

# MUNICIPAL PLAN

## 2023-2033



Town of Clarke's Beach



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TRACT



**TOWN OF CLARKE'S BEACH**  
**RESOLUTION TO APPROVE**  
**MUNICIPAL PLAN, 2022-2032**

Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Clarke's Beach:

- a) Adopted the Town of Clarke's Beach Municipal Plan, 2022-2032 on the 13th day of September, 2022;
- b) Gave notice of the adoption of Municipal Plan, 2022-2032 by publishing notices in the September 16th and September 23, 2022 editions of the Shoreline News, for the Clarke's Beach Municipal Plan, 2022-2032 and Development Regulations, 2022-2032 and the Public Notice was posted in the Town Hall, the Post Office, the Harbourview Gas Bar, and the Drug Store, and was posted on the Town's Facebook Page on September 14, 2022, and its Web Page on September 15, 2022, setting the date of October 28th, 2022 for the submissions for the Public Hearing Commissioner as per the Department of Municipal and Provincial Affairs directive regarding non-physical public hearings during COVID-19.
- c) Scheduled the 28<sup>th</sup> day October, 2022 for the submissions for the Public Hearing Commissioner as per the Department of Municipal and Provincial Affairs directive regarding non-physical public hearings during COVID-19.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Clarke's Beach approves the Municipal Plan, 2022-2032.

SIGNED AND SEALED this 15 day of Dec, 2022.

Mayor: Betty Moore

Town Clerk: Joe Wilent



(Council Seal)

**Municipal Plan/Amendment**  
**REGISTERED**

Number 1060 - 2023 - 000  
Date 31 MARCH 2023  
Signature [Signature]

**TOWN OF CLARKE'S BEACH  
RESOLUTION TO ADOPT  
MUNICIPAL PLAN, 2022-2032**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of Clarke's Beach adopts the Town of Clarke's Beach Municipal Plan.

Adopted by the Town Council of the Town of Clarke's Beach on the 13th day of September, 2022.

Signed and sealed this 15 day of Dec., 2022.

Mayor: Betty Mason

Town Clerk: Joan Willet



(Council Seal)

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Municipal Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Amyers

Member, Canadian Institute of Planners (MCIP)



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## 1.0 INTRODUCTION

### 1.1 The Purpose of the Municipal Plan and Community Vision

The purpose of the Municipal Plan is to enable the community to pursue sustainable choices to meet the needs of the Town for the next 10 years. This updated Plan provides an up to date, future-looking comprehensive policy framework to influence, manage, and regulate future growth and change in the Town of Clarke's Beach.

The Town of Clarke's Community Vision as set out the Town's Integrated Community Sustainability Plan provides a guiding framework for the Municipal Plan Review:

*'Clarke's Beach is a safe, thriving, and caring community that prospers economically, socially and culturally by valuing its quiet, rural setting, history, culture, environment and natural beauty'.*

- a. *We encourage constructive change that blends with the Region through economically and environmentally sound sustainable development.*
- b. *We will:*
  - i. *capitalize on our strengths, which are considerable confront, and attempt to minimize our challenges*
  - ii. *practice sound planning and provide municipal services within the limits of our fiscal capacity and*
  - iii. *welcome development opportunities that are in keeping with the small-scale and residential character of Town."*

### 1.2 Authority

The Municipal Plan and Development Regulations are legal documents created under the authority of the *Urban and Rural Planning Act, 2000*. The policies and development requirements contained in the documents and mapping are binding upon the Town Council, residents and on any person undertaking a development within the Municipal Planning Area boundary (Section 12 of the *Urban and Rural Planning Act, 2000*).

The Municipal Plan guides the future growth and physical improvement of the Town by identifying locations and policies for various types of land use development. These locations are shown as land use designations on the Future Land Use maps found in the Appendix.

The Municipal Plan provides the basis for the Development Regulations which provide more defined zoning within the land use designations indicating permitted and discretionary uses in each zone, development standards and conditions, and criteria for the evaluation of subdivision and development permit applications.

The Municipal Plan authorizes Council to prevent the undertaking of any development that contravenes a stated in the Municipal Plan.



The *Urban and Rural Planning Act, 2000* requires the preparation of Development Regulations to ensure that land is controlled and used in compliance with the Plan (Section 35); these form a separate companion document to the plan. The Development Regulations enable the Council to administer the policies of the Municipal Plan.

The 2008 Municipal Plan is repealed and replaced by the Municipal Plan, 2022-2032, that comes into legal effect upon publication of the notice of registration in the *Newfoundland and Labrador Gazette*.

### 1.3 The Planning Process

The process for preparing a plan is set out in Part III of the Act (Sections 14 – 25). It must be undertaken by a certified planner in good standing with the Canadian Institute of Planners.

A Community Background Report was prepared to inform the Municipal Plan review (note that the Background Report is not a legal document). The Background Report for the Town of Clarke's Beach can be found in the Appendix. It provides the key findings of statistical research, community site visits and discussions with the Town, community representatives, including public consultation. The Background Report contains a review of land use, development and infrastructure servicing issues and a historical and socio-economic profile of the Town of Clarke's Beach. Public consultation at this stage consisted of a public consultation session which was publicized in the newspaper, Town Facebook page, social media and posters. As well, a community survey was conducted seeking input from residents and businesses, and a community site visit was undertaken with interviews conducted with staff, Council and residents and business owners, as available. This information provided the foundation for preparation of this plan update.

The planning documents and maps were circulated online and copies with Council and staff. A second public consultation was held to ensure that residents have an opportunity to review and comment on the updated Municipal Plan and Development Regulations. It was publicized in the newspaper, Town Facebook page, social media and posters.

Upon completion of the review and comment phase, Council accepts (by Resolution) the draft Plan and Development Regulations recommends submission to the Provincial government for (Section 15) review and release from Provincial legislative and regulatory requirements.

Upon release, there is further opportunity for public input through a formal Public Hearing chaired by a qualified Commissioner appointed by Council to consider objections and representations from the public, either opposing or in favour of the Municipal Plan. The Commissioner formally reports his findings to Council as a result of the public hearing. Council will review the report according to Section 23 of the *Urban and Rural Planning Act, 2000*.

Council may approve (by Resolution) the Municipal Plan and Development Regulations, with or without changes, and apply to the Minister of Municipal and Provincial Affairs for registration. Upon registration, the Council arranges for a notice to be published in the *Newfoundland and Labrador Gazette* which becomes the date of legal effect. A notice must also be published in a local newspaper to inform the public.

Amendments can be made the Municipal Plan and Development Regulations at any time. Amendments must follow the procedure (sections 14-25) set out in the *Urban and Rural Planning Act, 2000* (section 25). A *Resolution of Council alone* cannot amend (or circumvent) a requirement contained in the Municipal Plan or Development Regulations.

The Municipal Plan is to address the development of the Municipal Planning area for a 10-year period. The Municipal Plan must be reviewed every five years (section 28), and reviewed comprehensively again at 10 years.

#### **1.4 Organization of the Plan**

The Municipal Plan is organized into four chapters:

- Chapter 1 sets the legal context and the organization structure requested by Council;
- Chapter 2 sets out the objectives of the Municipal Plan that apply generally throughout the community;
- Chapter 3 sets out the land use objectives and policies by land use classification; and,
- Chapter 4 sets out the implementation of the plan.

The Future Land Use Map in the Appendix indicates the land use designations corresponding to the land use policies set out in the plan. The Background Report, which provides the community context and best practices research for the plan, is contained in the Appendix.



## **2.0 OBJECTIVES OF THE MUNICIPAL PLAN**

The following sections outline objectives of the Municipal Plan that apply throughout the Town of Clarke's Beach Planning area (as required by Section 12 (2) (a) of the *Urban and Rural Planning Act, 2000*).

### **2.1 A SUSTAINABLE FRAMEWORK**

The objectives of the Municipal Plan provide a framework for the Town to manage future growth and change and to provide guidance on planning related issues, but without limiting itself to land use, urban growth management, public infrastructure or providing certain community services. They are intended to provide a sustainable framework for the land use and development policies that shall be implemented through the Development Regulations.

#### **2.1.1 Community structure: built and natural environment**

The objectives for community structural sustainability include:

1. To control future growth in a manner that ensures land use compatibility, orderly development and the economic use of municipal services.
2. To develop a balanced and attractive community by considering its physical characteristics and location.
3. To preserve scenic views of the shoreline, ponds and hills, recognizing their value to residents and visitors for recreation and tourism.
4. To ensure responsible and sustainable development of natural resources.
5. To encourage alternative sources of renewable energy and promote activities to reduce carbon emissions.
6. To consider healthy community principles in evaluating development applications and infrastructure renewal:
  - a. 'People First' design – Encourage development to emphasize human-scale and quality-of-life features such as 'walkability' (active transportation) to recreation, parks and trails, and shopping services.
  - b. Varied urban environment that is laid out to make social engagement easy: Mentally, emotionally and socially healthy people achieve full lives of rich and dynamic engagement.
  - c. Keep Nature in the built-up urban areas: Green design, parks, open space and landscaping enhances everyday life (biophilic design);
  - d. Provide for non-residential uses related to open space, parks and trails to increase community amenity;

### **2.1.2 Economic sustainability**

The objectives for economic sustainability include:

1. To make land available for employment-generating activities, such as, land for new residential development and to protect the operation and expansion of existing businesses.
2. To include provisions regarding home business opportunities in the regulations that will help residents augment their income, for example, by providing products for seasonal tourists;
3. To provide regulatory controls to ensure compatibility of non-residential and residential development in a Town with the compact urban geography of Clarke's Beach;

### **2.1.3 Environmental sustainability**

The objectives for environmental sustainability include:

1. To provide for the health, safety and welfare of the general public.
2. To protect and enhance the natural environment for aesthetic, recreational, and resource values and foster a community/family environment by promoting greenbelts, passive parks and walking/hiking trails.
3. To provide municipal services at environmentally acceptable standards.
4. To ensure that the natural environment such as waterbodies such as wetlands, shorelines, and steep slopes are protected from development, including soil, water, vegetation, wildlife, plant and fish habitats by:
  - a. maintaining a buffer of land from the highwater mark of ponds, lakes, and streams, to be kept generally free from development.
  - b. developing landscaping regulations:
    - i. For existing development: landscaping and property maintenance standards to enhance the appearance of the community and instil community pride and stewardship values;
    - ii. For new developments, both single lot/unit and subdivision development: to include landscape design requirements as conditions for new and expansion development permits, such as, vegetation retention and replacement measures, landscaping thresholds before occupancy permits are issued;

### **2.1.4 Municipal governance**

The objectives for sustainable municipal governance include:

1. To provide Municipal administration and services effectively, openly, efficiently, and equitably to all residents, in a transparent manner and within the fiscal capacity of the Town;
2. To encourage public interest and participation in Municipal governing processes in decision-making by increasing community access to information by having the Municipal Plan accessible to the public;



3. To collaborate with other municipalities in the region, government, community organizations, and the business community to facilitate opportunities to improve local governance and municipal services.
4. To ensure the Town is governed in compliance with relevant legislation such as the *Municipalities Act, 1999* and the *Urban and Rural Planning Act, 2000*.

### **2.1.5 Municipal services**

The objectives for providing sustainable municipal services include:

1. To provide, where fiscally responsible, a full range of municipal services to Clarke's Beach in the most economical fashion.
2. To ensure that development meets the standards of the federal or provincial agencies (e.g., Service NL) with jurisdiction for the type of development under consideration.
3. To facilitate development by permitting new subdivision development in areas which can be easily connected to municipal services and reserving land for future access to backlands.
4. To consider the utilization of sustainable green technologies.

## **2.2 GENERAL DEVELOPMENT STANDARDS AND CONDITIONS**

### **2.2.1 Provincial Interest Requirements**

In preparation for the Municipal Plan Review, the Local Governance and Planning Division referred the Town of Clarke's Beach Municipal Plan review notice to the Interdepartmental Land Use Committee (ILUC). ILUC consists of about 16 government departments and agencies with land use and development jurisdiction. Specific land use referrals are set out as overlays and set out in Section 3.6.

#### **Policies**

It is the policy of Council to incorporate the provincial interests provided by government departments, as follows:

#### **Provincial Archaeology Office**

- (1) The Provincial Archaeology Office (PAO) indicated that there is one known archaeological site registered with the PAO which is a mid-19th Century Fann (CjAh-19). This site is protected under the *Historic Resources Act, 1990* and is not to be interfered with in any way. If there are plans for development in the area, they should be referred to the PAO for review to ensure the archaeological site is not negatively impacted.
- (2) Before approval is granted for a major development such as a subdivision or a new commercial or public building, the application shall be referred to the Provincial Archaeology Office for comments.

### **Climate Change Impacts**

- (3) Take into consideration available data regarding provincial climate change projections for St. John's (nearest regional sites) when considering land for future developments that are in close proximity to a river, floodplain or coastline. These projections suggest that extreme precipitation events will become more intense, by about 23%. 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. These factors should be considered when allocating land for future developments that are in close proximity to a river, floodplain or coastline;

### **Work near Survey Control Monuments**

- (4) Inform the Surveys and Mapping Division when a proposed development is in the vicinity of a Survey Control Monument. There are 9 monuments in the Municipal Planning area.

