, Outdoor Market, Service Station, Forestry, Agriculture, Mineral Exploration, and Antenna.

These uses may be permitted at the discretion of the Council provided they are compatible with the intent and tourism resource character of the area. In addition to the standards outlined in the Development Regulations, Council may apply terms and conditions to discretionary uses.

#### **TR-2. White Hills Ski Resort**

It is the policy of Council to collaborate with the Alpine Development Association, to determine the feasibility, cost benefit and potential of developing summer recreation uses in the White Hills Ski Resort.

#### **TR-3. Site Plan for Development**

It is Council's policy that proposed tourism developments and recreation uses that require both large tracts of land and intensification of land, shall require review prior to approval by Council. Examples of intensive uses of land for tourism or recreation include multi-unit (seasonal) housing development, RV, trailer and camping development, golf course, mountain biking trail, and similar.

It is Council's policy that prior to approving any new development permitted in this zone, a site plan for development (Section 3.1.33) and application for a development permit shall be submitted for the review and approval by Council.

#### **TR-4. Buffers for Incompatible Uses**

It is Council's policy to restrict and set conditions on land uses activities in the areas designated Tourism Resource, where they are not conducive to existing uses, or to development because of excessive, steep, or unstable slopes, geologically unstable areas, wetlands, watercourses, and ravines.

Council shall consider potential unsightly views, view planes to residential areas and visible hillsides as well as the creation of noxious odors, dust, noise, and vibration. To this end Council may set terms and



conditions that may include buffering and other mitigation measures.

Council shall also consider the adjacency of a proposed use to the Protected Public Water Supply Area and may set terms and conditions as required.

#### **TR-5. Mineral Working Overlay**

It is Council's policy that the Mineral Working Overlay shall also apply to specific areas within the Tourism Resource Designation that are identified on the Future Land Use Map, as well as the Land Use Zoning Map. (Refer to Section 3.14 Mineral Working Overlay in this Municipal Plan.)

### **3.8 Industrial General**

#### **General Intent**

Council's intention is to promote and grow its base of industrial land to attract more industrial businesses and services that emphasize the Town of Clarendville's role as a Regional Service Centre. The Industrial General area is established to accommodate large scale industrial uses and may include uses that are potentially hazardous in nature.

Industrial General areas include the marine site in the vicinity of Clarendville shipyard, the Myers Place Industrial Park, and behind St. Jude's Hotel on the Trans-Canada Highway. With the industrial area on Myers Place developed to capacity, the area behind St. Jude's offers the best potential for large industrial developments. It is separated from residential areas of the town and has direct access to the Trans-Canada Highway.

An added advantage is that water and sanitary sewer servicing available in this area may offer potential for expansion. Any future expansion shall require extension and upgrades to the water and sanitary sewer system, as well as storm water management. Tilley's Road has some of Clarendville's oldest infrastructure and has shown signs that its at the end of its service life. Also, water pressure and water quality is of concern in this area. Thus, proposals for new industrial uses shall be evaluated on a case-by-case basis.

#### **3.8.1 Industrial General Policies**

The General Land Use policies described in section 3.1 of this Municipal Plan shall apply to the areas designated Industrial.

#### **IG-1. Land Designated Industrial General**

It is the policy of Council that areas designated as Industrial General on the Future Land Use Map(s), areas

shall be further categorized on the Zoning Map(s) into the following zone:

#### **i. Industrial General - IG**

**Permitted uses in the Industrial General (IG) zone include:** General Industry, Light Industry, Service Station, Marina, Office, Open Space Recreation, and Environmental Protection.

Criteria for the location and establishment of Industrial General uses are outlined in the policies of this Plan and in the Development Regulations – Use Zone Tables, Schedule C. Other uses may be permitted in this land use zone at the discretion of council.

**Discretionary uses include:** Hazardous industry, Mineral Working, Mineral Exploration, Wind Turbine, and Antenna.

These uses may be permitted at the discretion of Council provided they are compatible the intent and general industrial character of the area. In addition to the standards outlined in the Development Regulations, Council may apply terms and conditions to discretionary uses.

#### **IG-2. Site Plan for Development**

It is Council's policy that prior to expansion of industrial lands and the approval of new development, a Site Plan for Development shall be prepared to Council's satisfaction and shall illustrate the best use of land.

The Site Plan shall encompass an area large enough to show the relationship between adjacent parcels of land and proposed roads. The site plan shall enable Council to determine the feasibility of the proposal for industrial development.

#### **IG-3. Appearance of Industrial Uses**

It is Council's policy that an industrial use shall maintain an attractive appearance to minimize adverse impacts on adjacent uses, through the use of buffers, screening of stored materials and off-street parking and loading areas, and control or restriction of potentially noxious or hazardous activities.

#### **IG-4. Uses Not Permitted**

It is Council's policy that industrial uses deemed incompatible with the natural environment or neighbouring development due to the production of excessive emissions of noise, odour, chemicals or other pollutants, dust, glare, and vibration, shall not be permitted.

### **IG-5. Storage of Materials**

It is Council's policy that all materials, vehicles and equipment related to the industrial business will be stored in the rear yard of the site. Scrap yards and similar uses will be screened from view of the road by fences, or some other form of screening as required by Council. Screening using fences in combination with planting of trees and shrubs may be required in order to preserve an attractive appearance. Proper site layout and screening or buffering shall be used to prevent or minimize the adverse effects of any proposed development on adjacent uses, and especially residential uses.

### **IG-6. Storage of Hazardous Materials**

It is Council's policy to require all fuel storage tanks greater than 2500 litres be approved and inspected regularly by Digital Government and Service NL. Tanks or apparatus connected with the storage of fuel shall be required to provide adequate containment and dykes. It is Council's policy to require the siting of fuel storage tanks in the industrial designations in a manner that will not adversely affect the amenities or safety of the adjoining properties.

Any fuel storage tanks proposed for removal shall require compliance with the Pollution Prevention Division, Department of Environment and Climate Change, in addition to Digital Government and Service NL. Environmental audits may be required prior to site remediation to determine the presence of hydrocarbons in surrounding soils.

### **IG-7. Off-Street Parking and Loading**

It is Council's policy that adequate off street parking, loading and safe access to the street shall be provided. Parking shall meet requirements as outlined in Schedule D of the Development Regulations.

### **IG-8. Mineral Working Overlay**

It is Council's policy that the Mineral Working Overlay shall also apply to specific areas within the Industrial General designation that are identified on the Future Land Use Map, as well as the Land Use Zoning Map. (Refer to Section 3.14 Mineral Working Overlay in this Municipal Plan.)

## **3.9 Public Use**

### **General Intent**

Lands designated for Public Use shall be used for purposes that serve the general public.

Public uses shall include government offices, schools and places of worship, cultural and civic centres, educational, and special care residential facilities, under either public or private ownership or operation. Facilities required to deliver municipal services to residents, such as the Town Hall, community facilities, and indoor and outdoor recreational facilities are also within the intent of this designation.

Council's intention is to allow the continuation of these uses, most of which are long-standing, and to promote the development of new public uses (buildings and facilities) that will benefit the quality of life for all Clarendville residents.

### 3.9.1 Public Use Policies

The General Land Use policies described in section 3.1 of this Municipal Plan shall apply to the areas designated Public Use.

#### **PU-1. Land Designated Public**

It is Council's policy that areas designated as Public Use on the Future Land Use Map(s), areas shall be further categorized on the Zoning Map(s) as the following zone:

##### **i. Public Use - PU**

**Permitted uses in the Public Use (PU) zone include:** Childcare, Cultural and Civic, Educational, Place of Worship, General Assembly, Indoor Assembly, Outdoor Assembly, Medical Treatment and Special Care, Office, Open Space Recreation, and Environmental Protection.