### **Agriculture**

- (5) Protect the Blueberry Management Areas as designated under the *Lands Act, 1990* and administered by the Land Resources Stewardship Division.

### **Local Governance and Land Use Planning Division**

- (6) Provide for the development of the Municipal Planning Area for a 10-year period;

### **Mineral Resource Lands**

- (7) Ensure future potential access to mineral and quarry resources by allowing such uses in the Rural zone; and that the Quarry buffer is respected with regard to future development;
- (8) Indicate of 'Mineral exploration that is not a development' is allowed as a permitted use in all zones; Mineral exploration that is a development is a discretionary use, and development requirements regarding potential mining should be incorporated into the regulations;

### **Service NL**

- (9) Ensure that applicants for a development or building permit from the Town are aware of Service NL requirements which can be researched through Bizpal;

### **Water bodies**

- (10) Protect rivers, streams, ponds, wetlands, riparian areas, and shorelines by ensuring conformance with requirements of the Water Resources Management Division of the Provincial government under the *Water Resources Act, 2002* and the *Environmental Protection Act, 2002* including Policy Directives: W.R.91-1-Infilling Bodies of Water, W.R. 97-1-Development in Shore Water Zones and W.R. 97-2-Development in Wetlands, the Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses; and, Environmental Control Water and Sewage Regulations, 2003 for any effluent or runoff from a site.
- (11) An undertaking located within 200 metres of the high-water mark of a Scheduled Salmon River (North River and South River) must be registered for an Environmental Assessment review under Section 28 of the *Environmental Protection Regulations, 2003*.



## **Forestry**

(12) There is a Domestic Harvesting Area located within the Municipal Planning Area boundary in the Rural zone. The Forest Service indicates that forestry activities must be allowed;

## **Protected Road Zoning Regulations, 1999**

(13) Building Control Line: The Municipal Planning Area boundary overlaps with the Building Control line (400 metres from centreline) of the Trans-Canada Highway which is subject to the *Protected Road Zoning Regulations, 1996*. A permit is required for any development from the Government Service Centre, Department of Digital Government and Service NL as well as from the Town.

## **Wildlife**

(14) Approach the Eastern Habitat Joint Venture Program officials to review the opportunity to incorporate wildlife and conservation values in municipal plans and associated development regulations.

(15) Wherever possible, particularly in the Rural zone, to consider general wildlife habitat and landscape connectivity during application review, by applying:

- a. a riparian buffer of 30 m minimum undisturbed natural vegetated along wetlands and waterbodies (ponds, rivers, creeks etc.) or more for riparian areas near agricultural areas.
- b. green belts connected to forested areas or other habitat patches to create wildlife travel corridors;
- c. incorporate a minimum percentage of forests to be maintained during lot clearing, for example. Vegetation clearing should always be done outside the May 01 to July 31 period (note that some raptors start breeding in March) to minimize disturbance during that sensitive breeding/ young rearing;

## **Department of Fisheries and Oceans Canada**

(16) For any work conducted in or near water, particularly the Scheduled Salmon Rivers – North River and South River - the Town shall consult with Fish and Fish Habitat Protection Program, Fisheries and Oceans Canada to determine potential impacts and mitigative measures regarding fish and fish habitat;

## **2.2.2 General Development Standards**

### **Policies**

The following policies apply throughout the Clarke's Beach Municipal Planning area (Section 13 (2) 2) of the *Urban and Rural Planning Act, 2000*:

### **Administration of the regulations**

- (1) Establish a transparent application process. The regulations will address: when a permit is required, the obligations of the applicant and Town in the application process;
- (2) The Development Regulations will set out options for when a proposal doesn't fit the Use Zone development standards including: variances, nonconforming use, and the amendment process for the plan and/or development regulations. The regulations will also address



special conditions for development, such as, Development Agreements, Planning Impact Analysis, and Service levies

- (3) The Development Regulations will set out the application decision-making process including, but not limited to, the decision-making authority of Council: refusal of premature development, written reasons for refusal, and the responsibility to inform applicants of the appeal process.
- (4) In considering an application for a permit to carry out development, Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or Regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in these Development Regulations, approve, approve with conditions, or refuse the application;

#### **Planned Unit Development**

- (5) Provide development standards for planned unit development in the Development Regulations, including:
  - a. A residential, commercial or industrial development containing one or more single or individual developments (i.e., condominium or townhouses which can be sold as separate units or a shopping complex containing separate retail units which are leased as individual spaces) may be treated as a single development where services are to be provided and maintained privately and internally. It must have frontage on a public road and meet the Town standards for roads and servicing.
  - b. Where Municipal services are not feasible, the provision of on-site services must meet requirement of the Town and Provincial agencies, in particular, Water Resource Management Division and Service NL. The Development Regulations will set out the requirements for Planned unit development application;

#### **Planning Impact Analysis**

- (6) Where an application for development or an application for an amendment to the Municipal Plan or Development Regulations is considered by Council to potentially have a significant effect on the community, Council may require that a Planning Impact Analysis be undertaken to address Council concerns;

#### **Compliance with federal and provincial regulations**

- (7) The Development Regulations must state that the applicant is responsible for regard to:
  - a. compliance of land use and development within the Municipal Planning Area boundary with the policies and land use classes of the Municipal Plan and Future Land Use Map, Land Use Zoning Map, and the conditions and standards set out in the Development Regulations,
  - b. Compliance with all relevant Federal and Provincial legislation, regulations, policies and guidelines.



- (8) Notwithstanding (7) (b), the Development Regulations will incorporate specific compliance requirements as set out Section 2.2.1 and 3.6.

#### **Existing Non-Conforming Use**

- (9) Protect and control existing legally non-conforming uses: Nothing in the Municipal Plan and Development Regulations shall affect the continuation of a use which was legally existing on the day that this Municipal Plan and Development Regulations are registered by the Minister of Municipal and Provincial Affairs except as outlined in Section 108 of *the Urban and Rural Planning Act, 2000* regarding expansion, discontinuance and resumption of use, alterations, repair.

#### **Development to Front on a Publicly Maintained Road**

- (10) Require all development to front on a publicly-maintained road: All development must have front on to a publicly maintained road (Provincial or Municipal) and have independent, approved access; however, with the exception of development within a Comprehensive Development where there may be an internal road plan.

#### **Site requirements**

- (11) Provide standards and conditions regarding lot siting, building placement, and landscaping.

#### **Infill development**

- (12) Encourage infill development in areas served by Municipal water and sewer services. Council shall review infill development to ensure:
- a. the type, scale, massing, and design of the development is generally appropriate to the neighbourhood;
  - b. preservation of side/back/front yards for public safety requirements;
  - c. Building line setbacks shall conform to the existing development pattern; and,
  - d. adequate provision is made for light, privacy, and amenity.

#### **Character of town and compatible development**

- (13) Require that non-residential land uses located near and/or within residential areas shall laid out and designed in a manner that is:
- a. compatible with the neighbourhood; and,
  - b. minimizes potential nuisance factors such as, the impact of traffic, noise, lighting, and signage on adjacent residential areas. Where necessary, screening will be required through the provision of trees, shrubs, banks and berms, landscaping or fencing.

- (14) The Development Regulations will indicate the development standards to be applied to these uses including fences, buffers or separation distances to ensure separation of incompatible uses. Potential conflicts with surrounding land uses must to be identified and addressed during application processing.

#### **Signs**

- (15) Include standards and conditions in the Development Regulations pertaining to the design and location of advertisements and signs.

- (16) Signage located along a Provincial Highway are subject to the *Highway Sign Regulations, 1999*. A permit is required for the Government Service Centre, Department of Digital

Government and Service NL for any sign within 200 metres of the Highway centreline in addition to a permit from the Town.

**Parking, Off-street Loading**

(17) Include requirements for adequate off-street parking, loading and safe access to the street in the Town's Development Regulations.

**Access to streets**

(18) Set out standards in the Development Regulations for all zones and uses for access points to the public street in terms of number and design in order to keep the street safe and efficient for both vehicles and pedestrians.

**Future Development**

(19) Allocate land for future development on the basis of its best use considering its physical characteristics and location and prioritize new subdivision development in areas that can be easily and economically connected to municipal services provided that the existing service have sufficient capacity;

(20) Within serviced areas, development shall be connected to municipal water and sewer services unless the connection is unfeasible, in which case, subject to the approval of the Service NL and, if appropriate, the Water Resource Management Division regarding groundwater assessments, development may be allowed to proceed on private water supply and/or sewage disposal systems;

(21) Ensure that new development makes efficient use of existing roads and infrastructure. Council shall further ensure that new development shall not create unreasonable servicing demands or costs; for example, by allowing un-serviced development that may in the future demand servicing at the expense of the Town or by developing services that will place an unsustainable maintenance burden on the Town;

(22) Provide requirements for the subdivision of land and the standards of development including a Subdivision Agreement in the Development Regulations in order to achieve compliance with the policies of the Municipal Plan;

**Roads, Parking, and Off-Street Loading**

(23) Require adequate building setback from roads in order to maintain road standards. Setbacks should be sufficient to allow for landscaping of front yards, vehicle off-street parking and take into consideration Town service obligations, such as, snow clearing;

(24) Ensure that the local transportation system adequately and safely provides access to meet the needs of residents and businesses;

(25) Provide for a proper road system with connecting streets by ensuring that streets do not exceed the maximum length before providing a second access for emergency access purposes;

(26) Adequate off-street parking and loading facilities shall be set out in the Development Regulations;



**On-site servicing for unserviced development**

(27) In areas where it is uneconomic to provide municipal servicing, ensure that on site services meet the standards of the Service NL and the Water Resources Management Division with respect to un-serviced residential or cabin lots; where unserviced development is greater than 5 lots, a groundwater assessment is required;

**Open Space/Recreation**

(28) Section 37 of the Act requires that not more than 10% of the subdivision or land to be developed shall be dedicated to the Town as public open space. Council may accept from the developer in lieu of such area of land, payment of a sum of money equal to the market value of the land which would otherwise be required to be dedicated.





### **3.0 LAND USE DESIGNATIONS AND POLICIES**

#### **3.1 INTERPRETATION**

In accordance with Section 13 (2) (c) of the *Urban and Rural Planning Act, 2000* the land in the Municipal Planning Area of the Town of Clarke's Beach is divided into land use classes. Each class of land use is described by the objectives for this class of use that reflect the vision of the community. The policies set out how the Town will achieve these objectives.

Council may add or revise the uses, standards and conditions for development in any land use zone by amendment to the Development Regulations, provided the changes are consistent with the objectives of this Plan.

The Town of Clarke's Beach's Future Land Use Designations will reflect the following land use classes. The Land Use Designations are set out under each class.

##### **RESIDENTIAL LAND USE CLASS**

1. Residential designation

##### **COMMERCIAL LAND USE CLASS**

2. Commercial designation
3. Recreational Vehicle Park designation

##### **PUBLIC/INSTITUTIONAL LAND USE CLASS**

4. Town Centre designation

##### **CONSERVATION LAND USE CLASS**

5. Conservation designation
6. Protected Water Supply designation

##### **RURAL LAND USE CLASS**

7. Rural designation

The Future Land Use Designations are illustrated on the Future Land Use Map. The boundaries between land uses classes 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. Note that the paper copy of this map with the signed registration stamp is the legal version. One copy of the registered map is kept at the Council Office, Town of Clarke's Beach and a second copy is in the Minister's Registry with the Department of Municipal and Provincial Affairs.

Council shall establish zones in the Development Regulations that indicate permitted, discretionary and prohibited uses in each zone. The regulations shall set out the standards and conditions for uses and development in each land use zone based on the objectives and policies of the Municipal Plan. The Development Regulations shall:

- (1) Set out permitted uses in each zone and that can be approved, with or without conditions; note that any decision of Council is subject to section 2.2.2 (4);

- (2) Set out discretionary uses in each zone where Council determines that:
  - a. the use may negatively affect the predominant uses of the zone and that in order to mitigate this impact, it is desirable to consult with the public and possible affected parties prior to issuing (with or without conditions) or refusing a permit; and/or,
  - b. it is necessary to attach conditions to an approval that differ from the standard conditions under the Development Regulations to ensure that the discretionary use is compatible with nearby uses and the predominant uses of the zone;
- (3) Indicate the following considerations when accepting or refusing a discretionary use and attaching conditions to a discretionary use:
  - a. whether these is appropriate for the site and the immediate surrounding area;
  - b. the policies of the Municipal Plan as it pertains to the Town in general and as they pertain to the designation show shown on the Future Land Use Maps in which the use is located.
- (4) Set out the uses permitted in all land use designations and land use zones, which include: accessory buildings and uses, conservation uses, roads, mineral exploration that is not a development, and public utilities are permitted in all land use designations.

The objectives of the Municipal Plan in Chapter 2 are implemented by the policies that apply to the following Land Use Classes in the Clarke's Beach Municipal Planning area.