Criteria for the location and establishment of Public Uses are outlined in the policies of this Plan and in the Development Regulations – Use Zone Tables, Schedule C. Other uses may be permitted in this land use zone at the discretion of council.

**Discretionary uses include:** Cemetery, Club and Lodge, Catering, General Industry, Light Industry, Collective Residential, Penal and Correctional Detention, Mineral Working, Mineral Exploration, and Antenna.

These uses may be permitted at the discretion of the Council provided they are compatible with the intent and character of the Public Use zone. In addition to the standards outlined in the Development Regulations, Council may apply terms and conditions to discretionary uses.

#### **PU-2. Compatibility with Residential Uses**

It is Council's policy that new development shall be permitted to the extent that it is a suitable fit with surrounding existing development and shall not unreasonably affect nearby residential areas with respect to noise, dust, glare, vibration, odour, traffic, hours of operation and such related factors.

#### **PU-3. Off-Street Parking and Loading**

It is Council's policy that adequate off street parking, loading and safe access to the street shall be

provided. Parking shall meet requirements as outlined in Schedule D of the Development Regulations.

### 3.10 Open Space Recreation

#### General Intent

Clareville has an abundance and excellent mix of recreation facilities that includes both structures and open space amenities. Among these are community parks and a community garden, playgrounds, sports fields, a basketball court and skateboard park, hiking trails and ski trails, and lookout sites. Informal snowmobiling trails and swimming holes are also available but are not counted as part of the municipal recreational system. Land intended for recreation and open space are meant to serve several functions including the provision of opportunities for active and passive recreation uses, the separation of incompatible uses, and the protection of important natural features and areas.

Notable amenities include the T’Railway Provincial Park, the Rotary Marina, White Hills Ski Resort, Elizabeth Swann Park, and the Eastlink Centre which provides a hockey rink, indoor walking track, and is the town’s centre for performing arts and entertainment.

Trails are extremely important to Clareville residents. In addition to the T’Railway, the town has four trails under its jurisdiction that combined add an additional 20km (approx.) of trail network to the community. These include the Rotary Trail, Bare Mountain Trail, Shoal Harbour Trail, and the Wellness Trail earmarked for upgrades in the near future.

Clareville’s 2017 Recreation Master Plan recommends that Council consider using the Land Dedication for Public Purposes in new subdivision developments for trail use, with the long term goal of creating a cohesive trail network. The benefits of a trail network include: creating connectivity among residential areas, linking these with areas of mercantile and services amenities and public uses, and linking them to existing trails to ultimately create an interconnected trail system. Trail systems are open spaces that also act as buffers between residential areas and other land uses and help mitigate environmental impacts of development such as stormwater runoff.

#### 3.10.1 Open Space Recreation Policies

The General Land Use policies described in section 3.1 of this Municipal Plan shall apply to the areas designated Open Space Recreation.

#### OSR-1. Land Designated Open Space Recreation

It is the Policy of Council that area designated as Open Space Recreation on the Future Land Use Map(s),

areas shall be further categorized on the Zoning Map(s) as the following zone:

#### **i. Open Space Recreation - OSR**

**Permitted uses in the Open Space Recreation zone include:** Open Space Recreation, Recreation Facility, and Environmental Protection.

Criteria for the location and establishment of Open Space and Recreation uses are outlined in the policies of this Plan and in the Development Regulations – Use Zone Tables, Schedule C. Other uses may be permitted in this land use zone at the discretion of council.

**Discretionary uses include:** Outdoor Assembly, Indoor Assembly, Club and Lodge, Catering, Take-out Food Service, Mineral Exploration, and Antenna.

These uses may be permitted at the discretion of the Council provided they are compatible with the intent and character of the Open Space Recreation designation. In addition to the standards outlined in the Development Regulations, Council may apply terms and conditions to discretionary uses.

#### **Proposal 1. Trail Network Master Plan**

It is Council's proposal to further investigate the recommendations of its Recreation Master Plan, 2017 to determine the best course of action with respect to the continued provision of recreation trails in the MPA.

Council shall prepare a Trail Network Master Plan by a certified professional such as a landscape architect, urban planner, or equally qualified professional. The Trail Master Plan shall identify the location of trails that shall be designed as fully accessible. The Trail Master Plan shall make use of on-road and off-road opportunities to provide trail connections that link to a variety of destination points through the Town, including commercial areas, local neighbourhoods, developing residential subdivisions, educational facilities, and recreation amenities. The Trail Master Plan shall include a trail network concept plan, and standards for the design and construction of trails. This ensures that Council retains control over the final product and all trails are built to the same standard and quality.

#### **OSR-2. Land Dedication for Public Purposes**

It is Council's policy, in all future subdivision developments, to forgo the 10% land dedication and accept a sum of money in lieu of land that is equivalent to the value of the land that would have been conveyed. The money shall be placed in a fund for purposes of the long term creation of a town-wide trail network, or other recreation amenities Council deems appropriate.

### **OSR-3. Trail Maintenance Program**

It is Council's policy to budget for yearly maintenance and upgrades to existing trails. Council shall explore the feasibility of paving certain trails or portions thereof where physically feasible and financially possible.

### **OSR-4. Recreation Programs and Services**

It is Council's policy to develop, enhance and deliver high quality recreation and leisure services, programs, facilities and opportunities for the benefit and enjoyment of residents of Clarendville and the region.

### **OSR-5. Recreation Facilities**

It is Council's policy to monitor changes in population together with potential shifts in the recreation and leisure needs of Clarendville residents and consider the alteration or construction of new recreation facilities that meet new and changing demographic trends.

### **OSR-6. 1:20 Floodway (Designated) Overlay**

It is Council's policy that the 1:100 Floodway Fringe (Designated) Overlay shall also apply to specific areas within the Open Space Recreation designation that are identified on the Future Land Use Map, as well as the Land Use Zoning Map. (Refer to Section 3.11.3 Flood Risk in this Municipal Plan.)

### **OSR-7. 1:100 Floodway Fringe (Designated) Overlay**

It is Council's policy that the 1:100 Floodway Fringe (Designated) Overlay shall also apply to specific areas within the Open Space Recreation designation that are identified on the Future Land Use Map, as well as the Land Use Zoning Map. (Refer to Section 3.11.3 Flood Risk in this Municipal Plan.)

## **3.11 Rural**

### **General Intent**

The remaining undeveloped lands within the Clarendville Planning Area are designated Rural and are intended to be used primarily for rural uses and open space recreation. Commercial and domestic forestry cutting are common throughout the municipal planning boundary in the rural area as well as the Protected Public Water Supply Area. For the most part, this does not conflict with other land uses.

It is council's intention that the rural areas shall allow uses that need to be located close to resources or that for some reason cannot be located close to the built up areas of the Town.

### 3.11.1 Rural Policies

The General Land Use policies described in section 3.1 of this Municipal Plan shall apply to the areas designated Rural.

#### **RUR-1. Land Designated Rural**

It is the policy of Council that the area designated as Rural on the Future Land Use Map(s), areas shall be further categorized on the Zoning Map(s) as the following zone:

##### **i. Rural - RUR**

**Permitted uses in the Rural (RUR) zone include:** Agriculture, Forestry, Open Space Recreation, Mineral Working, Environmental Protection, and Antenna.

Criteria for the location and establishment of Rural Uses are outlined in the policies of this Plan and in the Development Regulations – Use Zone Tables, Schedule C. Other uses may be permitted in the rural designation at the discretion of council.

**Discretionary Uses include:** Single Dwelling, Campground, Catering, Cemetery, General Industry, Light Industry, Outdoor Assembly, Indoor Assembly, Club and Lodge, Kennel, Take Out Food Service, Mineral Exploration (development), Mining, and Wind Turbine.