### **3.2 RESIDENTIAL LAND USE CLASS**

#### **Objectives**

The objectives of the residential land use class are to:

1. Accommodate housing needs for all current and future residents for a range of age, income, abilities, and family status with a range of housing types anticipated residential requirements for the next ten years, particularly, seniors housing and housing suitable for families with children;
2. Preserve and enhance the amenity of existing residential areas that have a diverse and interesting streetscape which will maintain the residential quality of life and property values;

#### **General Policies**

It is the policy of Council to:

- (1) In the Residential land use class, establish the Residential land use designation on the Future Land Use mapping;
- (2) Provide for a range of discretionary uses that complement the concept of a complete community;



- a. to allow for smaller size homes than what is currently stated in the 1993 Development Regulations by removing the minimum floor area requirement from the Residential Medium Density zone in order to allow for more affordable homes;
  - b. increase the lot coverage in order to allow for more built form on the lot which reduces the amount of land needed per home and allows for larger accessory buildings for storage;
  - c. Clarify non-market housing in terms of group houses, supportive housing and other similar housing by providing a clear definition of uses and indicate appropriate locations (see the use zones below).
- (3) Consider the impact of the bulk and scale of proposed uses in residential designations to ensure that development does not adversely affect the residential character and amenity of the area; provision of adequate space for on-site parking, loading, and buffering is provided; and the primary use of the lot remains residential.
- (4) Require the approval of Council for the parking of commercial vehicles or trailers in a residential zone.
- (5) Provide for residential infill in established neighbourhoods by including infill development standards in the Residential Medium Density zone;
- (6) Preserve the rural, country lifestyle and aesthetic of the community through requiring quality-built homes and preserving the landscape, as follows:
  - a. No home is to be built where the 'end' is facing the street, that is, every house must have a main entrance facing the street and a front façade facing the street;
  - b. Allow for varied building line setbacks to create interesting streetscape aesthetic;
  - c. Set out landscaping requirements in the Development Regulations including, limiting tree cutting to that necessary for construction of new development.
- (7) Allow wind, solar, or small hydro generator within a built-up residential area as a discretionary use which will be limited to a single unit that serves an individual property;
- (8) Require conformance to the Development Regulations for:
  - a. Individual Lot layouts and the siting of buildings; and,
  - b. Subdivision Plans, including development standards of the Town's Development Regulations, engineering site plans, landscape plans and building designs must meet the approval of Council;
- (9) Require prior approval of the Service NL for on-site water supply and sewage disposal system for each lot for non-serviced lots, before development permits are issued.
- (10) Backlot development may be permitted at the discretion of Council in developed areas behind existing dwellings where vacant parcels of land exist which are of sufficient size for a building lot, but which do not have the required frontage on a publicly maintained street. Standards for backlot development shall be established in the Clarke's Beach Development Regulations, which will include, but is not limited to, the following requirements:

- a. The site is located in an area designated for Residential, and the appropriate residential zone as set out in the Clarke's Beach Development Regulations;
- b. Appropriate servicing must be approved by Council, and where applicable, approval must be obtained the Government Service Centre;
- c. The development of the lot does not prejudice the use of adjoining backland. Where there is potential for additional development in the area, a road access to the public street must be provided of sufficient width (15 metres); o accommodates future public use; and where there is no potential for additional development, the access shall be treated as a private driveway and only one backlot development shall be permitted;
- d. Council shall be satisfied that the backlot development will not detract or restrict other types of development on adjacent lands;
- e. To ensure that Council can meet its responsibility for public safety and emergency access, the dwelling on a backlot shall be a maximum of 100 metres from a public street.

(11) Encourage new subdivision development to accommodate an appropriate mix of housing types to meet changing market conditions and socio-demographic needs of residents; such as innovative housing forms and other efficient and uses of land that are financially accessible to a range of household types and income groups including first-time home owners, young families, seniors and those with disability needs, such as, compact lots and backlots in the 'Residential Medium Density' zone;

(12) For subdivision development, a Subdivision Plan must be submitted to Council which addresses all issues related to the development of the site including but not limited to:

- a. Conformity to the goals, objectives, and policies of this Municipal Plan;
- b. Conformity to a Comprehensive Planned Development plan or a Development Scheme as approved by Council, which accounts for the development of lands abutting the site;
- c. A description of the subject lands;
- d. Consideration of land ownership as it will affect the layout of streets and the optimal use of land and municipal services;
- e. Access to the site from existing roads and internal road layout;
- f. Extension and development of municipal piped services for new subdivision;
- g. Demonstration of the long-term viability of any proposed on-site servicing system through a site assessment which shall accurately depict the conditions of the site;
- h. Provision for lot layout scheme including the phasing of development;



- i. Provision for 10% recreation lands or alternative measures if requested by Council;
- j. Adherence to the Town's Engineering Design Guidelines for Subdivisions for standards for streets designs, grades, storm drainage, building line setback, access, landscaping (landscape plan if required), buffers, development standards for each lot, etc.

(13) In the Residential designation, establish:

- Residential Medium Density zone; and,
- Residential Rural zone;

(14) Establish a Residential Medium Density zone on the Land Use Zoning map which will have the following uses:

- a. *Permitted Uses:* Single detached dwelling, Semi-detached (double) dwelling, Subsidiary apartment and Home businesses-All, except Bed and Breakfast, Personal service and Art gallery which are specifically listed under Discretionary use; uses in all zones as set out in 3.1 (4);
- b. *Discretionary uses:* Townhouse, Garden Suite, Apartment building, Mobile home or Mini-home, Assisted Living-Residential, Non-profit housing, Transitional housing, Convenience store, Urban agriculture, Cemetery, Public Gathering Places-Indoor, Energy generating facility-residential only, Automotive Repair shop, Resort-cottages or tourism cabins only, and Home businesses including Bed & breakfast, personal service and Art gallery;

(15) Establish a Residential Rural zone on the Land Use Zoning map, which will provide opportunities for a Residential Rural zone for large-lot, rural residential development in areas where it may be uneconomic to provide municipal services. The Residential Rural zone will have the following uses:

- a. *Permitted Uses:* Single detached dwelling, Subsidiary apartment, Urban agriculture; and uses in all zones as set out in 3.1 (4);
- b. *Discretionary Uses:* Assisted Living-Residential, Supportive housing, Transitional housing, Energy generating facility-residential only.

### 3.3 COMMERCIAL LAND USE CLASS

#### Objectives

The objectives of the Commercial land use designation to designate locations for

1. Commercial develop intended to stimulate economic development in order for the Town of Clarke's Beach to be have local jobs and expand the tax base to support and expand the level of municipal services and programs;
2. Ensure the continued operation of the Recreational Vehicle Park in a manner that does not detract from the adjacent residential properties or the aesthetic character of the community;

## **Policy**

It is the policy of Council to:

- (1) In the Commercial land use class, establish the following land use designations on the Future Land Use map:
  - a. Commercial
  - b. Recreation Vehicle Park

### **3.3.1 Commercial Land Use Designation**

#### **Policy**

It is the policy of Council to:

- (1) In the Commercial land use designation provide for a Commercial zone on the Land Use Zoning map within the Commercial land use designation which will have the following uses:
  - a. *Permitted Uses* include: Commercial Land Use Class: All Uses, EXCEPT Amusement Park/Attraction, Campgrounds, Resort; Institutional/Public Land Use Class-All Uses EXCEPT Cemetery; Emergency shelter; and uses in all zones as set out in 3.1 (4);
  - b. *Discretionary Uses* include: Apartment building with commercial on main floor; Transitional housing, Public Gathering-Indoor.

### **3.3.2 Recreational Vehicle Park Land Use Designation**

#### **Policies**

It is the policy of Council to:

- (1) In the Recreational Vehicle Park designation establish a Recreational Vehicle Park zone on the Land Use Zoning map which will have the following uses:
  - a. Permitted uses for the Recreational Vehicle Park will be: Campground; and uses in all zones as set out in 3.1 (4);
  - b. Campground will be defined as follows: seasonal camping experiences for 3 or more tent sites or serviced recreational vehicle sites, associated rental cabins, and including accessory administrative offices, convenience store, laundry facilities, sanitary facilities, recreational hall and associated recreational uses that cater to short-term guests, not to year-round residents and does not include industrial, work or construction camps or permanent mobile home or mini-home parks;
- (2) A proposed campground, including trailer and Recreational Vehicle Park, will require a Planned unit development application;
- (3) All camp sites and on-site facilities that form part of the development will be accessible only via the internal road network of the development;
- (4) No expansion or alteration of a campground, other than repairs and maintenance, will take place without the approval of Council;



- (5) The operation will comply with all regulations of Council pertaining to noise and unruly behavior;
- (6) Buffers and screening requirements shall be determined by Council to address issues related to abutting residential use and protecting the aesthetic amenity of the community.

### **3.4 PUBLIC/INSTITUTIONAL LAND USE CLASS**

#### **Objective**

To create a central focus for the Town of Clarke's Beach to promote community identity to both travelling public and residents, and foster community pride.

#### **3.4.1 Town Centre Land Use Designation**

##### **Policies**

It is the policy of Council to:

- (1) Provide for a Town Centre designation on the Future Land Use mapping.
- (2) Provide for Town Centre zone on the Land Use Zoning mapping for the Development Regulations which will have the following uses:
  - a. *Permitted Uses* include: Offices (professional, financial and associated support services), and uses in all zones as set out in 3.1 (4); and
  - b. *Discretionary Uses*: Contractor-General restricted to Town-related service depot only;
- (3) Ensure that development and operation of public use facilities are compatible with surrounding development in terms of size, scale and layout of buildings and do not impose adverse effects on adjacent residential and other uses in terms of noise, traffic and hours of operation through appropriate conditions to development approval;

### **3.5 CONSERVATION LAND USE CLASS**

#### **Objectives:**

1. To protect natural areas which by reason of their intrinsic character, are sensitive, vulnerable, or ecologically significant, or have natural, aesthetic or recreation values, such as water bodies including buffers around ponds, shorelines, and wetlands; hazard, such as, steep slopes and flood plain lands;
2. To preserve public and private open space in their natural state to protect physical features which are desirable protect the natural setting of the community.
3. To protect the quantity, quality and integrity of the water supply of the Town.

## Policy

It is the policy of Council to:

- (1) in the Conservation land use class, establish the following land use designations on the Future Land Use map:
  - a. Conservation
  - b. Protected Water Supply
- (2) In the Conservation Land Use designation, provide for an Environmental Protection zone and an Open Space, Parks and Trails Zone;
- (3) Establish an Environmental Protection zone on the Land Use Zoning map, with the following uses in the:
  - a. *Permitted Uses* include: Environmental Protection; and Open Space, Parks and Trails uses, Forest activities-domestic harvest only; and uses in all zones as set out in 3.1 (4);
  - b. *Discretionary Uses* include: Marina-restricted to wharfs, docks, slipways and boathouses when they are an accessory use to a primary use.
- (4) The Environmental Protection zone shall be applied in areas where development must be restricted, such as shorelines, waterbodies, steep slopes, and development is unsuitable and environmentally unsustainable;
- (5) Reduce the potential for property damage and loss of life due to flooding, by restricting development on lands known to flood, such as flood plain lands to conservation and non-building uses;
- (6) Provide public access to identified environmentally significant areas and the shorelines of North River and South River and the Bay de Grave shoreline;
- (7) Require that development of passive recreation facilities such as walking or nature trails, and associated interpretation programs do not have an adverse impact on the natural environment and residential properties;
- (8) The Town may require that any development near a designated trail or water course be reviewed by the Town to ensure that development does not negatively impact such trail or watercourse. Where deemed necessary, the Town may require that the buffer be provided by the developer;
- (9) Establish an Open Space, Parks and Trails land zone on the Land Use zoning map for the following uses:
  - a. *Permitted Uses* include: Conservation Land Use Class -all uses which includes Environmental Protection and Open space, Parks and Trails'; and uses in all zones as set out in 3.1 (4);



- b. *Discretionary Uses* include: Public gathering places-outdoor; Restaurant-Mobile Take Out, Street Vendor only; Outdoor Market;
- (10) Require that development of passive recreation facilities such as walking or nature trails, and associated interpretation programs do not have an adverse impact on the natural environment and residential properties;
- (11) To provide areas for open space, parks & trails that are protected for this use; (note that these uses are permitted in every other zone, but while permitted, they have no zoning protection);
- (12) To encourage a network of Open space, Parks and Trails throughout the Town; Require that development of passive recreation facilities such as walking or nature trails, and associated interpretation programs do not have an adverse impact on the natural environment and residential properties; and,
- (13) The Town may require that any development near a designated trail or water course be reviewed by the Town to ensure that development does not negatively impact such trail or watercourse. Where deemed necessary, the Town may require that the buffer be provided by the developer.
- (14) Development standards shall be at the discretion of Council pending recommendations generated through specific research regarding best practices for trail development, playground and park design and landscaping;

### **3.5.3 Protected Water Supply Land Use Designation**

#### **Policies**

It is the policy of Council to:

- (1) In the Protected Water Supply land use designation, provide for a Public Water Supply zone on the Land Use Zoning map with the following uses in the:
- a. *Permitted Uses* must be consistent with the adhere to the Policy Directive on Land and Water Development in Protected Public Water Supply Areas, Water Resource Management Division. Permitted Uses include: Environmental Protection, Cottage (remote cottages only; no cottage subdivisions), Forestry, Commercial Agriculture, Resort; and uses in all zones as set out in 3.1 (4); and,
- b. *Discretionary Uses* include: Mineral Working, Mineral Exploration-development;
- (2) That the Water Supply zone will include the Water Supply Area for the community as designated by the Water Resource Management Division, under the *Water Resources Act, 2002*.
- (3) Ensure that applicants are informed that a Section 39 permit under *the Water Resources Act, 2002* is required for any development adjacent to or within the Protected Water Supply area;

- (4) The Blueberry Management Areas located in the Protected Water Supply zone (established under the *Lands Act, 1990*) are protected for the primary use of commercial agriculture. If commercial agriculture is discontinued and there is an application for another use of the site, the Town must consult with the Land Stewardship Resources Division before issuing any development permit.