These uses may be permitted at the discretion of the Council provided they are compatible the intent and character of the Rural area. In addition to the standards outlined in the Development Regulations, Council may apply terms and conditions to discretionary uses.

#### **RUR-2. Forestry**

It is Council's policy to permit commercial and domestic forestry cutting on designated crown land to acquire firewood and sawlogs for commercial purposes as well as personal consumption.

It is Council's policy that any permitted forestry activities must preserve scenic views of the community and ensure adequate buffering. Council shall apply terms and conditions for forest harvesting and silviculture activities in areas within or visible from any built-up area of the town.

#### **RUR-3. Mineral Working Outside of Mineral Overlay Zone**

It is Council's policy to permit, outside of the Mineral Working Overlay, a new mineral working activity in



the rural areas of Clarendville. Applications shall be forwarded to the Department of Industry, Energy, and Technology, Mineral Lands Division for review and approval.

It is Council's policy that a new mineral working shall pose minimal negative impacts on visual amenities, adjacent properties, or the natural environment. All but small scale mineral workings and related activities shall be prohibited within general view of roads and developed areas.

In its application review Council may assign specific terms and conditions to the mineral working use. Aggregate mining shall have minimal impact upon adjoining land uses, particularly the visibility of gravel pits. Protective buffer areas shall be maintained around mineral resource areas and active and abandoned quarries. Buffering and screening shall be required to minimize dust and noise. Open pits shall be rehabilitated by the operator prior to abandonment.

#### **RUR-4. Mineral Working Overlay**

It is Council's policy that the Mineral Working Overlay shall also apply to specific areas within the Rural Designation that are identified on the Future Land Use Map, as well as the Land Use Zoning Map. (Refer to Section 3.14 Mineral Working Overlay in this Municipal Plan.)

#### **RUR-5. Setback from Watercourses and Waterbodies**

It is Council's policy that no development shall be permitted in the Rural land use designation within a minimum of 15 metres to 30 metres of a waterbody including but not limited to a river, stream, shoreline of any lake or pond.

#### **RUR-6. Buffers for Incompatible Uses**

It is Council's policy to establish appropriate buffers between rural developments and non-compatible uses. These buffers may be a separation of open space, planting screens, privacy fences, or any other means to reduce the negative impacts between non-compatible uses. The sighting of the new development may also be controlled by Council to ensure that activities on the property do not cause negative impacts such as noise, odours, fumes, light, and other visual effects.

#### **RUR-7. Single Dwelling as Discretionary Use**

It is Council's policy to permit a single dwelling only as an accessory structure to a permitted or an approved discretionary use, after two years of operation.

### **3.12 Protected Public Water Supply Area**

#### **General Intent**

The water source protection area for the Shoal Harbour watershed covers an area well over 100 square kilometres, most of which is within the Clarenville Municipal Planning Area. The Municipal Planning Area includes a portion of the following protected water supply areas, which comprise the water supply area under protection:

Lily Pond PPWSA – George’s Brook-Milton,  
George’s Brook PPWSA -George’s Brook-Milton,  
Shoal Harbour River PPWSA – Clarenville, and  
Deep Bight River PPWSA – Deep Bight.

The Shoal Harbour River watershed is designated a PPWSA used as a drinking water source by the community of Clarenville. Of potential concern is that the Protected Public Water Supply Area zone does not extend downriver from the water supply intake. Steep contours in this vicinity indicate that there may be potential for runoff originating on slopes downstream from the intake to enter the river above the intake. Council may consider adjusting the zone boundary further downstream at this location as an additional precautionary measure.

With the completion of its new water treatment plant, the Shoal Harbour River is now its sole drinking water source. Its protective zone provides a buffer ranging from 1-1.5 kilometres wide on each side of the Shoal Harbour River for a distance of about 8 kilometres upstream from the water intake.

#### 3.12.1 Protected Public Water Supply Area Policies

The General Land Use policies described in section 3.1 of this Municipal Plan shall apply to the area designated Protected Public Water Supply Area.

##### **PPWSA-1. Land Designated Public Protected Water Supply**

It is the policy of Council that the area designated as Protected Public Water Supply Area on the Future Land Use Map(s), areas shall be further categorized on the Zoning Map(s) as the following zone:

##### **i. Protected Public Water Supply Area - PPWSA**

**Permitted uses in the Protected Public Water Supply Area zone include:** Environmental Protection.

Criteria for the location and establishment of Protected Public Water Supply Area uses are outlined in the policies of this Plan and in the Development Regulations – Use Zone Tables, Schedule C. No other uses may be permitted in this land use zone.

**Discretionary uses include:** Forestry, Agriculture, Open Space Recreation (limited to Passive Recreation uses only), Mineral Working, Mineral Exploration (development).

These uses may be permitted at the discretion of the Council provided they are compatible with the intent and character of the Protected Public Water Supply Area zone. In addition to the standards outlined in the Development Regulations, Council may apply terms and conditions to discretionary uses.

#### **PPWSA-2. Extension of PPWSA Zone Boundary**

Given the level of development activity in the PPWSA and the fact that the Shoal Harbour River watershed is not entirely within the Municipal Planning Area, it is Council's policy to request that the Minister of Municipal and Provincial Affairs extend the MPA to include the entire PPWSA in order to fully protect the drinking water supply for the Town of Clarendville.

#### **PPWSA-3. Compliance with Department of Environment and Climate Change**

It is Council's policy that within an area designated a Protected Public Water Supply Area under Section 39 of the *Water Resources Act, 2002*, development activity in this area shall adhere to the Policy Directive for Land and Water Related Developments in PPWSA and be approved by the Minister of Environment and Climate Change. No development other than the discretionary uses listed above, shall be permitted in the Protected Public Water Supply Area.

#### **PPWSA-4. Commercial and Domestic Forestry Use**

It is Council's policy to permit commercial and domestic forestry cutting on designated crown land to acquire firewood and sawlogs for commercial purposes as well as personal consumption. However, in designated areas located south and north of the Shoal Harbour River, cutting shall be prohibited within the protective buffer zone of the Shoal Harbour River.

It is Council's policy that any permitted forestry activities must preserve scenic views of the community and ensure adequate buffering. Council shall apply terms and conditions for forest harvesting and silviculture activities in areas within or visible from any built-up area of the town.

#### **PPWSA-5. Development Approval from Department of Environment and Climate Change**

It is Council's policy that no form of development shall be permitted in the Protected Public Water Supply Area without the written approval of the Department of Environment and Climate Change, Water Resources Branch, under the *Water Resources Act, 2002*.

#### **PPWSA-6. Stop Work Order**

It is Council's policy that uses or activities found to be taking place in a manner damaging to the water supply shall be subject to an immediate stop-work order.

### **PPWSA-7. Watershed Monitoring and Enforcement**

It is Council's policy to monitor land uses and activities in the Protected Public Water Supply Area to ensure they are being carried out in a manner that will not harm water quantity and quality.

### **PPWSA-8. Mineral Working Overlay**

It is Council's policy that the Mineral Working Overlay shall also apply to specific areas within the Public Protected Water Supply Area Designation that are identified on the Future Land Use Map, as well as the Land Use Zoning Map. (Refer to Section 3.14 Mineral Working Overlay in this Municipal Plan.)

## **3.13 Flood Risk**

### **General Intent**

In the Clarendville Municipal Planning Area, most watercourses and wetlands are contained in the watersheds of three rivers: Shoal Harbour River, Lower Shoal Harbour River, and Dark Hole Brook. The upper watersheds of each of these systems are characterized by many wetlands, some larger ponds, and lakes. The outlets of all three rivers empty into Smith Sound within the built-up area of the town. Because of the town's hilly topography, there are numerous continuous and intermittent small streams that carry rainfall and snowmelt to one of these rivers or directly to saltwater.

The Flood Risk designation applies to 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 are in the flood plain and prone to flooding.

The *Elizabeth Swan Park Flood Risk Study* was completed in 2019 by the Town's engineering consultant. The study recommended further investigation to complete the flood plain analyses of major rivers and streams such as Shoal Harbour River, Dark Hole Brook, and Lower Shoal Harbour River and associated tributaries. *It also recommends that a broader Flood Plain Analysis should review ice build-up which frequently causes flooding in the spring.* The study also indicates that a 30 metre buffer may be sufficient but recommends implementing a 15 metre buffer from the limits of the flood plain for a 1:100 year storm based on climate change data as determined by the flood plain analysis.

Land use zones should consider areas that are prone to flooding and/or are low-lying in relation to the watercourse and their proximity to existing developed areas and infrastructure in addition to areas of future development.

### 3.13.1 Flood Risk Policies

The General Land Use policies described in section 3.1 of this Municipal Plan shall apply to the area designated Flood Risk.

#### FR-1. Land Designated Flood Risk

It is the policy of Council that the area designated as Flood Risk on the Future Land Use Map(s), areas shall be further categorized on the Zoning Map(s) as the following zone:

##### i. Flood Risk - FR

**Permitted uses in the Flood Risk (FR) zone include:** Residential (Existing), Open Space Recreation (parks, playing fields, trails etc.), and Environmental Protection.

Criteria for the location and establishment of Rural Uses are outlined in the policies of this Plan and in the Development Regulations – Use Zone Tables, Schedule C. Other uses may be permitted in the flood risk designation at the discretion of council.

**Discretionary Uses include:** Utilities, Public Works, and Agriculture.

These uses may be permitted at the discretion of the Council provided they are compatible the intent and character of the Flood Risk zone. In addition to the standards outlined in the Development Regulations, Council may apply terms and conditions to discretionary uses.

#### FR-2. Flood Plain Analyses

It is Council's policy to engage an engineering consultant to complete the Flood Plain Analyses study of the major rivers and streams such as Dark Hole Brook, Shoal Harbour River, Lower Shoal Harbour River and any associated tributaries, as recommended by the Elizabeth Swan Park Flood Risk Study, 2019 by Meridian Engineering.

#### FR-3. Development Approvals

It Is Council's policy that development proposed in a flood risk area, shall be subject to the prior written approval of the Minister of the Department of Environment and Climate Change, under the *Water Resources Act, 2002*.

Any proposed development or work within a designated flood risk area must comply with the Department's Policy Directive for Flood Plain Management, W.R.96-1. (Refer to Appendix 1: Policy Directive W.R. 96-1,

Flood Plain Management, in the Development Regulations.).

#### **FR-4. Development Not Permitted**

It is Council's policy to prohibit development, within the Flood Risk Designation and 15 metre buffer, other than low-impact land uses such as trails, minor accessory buildings. In addition to the standards outlined in Schedule C the Development Regulations, Council may apply further terms and conditions.

#### **FR-5. Buffer Zone**

It is Council's policy that a 15 metre buffer measured from the highwater mark of the 1:100 year flood, shall be applied to lands in the Flood Risk designation.

### **3.13.2 1:20 Floodway (Designated) Overlay and 1:100 Floodway Fringe (Designated) Overlay**

#### **General Intent**

The intent of the 1:20 Floodway (Designated) Overlay and the 1:100 Floodway Fringe (Designated) Overlay is to ensure development in certain areas and lands within the Municipal Planning Area prone to flooding and comply with Provincial requirements.

#### **Flood Damage Reduction Program**

Under the Canada – Newfoundland Flood Damage Reduction Program, both federal and provincial governments agreed that public funds would not be used or provided for development projects in flood risk areas. To identify these areas, hydro technical studies were carried out for a number of communities including Clarenville.

The hydro technical study conducted in a known Flood Risk area in Clarenville has determined the extent of flooding associated with the Shoal Harbour River as it empties in Shoal Harbour. The hydro technical study determined the extent of flooding and produced two flood risk maps; they are:

#### **1:20 Floodway (Designated)**

This is the area of the flood plain where the most frequent flooding occurs and where the flow of water is the fastest as determined on the basis of the 1 in 20 year (1:20) return period flood.

#### **1:100 Year Floodway Fringe (Designated)**

This is the outer portion of the flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years (1:100), and flood waters are shallower and slower.

No hydro technical study was conducted on the other Flood Risk area that includes part of Dark Hole Brook and the Lower Shoal Harbour River in the area where the rivers converge and empty into Northwest Arm. This area contains no existing development.

### 3.13.3 1:20 Floodway (Designated) Overlay and 1:100 Floodway Fringe (Designated) Overlay Policies

#### FO-1. 1:20 Floodway (Designated) Overlay

It is Council's policy that the areas identified as the 1:20 Floodway (Designated) Overlay on the Future Land Use Map, shall further be identified on the and Land Use Zoning Map, as 1:20 Floodway (Designated) Overlay.

#### FO-2. Permitted Uses in the 1:20 Floodway (Designated) Overlay

It is Council's policy, despite the underlying Designation and Zone, that uses in the **1:20 Floodway (Designated) Overlay** shall be restricted to: Conservation, Open Space Recreation (Passive Recreation), and Non Building structures related to the use of water resources.

#### Discretionary Uses

It is Council's policy that discretionary uses in the **1:20 Floodway (Designated) Overlay** shall be restricted to: the upgrade or minor structural improvements to infrastructure such as trails, pipelines, transmissions lines, roads; minor alterations to commercial, industrial, or institutional structures where there will be a change in grade but not a building.

These discretionary uses may be permitted by Council provided they are compatible with the underlying land use designation, and the intent and character of the area. In addition to the standards set out in the Development Regulations, Council may apply terms and conditions.

#### FO-3. 1:100 Floodway Fringe (Designated) Overlay

It is Council's policy that the areas identified as the 1:100 Floodway Fringe (Designated) Overlay, on the Future Land Use Map, shall further be identified on the and Land Use Zoning Map, as 1:100 Floodway Fringe (Designated) Overlay.

#### FO-4. Permitted Uses 1:100 Floodway Fringe (Designated) Overlay

It is Council's policy that, despite the underlying Designation and Zone, uses in the **1:100 Floodway Fringe (Designated) Overlay** shall be restricted to Conservation, Recreation Open Space, Non Building structures related to use of water resources.

#### **Discretionary Uses**

It is Council's policy that discretionary uses in the **1:100 Floodway Fringe (Designated) Overlay** shall be restricted to: the upgrade or minor structural improvements to infrastructure such as trails, pipelines, transmissions lines, roads; minor alterations to commercial, industrial, or institutional structures where there will be a change in grade but not a building; agricultural uses such as hobby farms, market gardens and nurseries, and limited residential uses.

These discretionary uses may be permitted by Council provided they are compatible with the underlying land use designation, and the intent and character of the area. In addition to the standards set out in the Development Regulations, Council may apply terms and conditions.

#### **FO-5. Additional 15 metre Buffer**

It is Council's policy that any development proposed in the 1:20 Floodway (Designated) overlay and 1:100 Floodway Fringe (Designated) with require an additional 15 metre buffer under the Water Resource Act, 2002, and shall be approved by the Water Resources Management Division, Department of Environment and Climate Change.

#### **FO-6. Development Approvals**

It is Council's policy that development proposed in a 1:20 Floodway Designated area, and a 1:100 Floodway Fringe (Designated) area shall be subject to the prior written approval of the Minister of the Department of Environment and Climate Change, under the *Water Resources Act, 2002*.