### 3.6 RURAL LAND USE CLASS

#### Objectives

1. Lands designated as Rural lands are intended to be used primarily by natural resource industries such as agriculture, forestry and mineral working operations and activities which, because of their nature, are not compatible with the urban built-up area.
2. Ensure responsible management of natural resources, such as, forestry, mineral resources, wildlife and fish, water, and agriculture;
3. Ensure coordinated and organized development of resource lands that may have significant economic and recreational value to the Town;
4. Retain the present rural character of the resource zone by limiting development permitted within this designation to those associated with agriculture, forestry, quarrying, outdoor recreation, or other uses as may be outlined in this Plan;

#### 3.6.1 Rural Land Use Designation

#### Policies

It is the policy of Council to:

- (1) Establish a Rural Land Use designation on the Future Land Use mapping, and provide for the Rural zone on the Land Use zoning map which will have the following uses:
  - a. *Permitted Uses* include: Commercial Agriculture, Forestry Activities, Mineral Working, Weapons Range, Cottages; and uses in all zones as set out in 3.1 (4);
  - b. *Discretionary Uses* include: Outdoor Market, Natural Resource Use, Natural Resource-Related Uses, Marina; Cemetery, Residential: (1) Single detached dwelling only in association with a permitted use such as commercial agriculture.
- (2) To set aside rural lands intended to be used primarily for resource and rural uses and associated development that needs a rural context or large areas of land, or are incompatible with the urban area;
- (3) Council shall consult with the natural resource agencies regarding agricultural applications, forestry management plans and quarry applications;
- (4) Cottages and cottage developments or subdivisions are not permitted in the Rural zone as the Crown Lands Administrative Division has a Crown land designation freezing all cottage development in the Rural zone (Cottage Planning Area 019-99-E);



- (5) Provincial government agencies, such as the Land Resource Stewardship Division, Forestry Resources Division, and the Mineral Lands Division each have jurisdiction under legislation to plan and control these resources. It is the objective of this plan to ensure that the Town is adequately consulted by these agencies, and that permits are secured from the Town;
- (6) In the Rural zone a 30 m buffer on waterbodies is encouraged as natural green belts along wetlands and waterbodies (ponds, rivers, creeks etc.). A 30m minimum undisturbed natural vegetated green belt could be a standard requirement when dealing with any type of land use activity; wider green belts are suggested when bordering land uses include for example agricultural practices.
- (7) For developments requiring tree removal, Council shall consider measures to maintain landscape connectivity, green belts should be connected to forested areas or other habitat patches to create travel corridors for various wildlife species.
- (8) Whenever, practicable, Council shall require vegetation clearing to be done outside the May 01 to July 31 period in areas where raptors are breeding (note that some raptors start breeding in March) as disturbance can be most detrimental during that sensitive breeding/ young rearing period.
- (9) Ensure that development of resource lands does not block future access for other future opportunities for land use and development;
- (10) The Blueberry Management Areas in the Protected Water Supply zone, established under the *Lands Act, 1990*, are to be protected for the primary use of commercial agriculture. If commercial agriculture is discontinued and there is an application for another use of the site, the Town must consult with the Land Stewardship Resources Division before issuing any development permit.
- (11) Comply with Provincial government authority regarding mineral exploration and mineral lands development opportunities providing that:
  - i. the Council is consulted by the Mineral Lands Division on all proposed developments associated with these activities;
  - ii. that appropriate environmental, public health and safety and fencing/landscaping measures are provided to avoid land use conflict; and,
  - iii. parties comply with the requirements of the Mineral Lands Division regarding the 300-metres Quarry referral buffer which shall be identified as an overlay on the Land Use zoning mapping and regulations regarding buffers are to be included in the text of the Development Regulations.

### 3.7 PROVINCIAL AND FEDERAL INTEREST OVERLAYS

The following Provincial and Federal Interest overlays are shown on the Future Land Use Map and the Land Use Zoning map. The Government Agency requirement regarding these interests is indicated below:

- a. Blueberry Management Area: Any development proposed within the Blueberry Management Area must be referred to the Land Resources Stewardship Division for review and comment;
- b. 300m Quarry Buffer: Within the 300 metre Quarry Buffer, development applications must be sent to the Mineral Lands Division for approval; in order to prevent conflict between non-compatible land uses;
- c. Survey Control Monument: There are 29 survey control monuments shown on the mapping and these can be viewed in greater detail at: <https://arcg.is/1rWnSC> . Any development applications occurring in the vicinity of these markers must be referred to the GIS & Mapping Division;
- d. Weapons Range: This land is owned by the Department of National Defence. No applications are to be accepted in this area.
- e. Building Control Line: Protected Road Zoning Regulations apply with regard to the Trans-Canada Highway-Route 432; any development within 400 metres of the centreline of the Trans-Canada Highway shall be referred to the Government Service Centre, Department of Digital and Government and Service NL. A permit for development within 400 metres of the highway centreline is required from both the Town and the Government Service Centre.
- f. Domestic Harvest Area: Forestry activity within the Domestic Harvesting Area must be allowed to continue unimpeded; any applications for development within the Domestic Harvesting Area shall be referred to the Forestry Branch, Department of Fisheries, Forestry and Agriculture.
- g. 100m Well Referral Buffer: A 100-metre referral buffer for two wells that are regulated by Digital Government and Service NL Department; any development applications within this buffer shall be referred to the Digital Government and Service NL Department for review and recommendations.



## **4.0 IMPLEMENTATION**

### **4.1 DEVELOPMENT REGULATIONS**

In order for the Town of Clarke's Beach to achieve the Vision, Objectives and Policies articulated in their Municipal Plan, the Council will need to:

- Adopt Development Regulations as a tool for administration and implementation;
- Implement a Capital Works program to support Plan implementation;
- Ensure a clear and efficient approach to the development review, decision-making, and appeal processes; and,
- Undertake to conduct research to inform decision-making in Plan implementation.

Development Regulations are one of the main vehicles through which Plans are implemented. The Town shall review, revise and adopt Development Regulations pursuant to Section 35 of the *Urban and Rural Planning Act, 2000*.

### **4.2 AMENDMENTS TO THE PLAN**

Council may consider amendments to the Municipal Plan when:

1. There have been significant changes to the community since the preparation of the Background Report that provided the factual basis for the policies in this Municipal Plan;
2. Studies have been undertaken by the Town or the Provincial or Federal governments which contain recommendations or policies which should be incorporated into the Municipal Plan;
3. A development proposal is submitted to Council which provides sufficient information and rationale to support a change in the Municipal Plan;

In considering any proposed amendment to the Plan, the Council should evaluate the proposal for consistency with the strategy for growth of the Town, as established in the goals, objectives and policies of the Municipal Plan. An associated amendment may be required to the Development Regulations. As per Section 25 of the Act, an amendment to the Municipal Plan (and an amendment to the Municipal Plan and Development Regulations) must follow the process set out in Sections 14 -25 of the *Urban and Rural Planning Act, 2000*.

A person may request to have the zoning of a parcel of land changed in order to accommodate a use or development not permitted under its' current zoning. Where this is a change from the Future Land Use designation, this will require an amendment to the Municipal Plan. A Development Regulations amendment may also, consist of a change to the text of the regulations. Council is not bound to make an amendment and this decision is not appealable under Part VI of the *Urban and Rural Planning Act, 2000*.

In considering requests for Development Regulation amendments, Council shall consider:

- all appropriate policies set out in this Plan;
- the provision of road, water and sanitary and storm sewer services and the impact on existing infrastructure;
- the fiscal impact of the development on the Town;

- community/neighbourhood context for the proposed development;
- environmental considerations, emissions, effluents, nuisance effects ; and,
- site suitability: slope, groundwater, location of watercourses and wetlands.

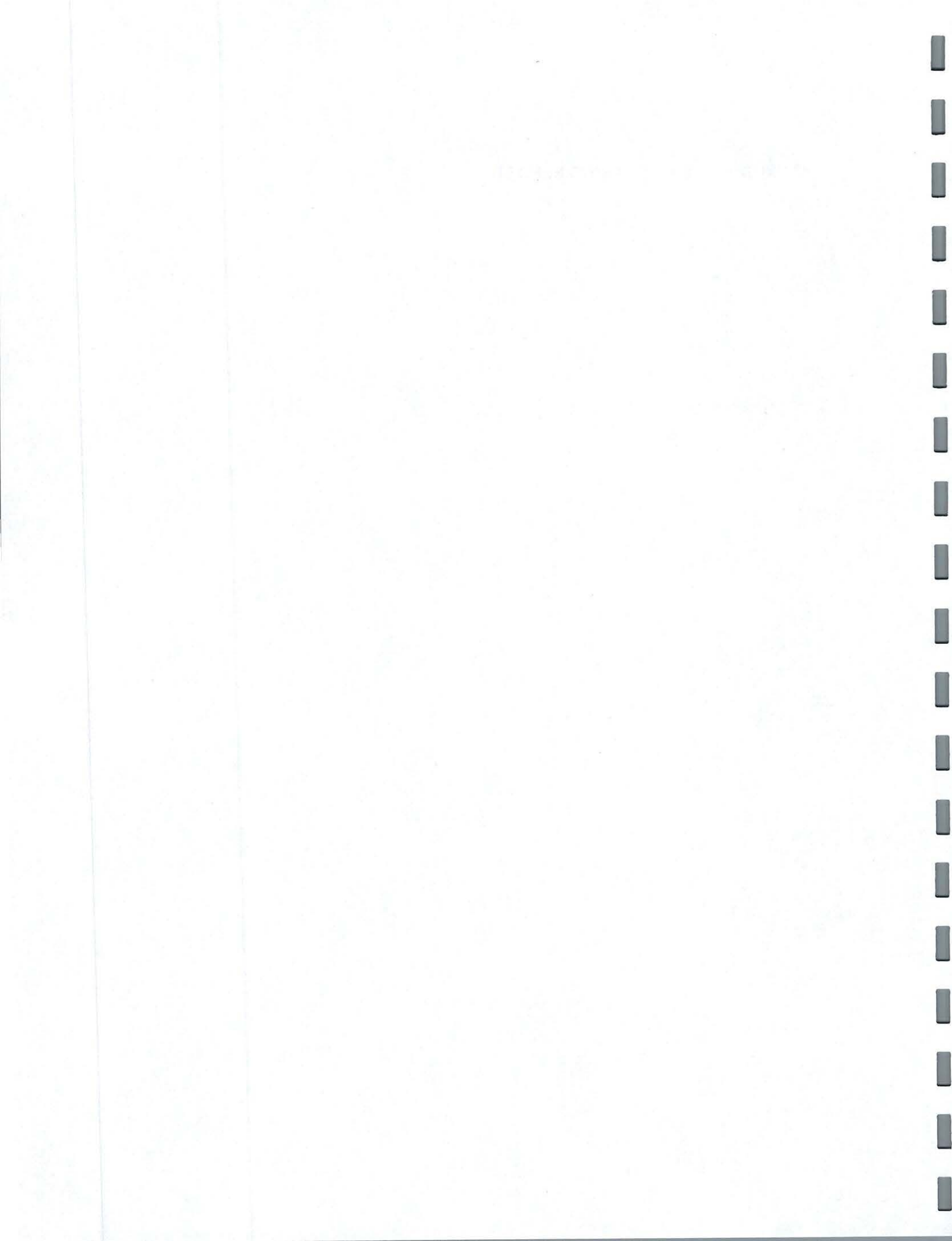
The procedure for an amendment to the Development Regulations only is set out in the Development Regulations.

#### **4.3 REVIEW OF THE PLAN**

The Council for the Town of Clarke's Beach shall undertake a review of the Municipal Plan every five years in accordance with the requirements of Section 28 of the *Urban and Rural Planning Act, 2000*. This review may be comprehensive or it may consist of an audit of progress that confirms that the Plan is still relevant. The review process is valuable to the Council and residents to ensure that the administration of the community achieves the objectives of its residents.