Any proposed development or work within a designated flood risk area must comply with the Department's Policy Directive for Flood Plain Management, W.R.96-1. (Refer to Appendix 1: Policy Directive W.R. 96-1, Flood Plain Management, in the Development Regulations.).

#### **FO-7. Flood Control Projects**

It is Council's policy that proposals for flood control measures such as construction of dikes, river diversions, retaining walls or flood control dams shall only be considered where the alternative with the highest benefit/cost ratio is recommended. Alternatives considered may also include possible compensation for flood victims or the cost of relocating the inhabitants of the flood risk areas or maintaining the status quo.

After flood controls have been implemented, flood risk designations shall remain in effect until such time as new hydro technical studies have been undertaken and new flood risk areas delineated (in accordance with the Departments standards).



### 3.14 Environmental Protection

#### General Intent

The intent of Environmental Protection is to protect certain areas and lands within the Municipal Planning Area that are environmentally sensitive or vulnerable, pose geological hazard potential such as slope movement, flooding, coastal erosion, or that provide flora and fauna habitat for endangered species or species at risk. This includes wetlands, watercourses, bodies of water, shorelines, steep slopes, and cliffs, as well as open natural spaces such as woodlands, buffers, trails, and viewsheds.

Clareville's topography creates challenges for developing land with the least amount of environmental degradation and negative visual impact. In many instances these areas are located where municipal services cannot be extended feasibly and are therefore not conducive to development or for recreational purposes.

Adopting practices that reduce the risk of environmental deterioration, scenic impact, flooding, damage to adjoining properties and infrastructure, enables Council to mitigate frequent maintenance, and costly remediation measures for the benefit of the entire community.

The Geological Survey of NL, Department of Industry, Energy and Technology monitors effects of climate change for the province and suggests municipalities incorporate specific land use mitigation measures to offset climate change impacts. These climate change impacts are characterized as Geological Hazards by the Geological Survey are as follows.

**Coastal Flooding** – Based on the potential impact of sea level rise and storm surge, the Geological Survey considers the areas below the present 4.0 metre contour are highly vulnerable to coastal flooding. Development within this area should be restricted to ensure that appropriate mitigation measures are employed such as coastal protection measures or enhanced engineering standards. Municipalities should consider removing these areas from development through rezoning. Areas above the 4.0 metre contour may also be at risk from coastal flooding and erosion including storm surge in the future and should also be subject to appropriate mitigation measures.

**Cliff Erosion and Coastal Setback** – Development should consider rates of cliff erosion and coastal setback limits that aim for a 100-year planning timeframe. In areas where erosion rates are unknown the average rate of erosion for unconsolidated coastlines of 15cm per year should be used. A setback of at least 30 metres from the cliff edge is recommended with greater setbacks limits in areas with demonstrated erosion rates or high risk areas.

### 3.14.1 Environmental Protection Policies

The General Land Use policies described in section 3.1 of this Municipal Plan shall apply to the areas designated Environmental Protection.

#### EP-1. Land Designated Environmental Protection

It is Council's policy that the area designated as Environmental Protection on the Future Land Use Map(s), areas shall be further categorized on the Zoning Map(s) as the following zone:

##### i. Environmental Protection - EP

**Permitted uses in the Environmental Protection zone include:** Environmental Protection.

Criteria for the location and establishment of Environmental Protection uses are outlined in the policies of this Plan and in the Development Regulations – Use Zone Tables, Schedule C. No other uses may be permitted in this land use zone.

**Discretionary uses include:** Transportation, Municipal Infrastructure, Marine Facility, Open Space Recreation (limited to Passive Recreation uses only).

These uses may be permitted at the discretion of the Council provided they are compatible with the intent and character of the Environmental Protection zone. In addition to the standards outlined in the Development Regulations, Council may apply terms and conditions to discretionary uses.

#### EP-2. Environmental Sustainability

It is Council's policy to promote responsible environmental practices that protect municipal infrastructure and community assets and ensure sustainable outcomes in the long term.

#### EP-3. Development Prohibited

It is Council's policy to restrict development in areas that are environmentally sensitive or hazardous for development due to steep slopes, wet or unstable soils, or unstable geological conditions, flooding, and coastal erosion in order to reduce potential environmental impacts.

#### EP-4. Development Prohibited on Excessive Slopes

It is Council's policy that land with slopes greater than 20 percent (%) shall be excluded from all forms of development and designated Environmental Protection. Development is not considered feasible on such slopes due to excessive runoff, erosion, the high cost of installing and maintaining municipal infrastructure

and services, and risk to adjacent properties resulting from development, and the potential risk to public safety.

#### **EP-5. Geological Hazards**

It is Council's policy that other areas of potential geological hazard will be subject to development restrictions or other conservation measures designed to minimize environmental impacts and mitigate risks to adjacent properties resulting from development.

#### **EP-6. Discretionary Uses**

At its discretion, Council may permit certain uses in the Environmental Protection zone if no alternative locations are possible and if Council considers the proposed development supports the public interest. Uses may include transportation such as road crossings over streams, municipal infrastructure, marine facilities such as coastal wharves or other marine structures, and recreation open space uses that are passive. Council shall consult with appropriate provincial and federal government agencies such as Department of Environment and Climate Change, Fisheries and Oceans Canada before approving any such development.

#### **EP-7. Mitigation Measures - Geological Hazards**

It is Council's policy to adopt the following climate change mitigation measures specified by the Geological Survey of NL, Department of Industry, Energy and Technology.

##### **a. Coastal Flooding**

It is Council's policy to prohibit development below the 4.0 metre contour as zone these areas Environmental Protection.

It is Council's policy to monitor lands above the 4.0 metre contour for coastal flooding, erosion, and storm surge and enact appropriate mitigation and control measures if required.

##### **b. Cliff Erosion and Coastal Setback**

It is Council's policy to prohibit development in areas within 30 metres of the rock cliff along the coastline where coastal erosion has been identified or is of concern. Disturbances in this setback area including changes in ground surface, and the removal of sediment or vegetation shall be avoided.

#### **EP-8. 1:20 Floodway (Designated) Overlay**

It is Council's policy that the 1:100 Floodway Fringe (Designated) Overlay shall also apply to specific areas within the Environmental Protection designation that are identified on the Future Land Use Map, as well as the Land Use Zoning Map. (Refer to Section 3.11.3 Flood Risk in this Municipal Plan.)

#### **EP-9. 1:100 Floodway Fringe (Designated) Overlay**

It is Council's policy that the 1:100 Floodway Fringe (Designated) Overlay shall also apply to specific areas within the Environmental Protection designation that are identified on the Future Land Use Map, as well as the Land Use Zoning Map. (Refer to Section 3.11.3 Flood Risk in this Municipal Plan.)

### **3.15 Comprehensive Development Area**

#### **General Intent**

The intent of the Comprehensive Development Area is to set aside land for growth in the future. The area west of Coish Place and O'Mahoney Drive provides an ideal location for future growth for Residential and Town Centre uses. Extension of existing collector streets such as Coish Place and O'Mahoney Drive and the development of the road network will be required to provide access to this land.

#### **3.15.1 Comprehensive Development Area Policies**

The General Land Use policies described in section 3.1 of this Municipal Plan shall apply to the area designated Comprehensive Development Area.

#### **CDA-1. Land Designated Comprehensive Development**

It is the policy of Council that the area designated as CDA on the Future Land Use Map(s), areas shall be further categorized on the Zoning Map(s) as the following zone:

##### **i. Comprehensive Development Area - CDA**

**Permitted uses in the Comprehensive Development Area zone include:** None except maintenance and operation of existing uses.

Criteria for the location and establishment of Comprehensive Development Area uses are outlined in the policies of this Plan and in the Development Regulations – Use Zone Tables, Schedule C. No other uses may be permitted in this land use zone.

**Discretionary uses include:** None.

#### **CDA-2. Land for Future Growth**

It is Council's policy to set aside land within this designation for the long term growth of the municipality.

### **CDA-3. Development Scheme**

It is Council's policy to require the preparation of a Comprehensive Development Scheme before any development is permitted in this area. The scheme shall lay out the subdivision of land ensuring the design reflects the features of the existing landscape including topography, steep slopes, drainage, vegetation, and potentially environmentally sensitive areas.

## **3.16 Mineral Working Overlay**

### **General Intent**

There is a history of mineral working (quarrying), and mineral exploration (development) and within Clarendville's Municipal Planning Area (MPA) especially in the western and southern parts of the planning area and also a number of findings of gold bordering the MPA.

Currently, large mineral licenses are in effect along the western border of the planning area, due south of Thorburn Lake, and several smaller mineral licenses within the central and southern part of the planning area. The larger mineral licenses along the western border correspond to an extensive area that has been subject to mineral exploration activities over the past decade and is referred to as the Big Easy gold-silver project. Further mineral exploration will likely occur in other areas of the MPA revealing new mineral discoveries of potential economic significance.

The Clarendville Municipal Planning Area also contains a number of areas covered by quarry permits. Several areas of recognized aggregate potential containing sand and gravel deposits of sufficient size and quality to warrant quarrying. Currently, no serious land use conflicts exist with quarries located outside the built-up areas of town.

In past years, the result of the removal of substantial quantities of gravel has undermined the integrity and beauty of the natural environment of Clarendville. Council is committed to imposing greater jurisdiction over grading and gravel removal from sites being prepared for development. Stronger policies and procedures to reduce the environmental and aesthetic impacts of mineral workings are warranted.

Areas of known significant mineral deposits and current mineral working operations are not concentrated in one area of the Municipal Planning Area, and in fact span a number of land use designations, including: Tourism Resource, Industrial General, Protected Public Water Supply Area, Rural, and Environmental

Protection.

### 3.16.1 Mineral Working Overlay Policies

The General Land Use policies described in section 3.1 of this Municipal Plan shall apply to the area designated Comprehensive Development Area.

#### **MW-1. Mineral Working Overlay Permitted Uses**

It is Council's policy that the areas identified as Mineral Working Overlay on the Future Land Use Map, areas shall be further categorized on the Zoning Map as the:

##### **i. Mineral Working Overlay – MWO.**

It is Council's policy that despite the underlying Designation and Zone, Uses shall be limited to: Mineral Working, Mineral Exploration (Development), and Mining.

It is Council's policy to permit other uses in the Mineral Working Overlay with terms and conditions.

These other uses may be permitted at the discretion of Council provided they are compatible with the underlying land use designation, and the intent and character of the area. In addition to the standards set out in the Development Regulations, Council may apply terms and conditions.

#### **MW-2. Referrals**

It is Council's policy to refer applications to the Department of Industry, Energy and Technology, Mineral Lands Division, for review and comment.

#### **MW-3. Mineral Working**

It is Council's policy that outside of the Mineral Working Overlay, all but small scale mineral workings and related activities shall be prohibited within general view of roads and developed areas. Mineral working uses include the excavation and quarrying, removal of quarry materials, processing, washing or storage of gravel, sand, rock, or any other mined material, concrete and asphalt making, the reprocessing of quarry materials including from reclaimed civil construction materials such as asphalt, or concrete, rock crushing, the production of soil by blending organic materials with quarry such as sand, and the remediation of soil, and the stockpiling of quarry materials such as gravel.

#### **MW-4. Buffers and Screening**

It is Council's policy to ensure that quarrying and the stockpiling of gravel will have minimal impact upon adjoining land uses, particularly the visibility of gravel pits. Buffering and screening shall be required to

minimize dust and noise. Open pits shall be rehabilitated by the operator prior to abandonment.

#### **MW-5. Site Rehabilitation Plan**

It is Council's policy that all mineral extraction operations (quarrying) shall be conducted in a manner which shall minimize the adverse effects on water quality, fish, and wildlife. All mineral operations shall be required to complete a Site Rehabilitation Plan as a part of the development application. Council shall not permit other development activities within 150 m of existing quarry operations that may jeopardize their operation or future expansion. Proposed operations shall be evaluated in conjunction with the Department of Industry, Energy and Technology, Mineral Lands Division and the Department of Environment and Climate Change.

#### **MW-6. Development Approvals**

It is Council's policy that all mineral working uses shall satisfy the requirements for approval and permitting of: the Town of Clarendville, the Department of Industry, Energy and Technology, the Department of Environment and Climate Change, and the Department of Digital Government and Service NL, with respect to water supply, wastewater, solid and liquid waste disposal, and air and noise pollution control, concluding with provisions for site rehabilitation.

### **3.17 Transportation Infrastructure**

#### **General Intent**

#### **Road Network**

Clarendville's transportation system includes a hierarchy of roads and streets, including one major arterial road, the Trans Canada Highway, major and minor collector roads, and local streets.

Collector roads are used to collect and carry 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.

Clarendville has four major collector routes:

- Memorial Drive from the Trans Canada Highway to the Shoal Harbour Causeway (4.5 kilometres)
- Manitoba Drive from the Trans Canada Highway to Memorial Drive (2.0 kilometres)
- Shoal Harbour Drive and Harbour Drive from Manitoba Drive to the Shoal Harbour Causeway (3.5 kilometres)

- Balbo Drive from Shoal Harbour Causeway to Random Island Causeway (3.0 kilometres).

Over the last decade or more, councils have considered the development of a third access to the TCH west of the Manitoba Drive intersection. This third access has merit as it will provide a connection and enable future development on lands west and south of Shoal Harbour Drive. It will provide a more direct route for traffic conveyance on a future collector road off Shoal Harbour Drive.

### **Sidewalks**

Appropriate design and location of sidewalks benefits pedestrian circulation, enhances safety and augments general community health. Currently sidewalks are typically installed only on one side of the street. In some situations, such as collector streets where vehicular traffic is high, sidewalks should be installed on both sides. Sidewalk design and construction should address accessibility issues and include proper curb cuts for barrier free access.

### **3.17.1 Transportation Infrastructure Policies**

#### **TRNS - 1. Traffic Study and New TCH Connection**

It is Council's policy to monitor increased traffic congestion in the short term, with the aim of contracting a traffic engineering consultant to prepare a Traffic Study for Clarendville that also examines the feasibility and costs of building a third access from the Trans Canada Highway west of Manitoba Drive.

It is Council's policy, prior to approving any land developments, that developers submit a Traffic Impact Assessment to determine what impacts and improvements are required on the adjoining streets to ensure the connecting streets are of sufficient design to meet capacity. Improvements required shall be the sole responsibility of the developer.

#### **TRNS - 2. Street Design and Construction for Subdivision Development**

It is Council's policy that applications for subdivision development shall include the design, layout, and proposed construction phasing of new public in the subdivision development.

#### **TRNS - 3. Upgrading and Maintenance of Transportation Network**

It is Council's policy to upgrade its network of roads through street widening and surface improvements, and where feasible, the elimination of dead-end streets through connections to new or adjacent streets. Council shall also build sidewalks to provide connectivity and create a safe pedestrian environment.

### **3.18 Municipal Infrastructure Policies**



### General Intent

Clareville's topography creates challenges for developing land with where municipal services and infrastructure can be feasibly constructed or extended within reasonable capital costs and with the least amount of environmental impact. The Town has provided sufficient services and maintenance with respect to its drinking water and sewer systems, however increasing development pressures and pronounced effects of climate change pose challenges that require new and resourceful mitigation solutions.

## 3.18.1 Municipal Infrastructure and Development Policies

### MI-1. Fire Flows

It is Council's policy that adequate fire flows will be maintained in all areas served by municipal water.