**APPENDIX A: BACKGROUND REPORT**





# TOWN OF CLARKE'S BEACH

PHASE ONE: UNDERSTANDING THE COMMUNITY

OCTOBER 2019

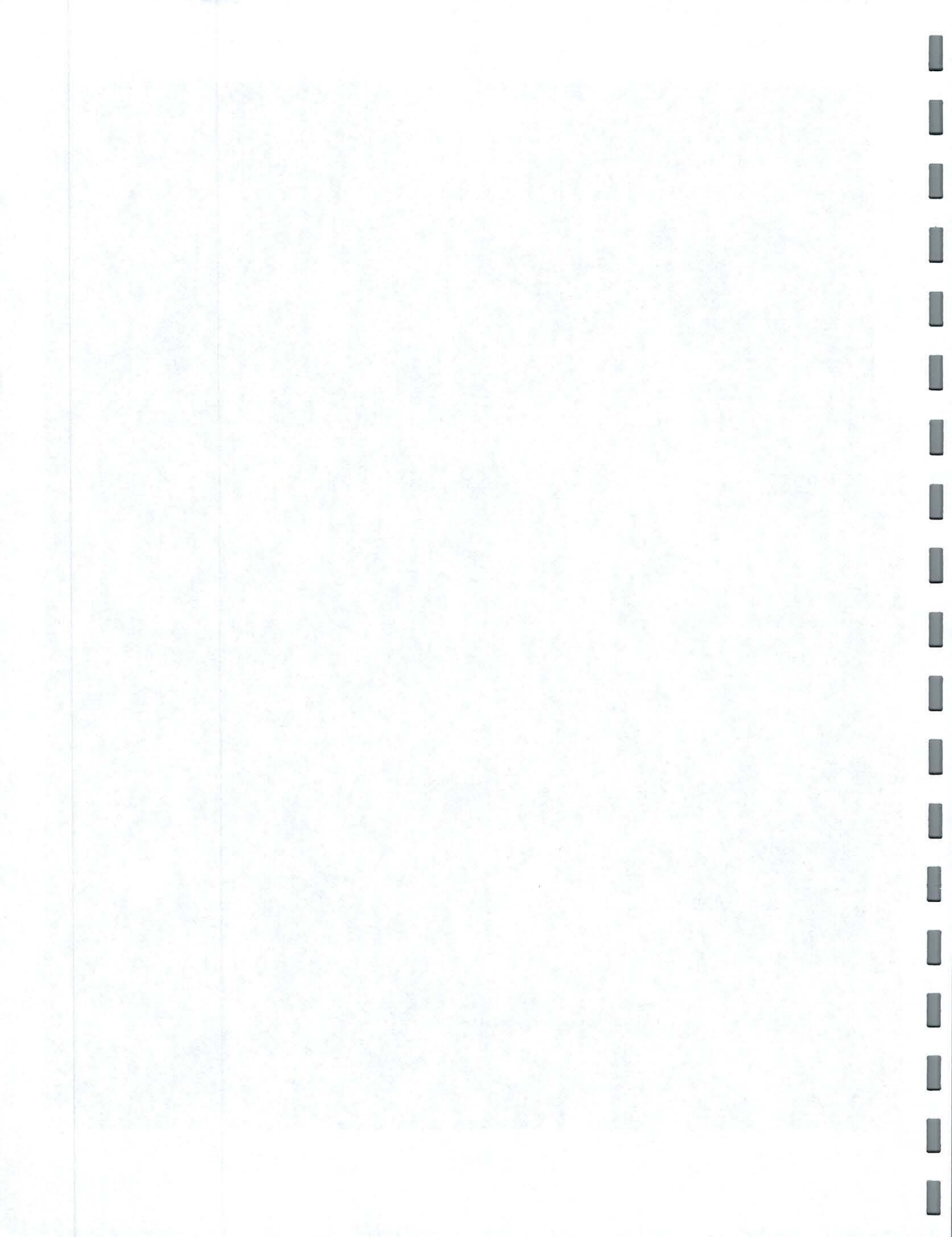


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## **1.0 SETTING THE CONTEXT**

### **1.1 Introduction**

The purpose of the Background Report to the Municipal Plan Review is to provide an overview of the sustainability framework and a socio-economic profile of the community, highlight land use observations, and identify key strategic issues that appear to characterize the community.

These key findings, in addition to information to be gathered from the initial public consultation sessions, supplementary planning research, and direction from Council, will provide the basis to define the Town's primary sustainability and land use planning objectives and priorities.

The municipal plan objectives will guide the development of Municipal Plan and Development Regulations, including land use designations and zoning maps to guide the future development of the Town for the next 10 years.

The Municipal Plan and Development Regulations are a living documents, that is, over the 10-year life of the Plan, amendments are permitted under the *Urban and Rural Planning Act, 2000* in order to accommodate changes over time that were not anticipated at the time that the planning documents were prepared.

### **1.2 The Geography of Clarke's Beach**

#### **1.2.1 Location and Natural Setting**

Clarke's Beach was incorporated in 1965 and according to the 2016 Census has a population of 1,558 residents. It is located at the base of Bay de Grave in the southwest corner side of Conception Bay. It is 87 km from St. John's and about 20 km south of Bay Roberts which has a population of 11,038 (2016 Census). Although there are indications that the area was settled before that time, it did not appear in the census until 1857. Then it had a population of 280.

Clarke's Beach occupies an idyllic valley between North River and South River and beneath the highest promontory in the area, Clarke's Hill, also known to some as Clarke's Mountain. Its long cobble beach, which extends for about 1km between the mouths of these rivers, marks the edge of a shallow, productive marine zone that attracts considerable numbers of shorebirds and waterfowl year-round. The high tides push saltwater up into the mouths of the two large rivers

creating rich estuaries that flank the town to the north and south. These estuaries, with their mix of salt and freshwater, extend inland for a considerable distance creating an environment that is both serene and ecologically productive. Stretches of open water can be found year-round thanks to the combination of the daily flushing of tidal water and the normal river current. Both North and South Rivers are scheduled salmon rivers and also provide important habitat for other fish species.

Behind the beach sits "The Pond" which has a small peninsula projecting into the pond containing the Town's one designated open recreation area offering a swimming area and well-developed playground. Plainly visible to anyone traveling through the Town on the Conception Bay highway, "The Pond" and "The Park" create a delightful and tranquil foreground for the Town with Clarke's Mountain as the backdrop.

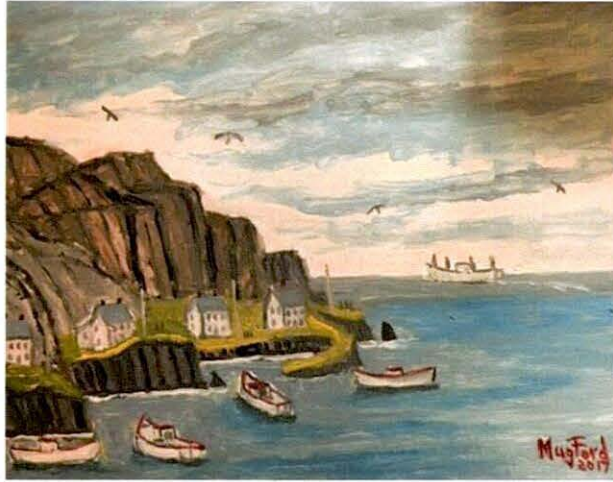
The area occupied by the urban built-up community lies between the rivers and beneath the "mountain", on a wide, gently undulating plateau that slopes to the sea. It's relatively rich, deep soil, at least by Newfoundland standards, can support apple trees, pines, chestnut and maples and is good enough to support small-scale farming and productive vegetable gardens. The gently rising plateau makes for excellent walking and bicycling conditions. As well, the gravelly soils offer good drainage and allow for relatively easy installation of subsurface infrastructure like water and sewage lines.

In a protected, wooded valley above and inland from the town lies Clarke's Pond. It provides a natural and ample supply of freshwater that, because of its higher elevation, reaches the occupied part of the town by gravity feed. The thick and extensive woodlands help regulate the flow of water into the pond and also contribute to its quality.

### **1.2.2 Historic Influences on the Built Community**

It is speculated that earliest settlers on the Conception Bay shore would have arrived soon after John Guy established the first English colony in Cupids in 1610. It is recorded that a saw mill and grist mill that operated at the mouth of South River, were damaged by West Country fishermen in 1621. Small, simple farming operations may also have been started early in the 17th century. Contrary to the earliest settlements, Clarke's Beach was not a fishing community in the sense of a harbor and direct access to the fishing grounds like nearby Port de Grave.





*From Town Facebook page - painting by David Mugford (Courtesy of Jay Jarvis)*

Instead, it became a support community providing wood for heat and construction, and game for food and fur. Clarke's Beach was created by the establishment of winter houses deeper in bays where there was also better shelter in the wooded valleys. As time passed these seasonal winter houses became year-round homes. The houses were upgraded and gardens were added because of the better growing conditions, and in the case of Clarke's Beach, better soil, than those further out towards the headlands. In the case of Clarke's Beach there was the added incentive of the rivers which would have provided routes inland to the resources that settlers needed.

This evolutionary pattern of development can be seen in the existing random road pattern still used today. So, the economy of Clarke's Beach was more diversified as the residents combined fishing as crew on boats often spending the summer off the Labrador coast, but the family also farmed, and in the winter, they went logging.

At one time, Clarke's Beach had its own public wharves one stretching out from near the centre of the beach and another down along the Otterbury side where there is deeper water.



In the mid-1900s farming, especially around the Motion, became more extensive and boats moved well up river to deliver capelin for manure. The Moore family operated a dairy farm there in the 1950s and 60s producing milk, butter and cheese.

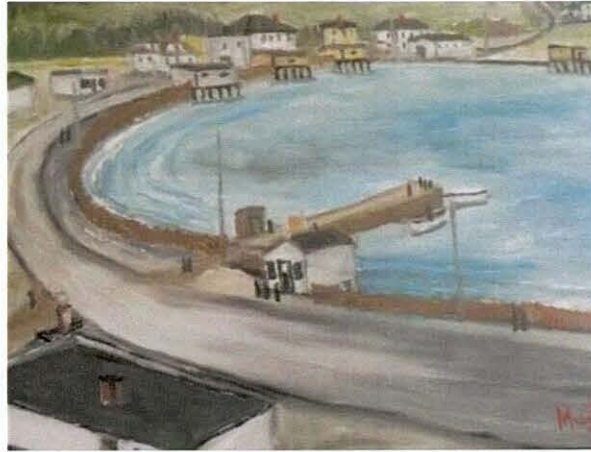
Around 1907, the Newfoundland Railway connecting Clarke's Beach to St. John's and the neighbouring communities built a railway station. The station, which is owned by the Town, remains standing today and is one of its important heritage structures.

Other heritage structures include the current United Church (originally Methodist) which was built in 1874. It was the Town's first church. A key heritage structure, 'Winter Home'; was the home of Henry William Winter. Mr. Winter renowned in the late 1800s and early 1900s as Conception Bay's pre-eminent source of wooden furniture. Besides furniture he made caskets, picture frames, church pulpits, horse sulkies and sleighs including the harnesses. His original shop was torn down in 1921 and replaced with another shop/ house combination that became well known for the rocking chair prominently displayed on the roof. This building was removed around 1969. 'Winter Home', perhaps the Town's finest heritage structure, was a general store (and house) operated by Ellen Winter, William's mother. It was declared a Registered Heritage Structure in 1995 (see picture below).



In 1999, the Baccalieu Trail Heritage Corporation undertook a project to document those heritage structures of the Region that were built prior to 1920. Twenty-six such structures were recorded for Clarke's Beach of which three have since been torn down leaving 23 as of the date of the Integrated Community Sustainability Plan being written (2010).





*From Town Facebook page - painting by David Mugford (Courtesy of Jay Jarvis)*

For the period starting in the late 1800s to 1966, the iron mines of Bell Island provided a source of employment for residents of Clarke's Beach.

By that time, the Town was well established and in 1965, the Town of Clarke's Beach was incorporated. The Town continues to grow and prosper.

### **1.3 The Current Municipal Plan (In Effect)**

The Town's Planning Area boundary under the *Urban and Rural Planning Act, 2000* is the same as the Town's Municipal Area Boundary as established under the *Municipalities Act, 1999*. The Town is empowered under this legislation to apply planning policies and regulations and to levy taxes on the properties for services within these boundaries.

The Municipal Planning Area boundary of Clarke's Beach, established under the *Urban and Rural Planning Act, 2000* (URPA) is much larger, approximately 12.7 km<sup>2</sup> in size.

The current Municipal Plan and Development Regulations were prepared in 1993. The Plan has only been amended twice and the Development Regulations have been amended 4 times. Section 28 of URPA requires plans to be reviewed every 5 years; and the plans are developed with a 10-year timeframe.

It is timely for the Town of Clarke's Beach to undertake the Review in order to set the legal framework for the next 10+ years of growth and development.

### **1.3 Community Site Observations**

The preliminary site visits to the community confirmed the need for updated Municipal Plan policy attention and Development Regulations requirements to manage change associated with land uses of residential, commercial, industrial, parks, recreation and open spaces, and natural area environments of the community.

During the preliminary site visit in June 2019 and subsequently at the Community Public Consultation held on June 5, 2017, discussions were held regarding the strengths and opportunities for improvement of the Town of Clarke’s Beach for key planning topics including comments on local trends, as well as aspirations for the outcome of the Review. The following table summarizes some the key observations shared with Tract.