### MI-2. Low Pressure Areas

It is Council's policy that development will be restricted in locations with steep slopes where it is difficult and costly to achieve sufficient water pressure for fire flows and residential needs.

### MI-3. Dead-End Water Pipes

It is Council's policy that the installation of dead-end water mains in new subdivision developments will not be permitted. Dead-end pipes prevent continuous water flow, water quality is reduced and maintenance needs are much higher and more costly.

### MI-4. Application for Development

It is Council's policy that applications for all new development shall include a detailed engineered stormwater management plan illustrating how stormwater will be managed and resolved. Council shall not approve a development application if it is not satisfied with the proposed stormwater control measures.

## 3.18.2 Drinking Water Supply

Clareville formerly had two supplies of drinking water the Shoal Harbour River and Lower Shoal Harbour River. With the completion of its new water treatment plant, the Shoal Harbour River is now its sole drinking water source. The addition of the treatment plant improved the quality of the Town's drinking water. The water supply has ample yield to supply both existing and future demands. Currently the plant supplies 800-900 GPM and was designed to allow future upgrades to increase the supply to up to 3000 GPM to accommodate future growth of the community<sup>1</sup>. Other upgrades may be required elsewhere in the water distribution system such as booster pumps or pressure reducing valves. As development and expansion continues, the demand increases and upgrades will eventually be required.

<sup>1</sup> Demand is calculated using Department of Environment and Climate Change models and is based on the town's population and daily average usage in litres/person/day and converted to GPM. Total capacity requires updating.

As development continues and the Town expands the demand on the system will increase. Upgrades to the system will eventually be required and to the water distribution system such as booster pumps or pressure reducing valves. The Town will need to monitor demand and usage to determine the timing of upgrades.

### 3.18.3 Drinking Water Supply Policies

#### **DWS-1. Functional Servicing Report**

It is Council's policy that prior to approval, applications for new subdivision developments that are greater than ten (10) lots, will provide a Functional Servicing Report (FSR) as a component of the application process.

#### **DWS-2. Water and Sewer Mains**

It is Council's policy that the installation of any water or sewer mains shall receive approval of ENVC under Sections 36 and 37 of the Water Resources Act. Water and sewer shall be designed according to the NL Guidelines for the Design, Construction and Operation of Water and Sewerage Systems.

### 3.18.4 Sanitary Sewers

According to reports completed by the Town's engineering consultant, there are no current capacity issues relating to the existing sanitary sewer system. It is unclear what, if any, additional capacity is available to support future expansion within the Town. Going forward, this must be confirmed prior to approvals for new developments.

The Town has 18+2 sewage pump stations, several of which need to be upgraded, as well as 8 ocean outfalls. Engineering reports have indicated that the Town is experiencing issues related to infiltration into the sanitary sewer system, particularly during rainfall events.

The Wastewater Feasibility Study, 2019, provided options for infrastructure upgrades and wastewater treatment to allow the Town to meet the new federal government's Wastewater System Effluent Regulations (WSER). The proposed works, regardless of the preferred option, must be completed in phases and will cost \$21.6-\$24M<sup>2</sup>. The proposed wastewater treatment options must be designed to include full build-out of the Town, including future expansion. The Report recommended that the Town conduct a storm water infiltration study to identify and address major sources of infiltration before proceeding with the design and construction of the WWTP.

<sup>2</sup> This is a 2021 estimate and must be updated prior to submitting funding applications.

### 3.18.5 Sanitary Sewers Policies

#### SS-1. Sanitary Sewer Capacity

It is Council's policy to complete an engineering assessment of the sanitary sewer distribution system to determine the existing capacity and initiate appropriate upgrades and associated capital improvements to the system to accommodate new development and growth within the Municipal Planning Area.

#### SS-2. Stormwater Infiltration Study

It is Council's policy to complete an engineering study of storm water infiltration to identify and address major sources of infiltration before proceeding with the design and construction of the WWTP.

### 3.18.6 Stormwater Management

As Clarendville has grown development has expanded into the higher hillsides behind Clarendville and Shoal Harbour. The topography of these areas varies between moderate to steep slopes with relatively few flat areas. Under undisturbed conditions, the runoff effect of the sloping terrain is moderated by porous soils and continuous forest cover, which promote good infiltration of rainwater and snowmelt.

As the hillsides are cleared of trees and the soils are covered by housing and pavement, the landscape loses its natural infiltration capacity. Increased overland flows of stormwater are directly proportional to reduced infiltration caused by impervious groundcover. Effects include higher erosion, sediment loads, and stormwater discharges that can overwhelm the natural carrying capacity of streams. Rapid increases in water volume and flow velocity can have a dramatic erosive effect on stream beds and banks, eliminating depressions and eddies that provide refuge and habitat for aquatic species.

In 2018, the Town's engineering consultant compiled a stormwater drawing limited to small areas of the Town and completed an analysis of the *existing storm sewer system contributing to the culvert crossing Blackmore Avenue*. The report identified a number of culverts that are under capacity and should be replaced on and/or near Blackmore Avenue south of Manitoba Drive. The engineer also recommended that to accommodate any future development behind the Random Square Mall and GB Cross Hospital, the storm sewer system in this area must also be upgraded and/or on-site storm water retention must be implemented. The report identified storm mains that were near capacity for Thompson Street to Thorburn Road catchment area. This last area was analyzed using current development only and does not include any contributions from future development.

Furthermore, the analysis was completed using rainfall data from 2014 and not the most up-to-date climate change rainfall data (2017). It would be accurate to assume that most, if not all, of the existing infrastructure installed in the Town prior to 2017 was designed using previous rainfall data which has been

recently updated to consider climate change data (2017) available from the Department of Environment, and Climate Change. The implication is that areas of Town have not been identified as being under capacity. The analysis must be repeated using the most up-to-date rainfall data to comprehend the true extent of the situation, determine an accurate capacity that considers the effects of future development.

#### **Stormwater Management Plan**

The Town will benefit from a Stormwater Management Plan that includes all existing stormwater infrastructure as well as bridges, completes the infrastructure capacity analysis based on 2017 rainfall data and includes findings from Flood Plain Analyses studies. This investigation must identify areas of known issues, along with areas where the system is close to capacity. Ultimately, the Stormwater Management Plan will present guidelines for development that manage stormwater through policies such as Zero Net Runoff, or Low Impact Development measures to reduce and manage stormwater on the development site. Ultimately, the goal is to reduce the strain on the existing system and to manage stormwater in a more environmentally responsible manner.

### **3.18.7 Stormwater Management Policies**

#### **SW-1. Stormwater Management Plan**

It is Council's policy to complete a comprehensive engineering study of stormwater 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; and
- d. Prepare guidelines for development that manage stormwater through policies such as Zero Net Runoff or Low Impact Development measures to reduce and manage stormwater on the development site.

## 4.0 Implementation

The Municipal Plan shall be implemented over the next ten years under the jurisdiction of Town Council who is responsible all aspects of development that affect the Town. Of particular importance to Council are the following:

- a. Effective administration of the Municipal Plan;
- b. The adoption of a five-year capital works program, update annually;
- c. The adoption of Development Regulations;
- d. The procedure for considering amendments to the Municipal Plan; and
- e. Public Consultation.

### 4.1 Administration of the Plan

For the purposes of administering the Plan, the Future Land Use map shall be read only in conjunction with the Goals, Objectives and Policies outlined in this document. All development applications shall be carefully evaluated as to their conformity to the Plan. Council shall require the full conformity of all proposals to the Plan.

The boundaries of land use designations shown on the Future Land Use Map are meant to be general, except where they coincide with roads or other prominent physical features, where they are intended to define the exact limits. It is intended that no amendment of this Plan shall be required to permit minor adjustments to these boundaries. Other than such minor changes, no development shall be permitted that does not conform to this Plan.

Once conformity to the Plan has been established, Council shall ensure that all development proposals are given a comprehensive review that shall include circulation to all affected public departments and agencies. Council's final decisions shall be based on the desire to guide the development of Clarendville in the best long-term interests of its citizens.

All persons wishing to develop land for any purpose within the Clarendville Municipal Planning Area shall apply to Council for permission through the established procedure. Council may refuse or approve applications, with or without conditions. The appeal of all Council decisions to the appropriate Appeal Board will be permitted in accordance with the Part VI of the *Urban and Rural Planning Act, 2000*.

Before major land developments within the Planning Area are approved, a development agreement shall

be required and shall be signed by both the developer and Council. This agreement shall establish the conditions under which development may proceed and shall be binding on both parties. Conditions governing development attached to the development permit shall be enforced.

Nothing in this Plan shall affect the continuance of land uses that are lawfully established on the date that the Plan comes into effect.

### 4.2 Financial Evaluation for Municipal Capital Works Projects

In order to suitably implement the goals and objectives of the Plan, an annual public works program will be adopted and implemented by Council. This will include a financial overview and preparation of a *Financial Evaluation for Municipal Capital Works Projects* which outlines proposed capital works to be undertaken by Council subject to the availability of government funding. The Evaluation shall include a five-year program of works to be undertaken as required under the *Municipalities Act*.

The proposed capital works budget is intended to maintain existing municipal infrastructure in the community and provide the same level of services to residents. In its 2021-2025 budget Council shall determine where potential changes or upgrades are required. Council's obligations shall include protective services, transportation services, environmental health, planning and development, and recreational and cultural services.

In its **Proposed 2021 Municipal Capital Works Projects** Council wishes to continue its program of infrastructure improvements to the water and sanitary sewer and storm sewer systems as well as road reconstruction. Proposed capital works projects are described in the following table.

**Table 1:** Town of Clarendville Proposed 5-Year Capital Works Projects

Project/Location	Description	Projected Budget *	Year *
Gilbert St.	Water, sanitary, storm & road reconstruction	\$1,250,000	2022
Summerville Hts.	Water, sanitary, storm & road reconstruction	\$850,000	2022
Shoal Harbour Dr.	Surface upgrades & storm sewer	\$1,100,000	2022
Balsom St.	Water, sanitary, storm, lift station & road reconstruction	\$1,000,000	2023
Emerald Ave. - Phase I	Water, sanitary, storm & road reconstruction	\$750,000	2023
Drover Pl.	Water, sanitary, storm & road reconstruction	\$500,000	2024
Emerald Ave. - Phase II	Water, sanitary, storm & road reconstruction	\$400,000	2024
Best Ave.	Storm sewer & road reconstruction	\$600,000	2025
Loriann Pl.	Storm sewer & road reconstruction	\$700,000	2025
Thorburn Pl.	Water, sanitary, storm & road reconstruction	\$1,000,000	2025
Tilleys Rd.	Water, sanitary, storm & road reconstruction	\$2,500,000	2026
Wisemans Rd.	Storm sewer & road reconstruction	\$850,000	2027

*\* These are estimates only with proposed timeframes for the work*

The 5-year capital works projects are proposals only and based on estimated infrastructure works required to upgrade municipal services. Further investigation is required to determine the exact scope of work, refine proposed budgets, and establish appropriate timeframes and phasing. Projects will be pursued with due consideration of the financial position of the town, its revenue sources, borrowing capabilities and available funding opportunities. Unforeseen circumstances may also alter Council's priorities and necessitate adjustments to the proposed capital works and the schedule for implementation.

Council's ability to undertake major public works during the planning period shall depend largely on its financial management program. Overall, the objective shall be to minimize the increase in municipal debt load and to economize on project costs where possible.

The following are regarded as important components of a financial management program for the municipality:

- a. All proposed public works, which qualify for assistance from the provincial or federal governments, should be financed on this basis. This shall include cost sharing programs with the provincial government and grants.
- b. Funds raised by the municipality to undertake public works shall be obtained from local revenues where possible. The principle source from which funds could be realized for this purpose is new development. Minor public works in particular should be financed from current accounts where possible.
- c. Mill rates and service fees shall be managed during the Planning Period to keep pace with inflation and to ensure that an acceptable level of municipal services can be achieved.
- d. Additional borrowing to undertake major public works shall preferably be on the basis of government guaranteed loans.
- e. Annual locally generated revenue shall be applied against the municipality's long-term debt. Payments shall be in keeping with the policy of the Department of Municipal and Provincial Affairs agreement between the Town and Department.
- f. For subdivision development, Council shall pursue a break-even policy for development that will require the developer to pay for the installation of all services to municipal standards.

### 4.3 Development Regulations

Once the Clarendville Municipal Plan has been adopted, Council shall proceed to adopt Development Regulations pursuant to Section 35 of the *Urban and Rural Planning Act, 2000*.

The Regulations shall be established in order to implement the Goals, Objectives and Land Use Policies of



the Municipal Plan. The document shall contain general land use and subdivision regulations designed to control all land subdivision and development within the Clarendville Municipal Planning Area. All land within the Planning Area will be covered by land use zones (residential, commercial, etc.) which shall provide for such detailed requirements as lots size and coverage, building setbacks and parking regulations.

Council may refuse or approve applications, with or without conditions. Decisions of Council made according to the provisions of this Plan and the accompanying Development Regulations may be appealed to the appropriate Appeal Board established under Part VI of the *Urban and Rural Planning Act, 2000*.

### 4.4 Procedures for Amending the Municipal Plan

The administration and implementation of a Municipal Plan is a continuous process. During the planning period, conditions in the town may change, and where necessary, amendments to the Municipal Plan may be undertaken as per Sections 14 to 24 of the *Urban and Rural Planning Act, 2000* and adopted by Council.

In accordance with Section 27 of the Act, Council shall charge a proportion of the cost of carrying out an amendment to the person or association of persons, who request an amendment. The proportion to be charged shall be set by Council as part of its annual budget process in setting its Schedule of Rates and Fees. The costs may include, but are not limited to, research, and preparation of amendments, public notice and consultation, administrative processing costs, and the costs associated with a Public Hearing of Objections.

### 4.5 Procedure for Considering Re-Zonings

Development Regulations can be changed through text amendments (the addition of a permitted use within a use zone, additions to or changes in a condition, or a change in definition) or through map amendments (a change to the zoning map) as per Sections 14-24 of the Act.

The consideration of any proposals to amend the Development Regulations, Council shall require a clear proposal to be submitted that shows:

- a. The location of the subject property, to scale, showing lot dimensions, area, street frontages;
- b. The proposed means by which the site is/will be serviced;
- c. The proposed location of all driveways and parking areas;
- d. Areas that are to be landscaped or left in a natural state;
- e. The proposed location of all buildings on a site;
- f. Identification of adjoining land uses; natural hazards; or sensitive natural areas; and

- g. The identification by a qualified consultant, of steep slopes and construction methods that will be employed to ameliorate potential negative or hazardous effects of the proposed development.

When considering proposals for developments that necessitate amendments to the Development Regulations, Council shall give regard to the goals, objectives, policies and programs outlined in this Municipal Plan, and whether or not the proposal is in conformance with the intent of the Municipal Plan, Development Regulations and all other Town policies and regulations.

### 4.6 Public Consultation

The Municipal Plan is the articulation of the goals and aspirations of the citizens of Clarendville; therefore, the periodic review of the Plan provides the opportunity for public consultation and input and can be an invaluable tool for the successful implementation of the planning documents. Council shall create opportunities to involve the public in the decision-making process with respect to future planning and development of the community.



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