<b>STRENGTHS AND OPPORTUNITIES IN THE TOWN OF CLARKE’S BEACH</b>	
<b>STRENGTHS</b>	<b>OPPORTUNITIES FOR IMPROVEMENT</b>
<b>HOUSING CHOICE</b>	
<ul style="list-style-type: none"> <li>Well-kept, high standards of housing with a variety of housing style providing a visually appealing atmosphere to the community;</li> <li>Mostly single-family dwellings, but as old seniors’ residence close, new seniors housing is being developed;</li> <li>Residential development has the opportunity for spectacular views up the bay and across the steadies on both North and South Rivers;</li> <li>Still reasonable land costs</li> <li>Property taxes lower than most communities in the area</li> <li>New estate-style homes are popular in scenic locations</li> </ul>	<ul style="list-style-type: none"> <li>Residential development standards that ensure that new housing is compatible with the character of the existing community;</li> <li>Allow for ‘garden suites’ and backlot development to maximize use of limited serviced land;</li> <li>Need to carefully manage future growth;</li> <li>Need to provide or preserve access to backlands;</li> </ul>
<b>TOURISM/ECONOMIC DEVELOPMENT</b>	
<ul style="list-style-type: none"> <li>The Town owns the Railway property along the abandoned railbed;</li> <li>The Town has maintained the commercial zone for commercial purposes along Route which has excellent exposure to passing traffic and reduces vehicular conflict in the town;</li> <li>Clarke’s Beach Distillery has been a great success and brought visitors to the Town;</li> <li>RV Park is a large site with room to</li> </ul>	<ul style="list-style-type: none"> <li>Limited space to develop tourism infrastructure to encourage tourists to stop and stay in the community;</li> <li>Need more landscaping around RV Park to provide more attractive entrance and buffers between the RV Park and adjacent residential areas;</li> <li>Town needs a new modern logo and slogan to promote community identity;</li> <li>The Town needs a program, attraction, facilities, or policies to encourage tourism.</li> </ul>



<b>STRENGTHS AND OPPORTUNITIES IN THE TOWN OF CLARKE'S BEACH</b>	
<b>STRENGTHS</b>	<b>OPPORTUNITIES FOR IMPROVEMENT</b>
<ul style="list-style-type: none"> <li>expand for more visitors</li> <li>• Scenic route along Conception Bay very popular with tourists and people from St. John's alike</li> <li>•</li> </ul>	
<b>BUSINESS GROWTH</b>	
<ul style="list-style-type: none"> <li>• There are local stores that provide services for residents and passing traffic, including the convenience store, pharmacy, post office, ABM Machine, Short drive to full-service banks, medical clinic, federal govt. office, close to schools</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• The proximity of a variety of shopping opportunities in Bay Roberts and St. John's limits the viability of businesses providing services and products for day-to-day consumption;</li> <li>• Need clear regulations to facilitate home business opportunities</li> <li>• Could consider tax incentives to attract businesses to locate in Commercial zone;</li> <li>•</li> </ul>
<b>DEMOGRAPHICS</b>	
<ul style="list-style-type: none"> <li>• Population grew by 21%, greater than stable neighbours and Bay Roberts which grew 10%;</li> <li>• Stable number of families with children</li> <li>• Aging population</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to focus recreation development and programming for families with children and for aging residents as well</li> </ul>
<b>ACCESS TO RECREATION</b>	
<ul style="list-style-type: none"> <li>• The Beach Park is a jewel in the crown for the community with swimming and playground and walking trail;</li> <li>• Natural setting with two rivers, access to shoreline and trail up mountain and wildlife, fish and waterfowl;</li> <li>• Town offers Golden Agers and Youth Recreation Program;</li> <li>• Easy access to arena</li> <li>• World-class walking trails in nearby towns</li> </ul>	<ul style="list-style-type: none"> <li>• Residents would like more trails and safer walking along existing roads which is healthy for active living for all ages;</li> <li>• Town needs ATV regulations under Municipalities Act;</li> </ul>
<b>TRANSPORTATION</b>	
<ul style="list-style-type: none"> <li>• Route 70 is primary provincial highway through Town connecting it with the region and beyond;</li> </ul>	<ul style="list-style-type: none"> <li>• Roads need continued maintenance which is costly and must be budgeted for in long term;</li> </ul>
<b>GOVERNANCE, SERVICING AND INFRASTRUCTURE</b>	
<ul style="list-style-type: none"> <li>• Full slate of Councilors</li> <li>• Regular meetings open to residents</li> </ul>	<ul style="list-style-type: none"> <li>• Town needs an Asset Management Plan</li> <li>• Regular elections</li> </ul>

<b>STRENGTHS AND OPPORTUNITIES IN THE TOWN OF CLARKE'S BEACH</b>	
<b>STRENGTHS</b>	<b>OPPORTUNITIES FOR IMPROVEMENT</b>
<ul style="list-style-type: none"> <li>• Councilor attendance is good</li> <li>• Well-managed services</li> <li>• Good relations with other governments</li> <li>• Balanced budget</li> <li>• Fair taxation rate &amp; stable revenue sources</li> <li>• All residential development is serviced;</li> <li>• Access to high-speed internet</li> </ul>	<ul style="list-style-type: none"> <li>• Partnering for fire protection and animal control as well as ability and need to continue to work with other communities to share other services, such as, water supply;</li> </ul>
<b>BUILT AND CREATED BEAUTY</b>	
<ul style="list-style-type: none"> <li>• The Pond Park is visually prominent in the Town;</li> <li>• The Town developed a Memorial Park with a sitting area on the north side of Route 70 across from the Town Hall;</li> <li>• The historic building, Winter Home, is still in very good condition and in a prime location;</li> <li>• Town has a the Oceanview garden which builds community spirit</li> </ul>	<ul style="list-style-type: none"> <li>• New Town Hall needs more landscaping features and sign closer to Route 70 to create an 'entrance' to the Town;</li> <li>• Town needs a heritage committee to consolidate information on history and heritage of the Town for interpretation opportunities;</li> <li>• Fairly strong built heritage</li> <li>• Old cemeteries that contribute to interpretation opportunities;</li> </ul>
<b>COMMUNITY ENGAGEMENT</b>	
<ul style="list-style-type: none"> <li>• Town has webpage and Facebook page to post events and news;</li> <li>• Town Hall can be rented at very reasonable rates and residents use it for baby/wedding showers &amp; weddings and other family events; also, 50+ club, etc.</li> <li>• Organized events include: War Memorial Ceremony, Santa Claus parade, Christmas decorating competition, Clarke's Beach Day,</li> <li>• Friendly people, welcoming to new residents and visitors</li> <li>• Strong sense of community pride</li> <li>• Good level of volunteerism for community events</li> </ul>	<ul style="list-style-type: none"> <li>• Need to encourage turnout for municipal elections;</li> <li>• Encourage volunteers to assist with community events;</li> <li>• Need volunteers for Council committees for heritage protection, tourism development, and trail development;</li> <li>• Need volunteers for community activities;</li> </ul>
<b>IMPROVEMENTS DESIRED IN NEW MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS</b>	
<ul style="list-style-type: none"> <li>• Zones to reflect development that has happened since 1993;</li> <li>• Clear procedures for decision-making and implementation;</li> </ul>	



## STRENGTHS AND OPPORTUNITIES IN THE TOWN OF CLARKE'S BEACH

STRENGTHS	OPPORTUNITIES FOR IMPROVEMENT
<ul style="list-style-type: none"> <li>• Need regulations for home business, garden suite, backlot development;</li> <li>• Zone uses need to reflect needs and preferences of the community;</li> <li>• Need to respect limited budget for infrastructure development and maintenance when zoning new development areas and allow for infill opportunities that are compatible with the town character, yet responsibly allow for greater use of existing services;</li> </ul>	

The Integrated Community Sustainability Plan in 2010 clearly states that the particular points of pride for the Town of Clarke's Beach include the scenic beauty of the rivers and mountain, the small-scale size of the community, the quiet, rural, low-key lifestyle, and more recently, the 'new' New Town Hall.

### 1.4 Integrated Community Sustainability Plan

The Town of Clarke's Beach prepared an Integrated Community Sustainability Plan in 2010 to meet the requirements of the Federal/Provincial Gas Tax Agreement. The plan describes Clarke's Beach as a small town with a limited fiscal capacity with limited expectations for economic growth; therefore, the scale of the Town was not anticipated to change significantly in the foreseeable future.

Nonetheless, the plan does not just reiterate the status quo, it aspires to look at regional and global issues and encourages the community to evolve with these changes. This is reflected in the vision statement of the community which is still relevant today:

*'Clarke's Beach is a safe, thriving, and caring community that prospers economically, socially and culturally by valuing its quiet, rural setting, history, culture, environment and natural beauty'.*

- c. *We encourage constructive change that blends with the Region through economically and environmentally sound sustainable development.*
- d. *We will:*
  - iv. *capitalize on our strengths, which are considerable, confront, and attempt to minimize our challenges*
  - v. *practice sound planning and provide municipal services within the limits of our fiscal capacity and*
  - vi. *welcome development opportunities that are in keeping with the small-scale and residential character of Town.*





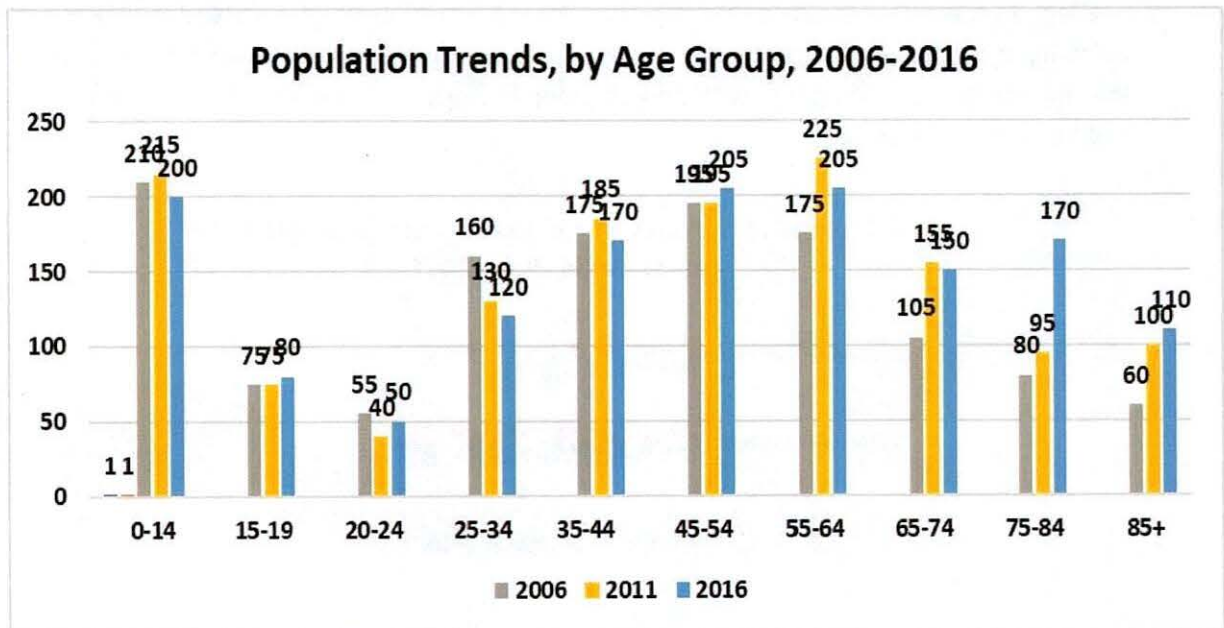
## 2.0 PROFILE OF THE PEOPLE OF CLARKE'S BEACH

### 2.1 Population and Demographic Trends

The Town has 1,558 residents as of the 2016 Census. In the last 10 years, the population of Clarke's Beach has grown by 21%, or 275 people. The rate of growth is increasing as compared to the previous 15-year period (1991 to 2006) when the population grew by 8% from 1190 to 1289.

In the past, the reasons for growth have been attributed to the attractive natural setting of the community, its strategic location of to commercial centres (Bay Roberts and Carbonear) and within an hour's drive of St. John's. These factors, and others, combine to make the Town highly desirable as a small, quiet, mainly residential place in which to raise a family, retire or even set up a small business.

The more recent populations increase can possibly be attributed to a combination of more seniors housing and the competitive real estate market of the town with respect to adjacent communities (and St. John's) and the trend for construction of estate style housing capitalizing on the great views and established country living lifestyle setting.



The greatest increase was in the 75-84-year age group (+25 individuals), and 85+ year age group (+50 individuals) and also the 55-64-year age group (+30 individuals) and the 45-54-year age group (+10 individuals). This is a trend experienced throughout the province.

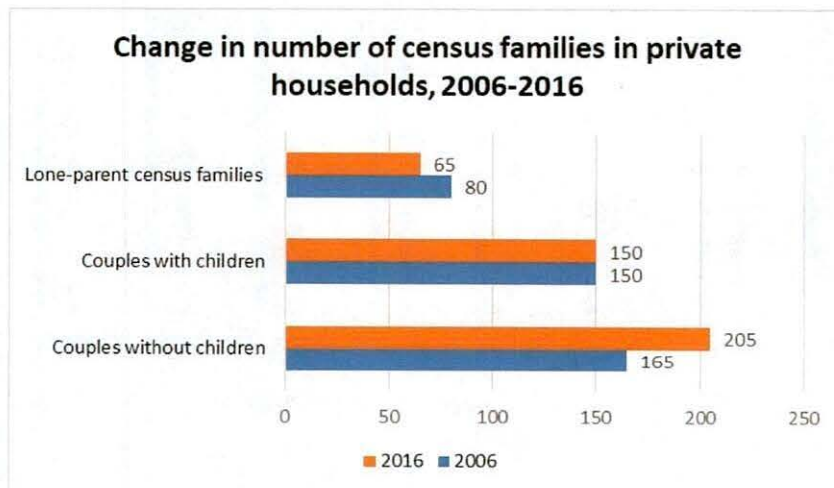
What is really interesting is that the 35-44-year age group stabilized at about 170 individuals and this correlates with the stabilization in the number of children in both the 0-14- and 15-19-year age groups. This means that families are choosing Clarke's Beach as a community to raise their children. This is very different than smaller rural communities across the province.

Surprisingly, the 20-24-year age group remained stable. It raising the question of whether post-secondary school students are still registering Clarke's Beach as home even though they are away at school, or does this group represent single parents who see the community as a safe and supportive community to raise children.

The 25-35-year age group shows the clearest decline, which can be explained by employment opportunities elsewhere.

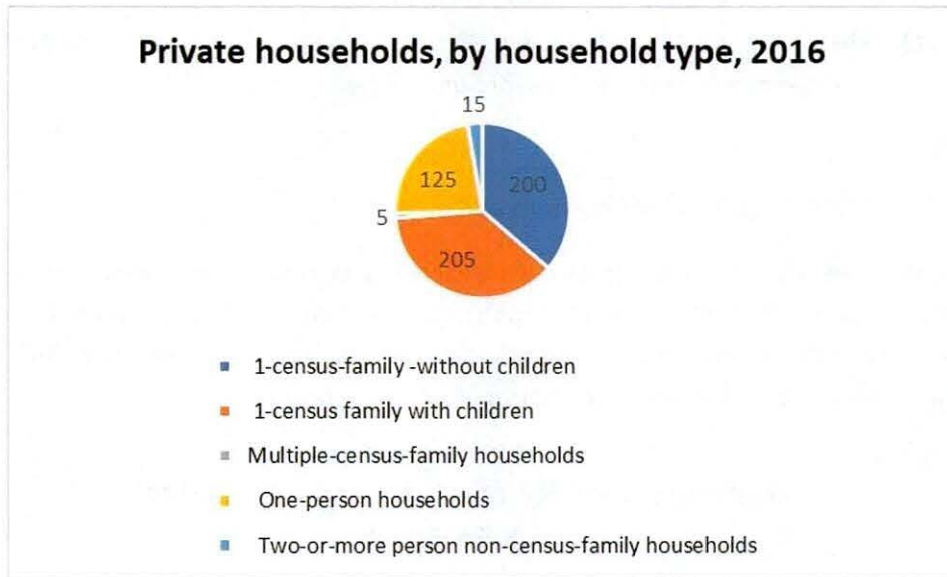
To compare the age composition trend, Statistics Canada provides median age information, that is, half the population is older than the median age and half the population is younger than the median age. In 2006 the median age was 43.2, slightly higher than the provincial median of 41.7, and lower than the 2016 median age of 53.2 years of age (province =46). The population is definitely ageing, and the age profile is older than elsewhere in the province

This aging trend has an impact on the composition of households and the type of housing that is needed. Average household size is diminishing from 2.5 in 2006 to 2.3 in 2016. As shown on the following table, there are more families where there are couples without children, and fewer lone parent families. Consistent with the age group findings, the number of couples with children has stayed stable.



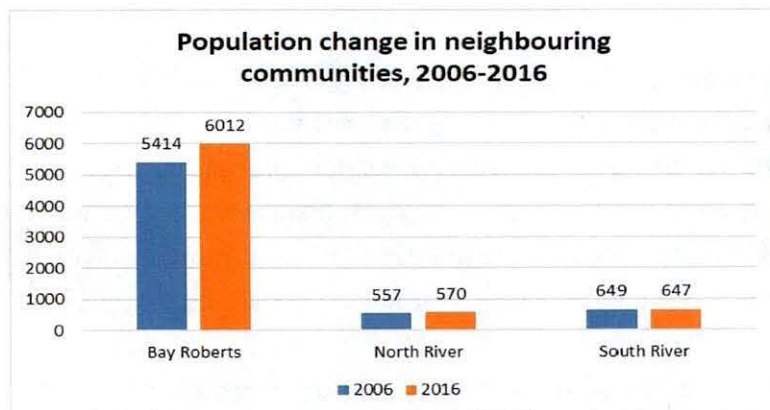


The following pie-chart shows a broader look beyond just census families. It reflects a balance between census families with or without children. What is surprising is the number of one-person households which represent 22% of private households in the community.



According to the Community Accounts statistics regarding community well-being, 78.6% indicate that they are very satisfied or satisfied with life in general. Even more, 85.2% indicate a strong sense of community. The aging population is probably responsible for the much lower score, 44% who self-reported that they were in excellent or very good health.

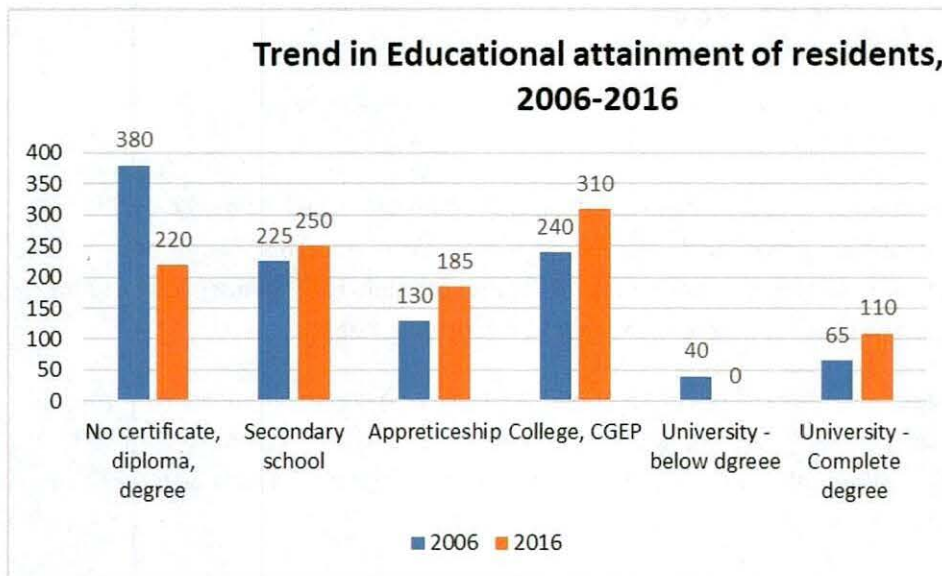
The neighbouring communities of North River and South River have not changed very much in population over the past 10 years. However, Bay Roberts has grown substantially with 598 additional residents, although their rate of growth is only 10% versus Clarke’s Beach 21%, as shown on the table below.



The demographic trends highlight significant aging of the local population which may convey the need for a greater land use planning emphasis on providing for a more diverse supply of seniors housing choices, and to address varied community needs for seniors such as to provide for expanded amenities for active living and enhanced pedestrian mobility opportunities. The stability of families with children confirms the need to maintain the Beach Park and continue to provide a range of recreation opportunities for family activities.

## 2.2 Education, Mobility, Employment and Income

The education level of residents of Clarke’s Beach has improved for a wide range of post-secondary achievement, as shown on the graph below. Between 2006-2016, there is a dramatic decrease in individuals without some certification or diploma or degree (from 380 to 220). Education is the key to employment and better lifestyle opportunities.

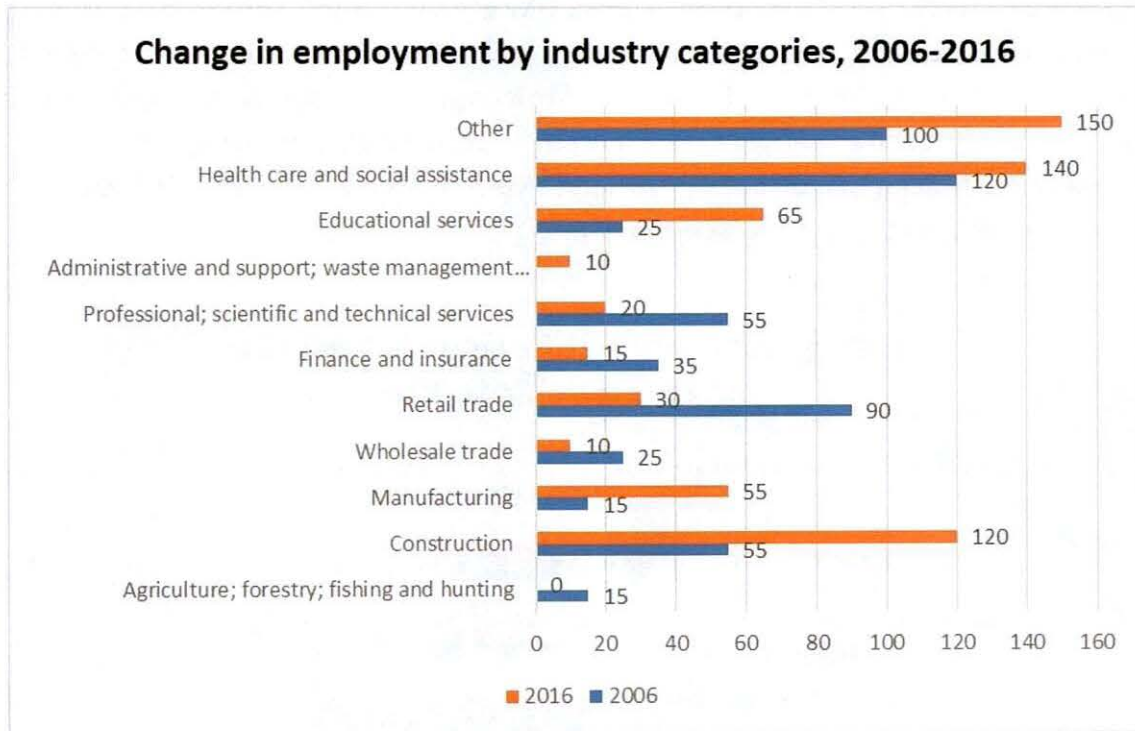


Mobility statistics indicate that in the 1 year before the census in 2016, the population consisted of local people as 91% were non-movers. Of the 9% that were movers, 58% moved within the province and 42% to other provinces. Five years before the census, 71% were non-movers. Of the 29% that were movers, 27 % were non-migrants (people who moved within the same town/area), and of the 73% that were migrants and of these, most were internal migrants (within the province) and only 38% were interprovincial migrants.

A comparison of the change in employment by industry categories in the past 10 years shows that traditional work in ‘agriculture, forestry, fishing & hunting is gone and the new category on the table is ‘administrative and support, waste management’. There are more people involved in



education, manufacturing and construction; and fewer people involved in wholesale trade, retail trade, professional, scientific and technical services.



Commuting duration was included in the 2016 Census. Travel time to work for working Clarke's Beach residents indicates that employment is not far way:

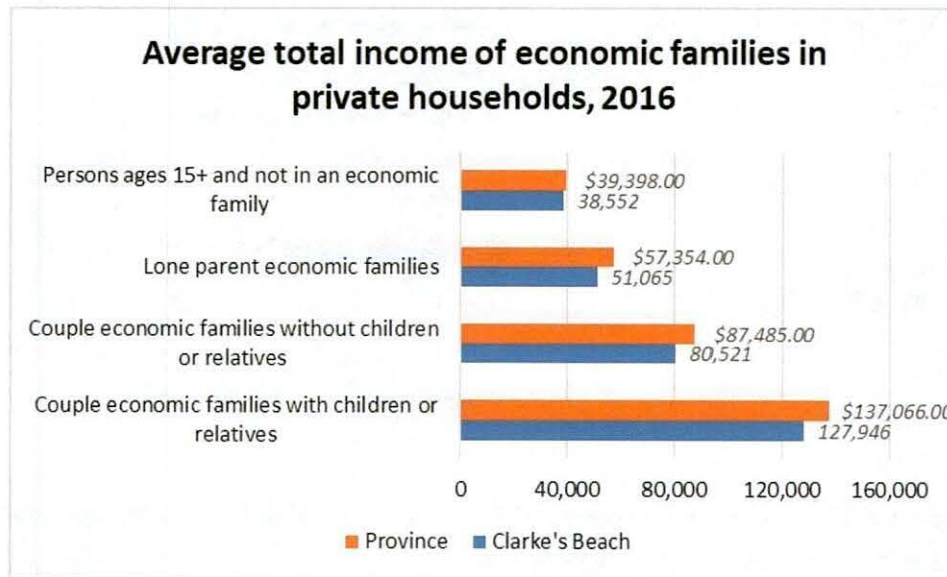
< 15 minutes:	40%
15 – 29 minutes:	24%
30-44 minutes:	14%
45-59 minutes:	8%
60 minutes+	14%

Within Clarke's Beach itself, employment opportunities are somewhat limited, although there are more local businesses than in many other Newfoundland communities of this size (see Section 3.2). The largest employers would likely be the senior citizens homes, including Collingwood Downs. The town's proximity to well-maintained provincial highways to St. John's, Bay Roberts and Carbonear also offers more employment opportunities close by.

In the past 10 years, the number of residents that are in the workforce has increased from 545 to 605. There was also an increase in the labour force participation rate from 50.5% in 2006 to 56.3% in 2016. This is still below the provincial participation rate of 62.7%. The employment rate also increased from 41.2% to 47.4% (below the provincial rate of 56.1%) and the unemployment rate decreased from 18.3% to 14.9%, still higher than the provincial rate of 10.5

at the same time period. Some of the lower rate is attributable to the growing senior's population. Nonetheless, the employment figures have improved overall.

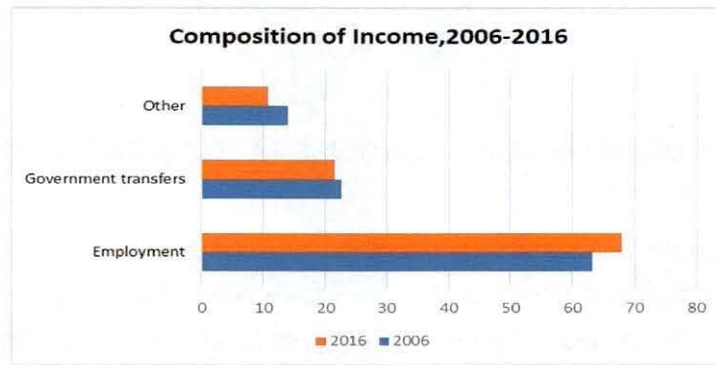
To provide an indication of the income of families living in Clarke's Beach, the statistics were compared for economic families both in the community and in the rest of the province – see table below. Note that 'economic family' refers to a group of two or more persons who live in the same dwelling and are related to each other by blood, marriage, common-law union, adoption or a foster relationship. ... By definition, all persons who are members of a census family are also members of an economic family.



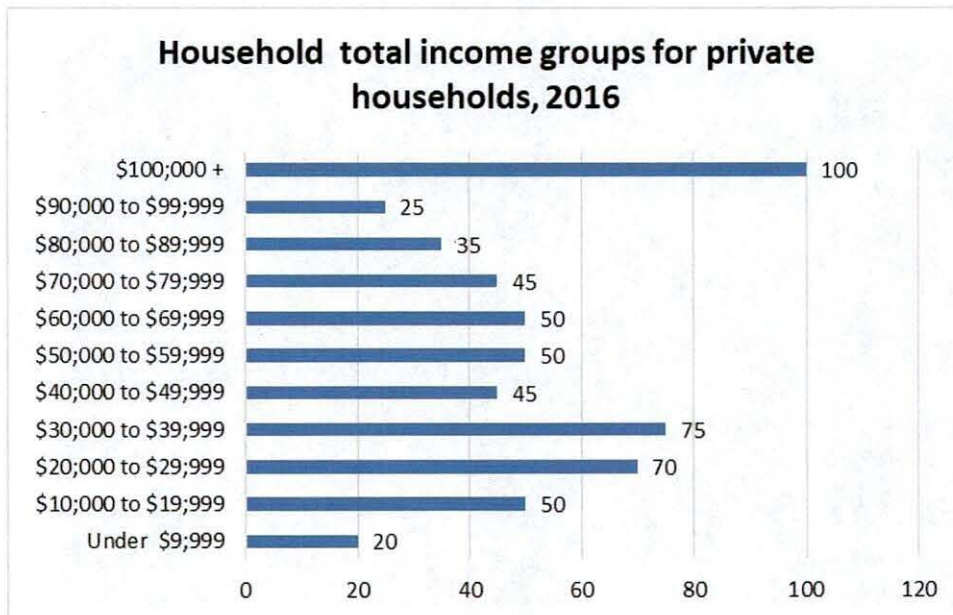
The greatest difference to total income is with the couple economic families. This could be attributed to their varied income sources, whereas individuals not in an economic family might consist mainly of seniors whose partner has passed away. Also, seniors and lone parent families may also receive income from government sources that treat all recipients the same, therefore the income level would be comparable.

Most of the income earned in Clarke's Beach is market-generated or employment income, and increasingly so, as shown on the table below.





Yet there are a number of households that are not affluent and these residents also need housing and services in the community. In 2016, there were 140 households with less than \$30,000 income and 120 households with less than \$50,000.



Census Canada calculates the prevalence of low income in communities. In 2006, 5.6% of the population qualified (as a percentage of income after tax), as compared to 6.2% based on the 'low income cut-offs after tax). It would appear that there level of low income has not changed significantly in the past 10 years.

### 3.0 SHAPING DEVELOPMENT: LAND USE PATTERNS & FUTURE OPTIONS

The local circumstances, needs and priorities of the municipality have changed since 1993 and a new and more relevant community planning approach is needed to manage land use challenges and opportunities. This chapter will provide observations and describe the existing patterns of development with varied land uses of the community.

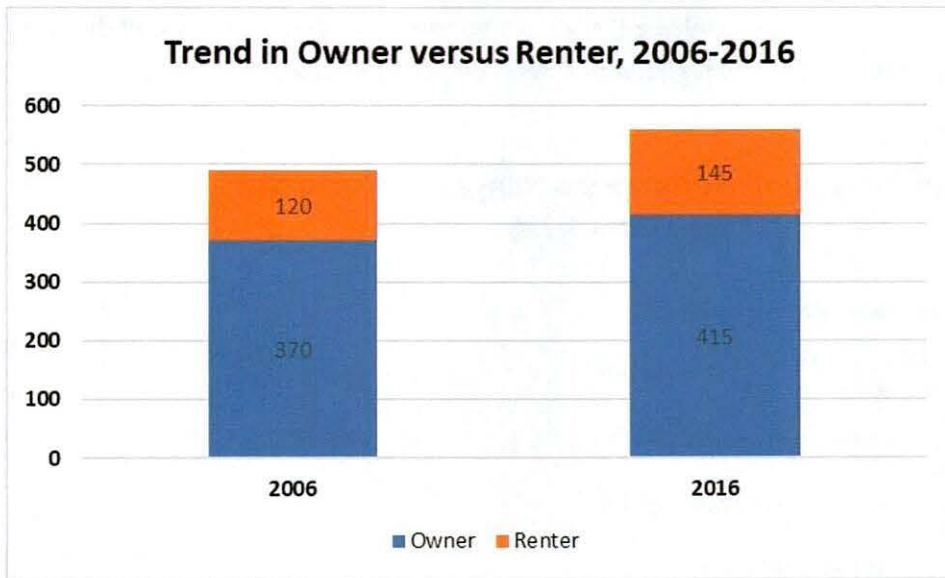


#### 3.1 Residential Development

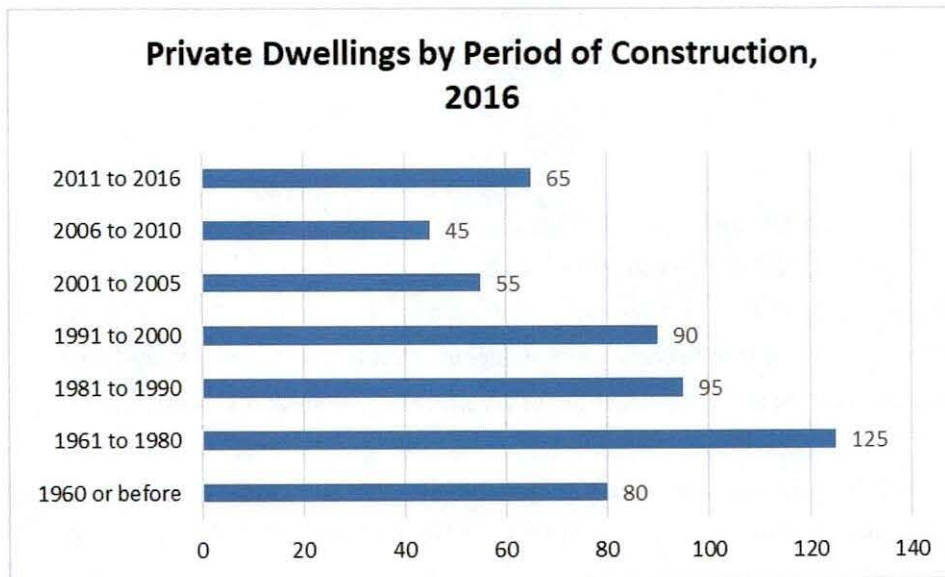
There are 642 total private dwellings in Clarke's Beach; 76 more than in 2006 (566) representing an increase of 3% (as compared to the population increase of 21%. This differs greatly from the previous 15 years where the number of dwellings increased from 368 in 1991 to 566 in 2006, a rate of 54% (or 13 dwellings per year) with only a 9% population increase.

Home ownership has remained stable over the past 10 years, dropping only 1% from 75% to 74% which is only slightly lower than the rest of the province at 77%.





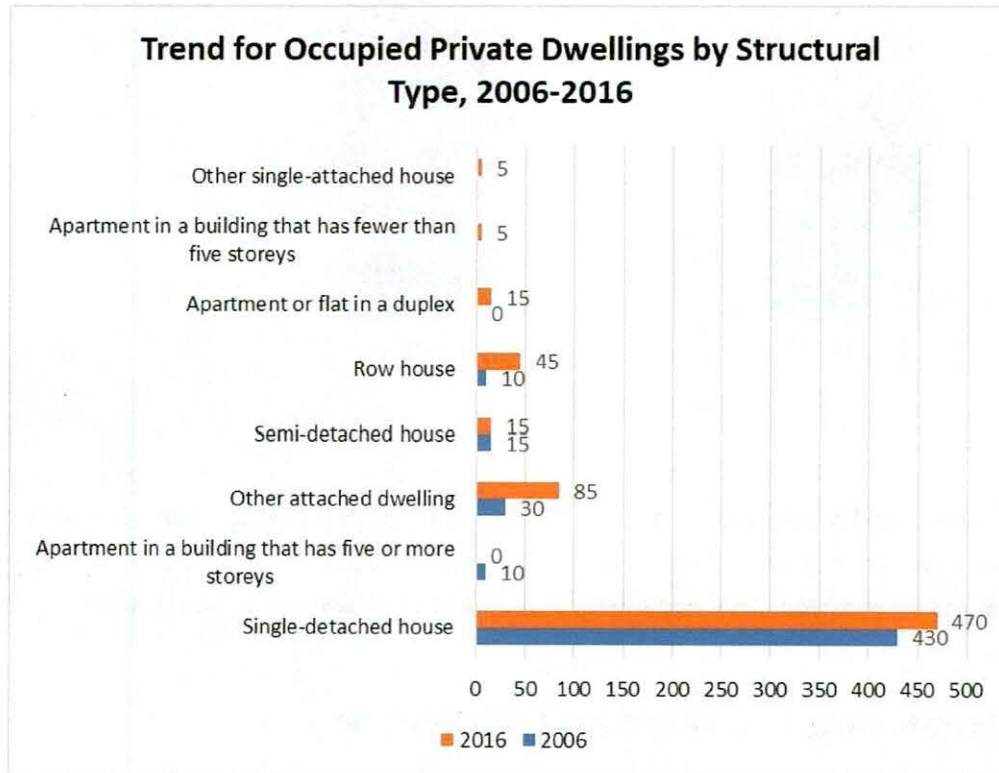
The age of housing stock would show that 37% of the housing stock is over 36 years old and 20% is less than 10 years old (see table below). This range in age of housing contributes to the variety of styles, shapes and sizes and other architectural features that makes the town attractive.



In terms of reporting the need for major repairs, this dropped from 7.1% in 2006 to 4.5% in 2016 indicating that, despite the age, the residential stock is generally in good condition.

The Single detached dwelling continues to be the predominant dwelling form representing 85% of housing stock. Since 2006, there are 30 more row housing units and 55 more 'other attached

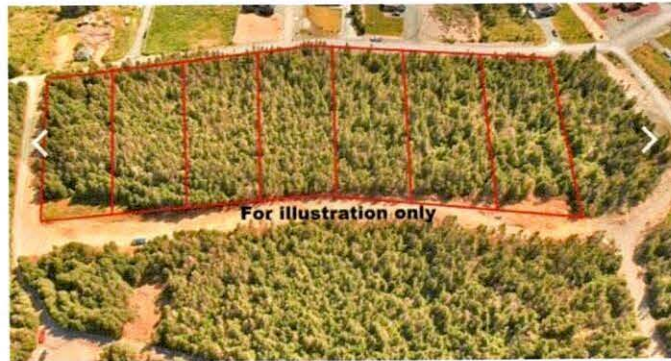
dwelling units. These would most likely be the seniors housing developments. As well there are more apartment units in 2016; and no additional semi-detached housing.



According to Census Canada, the average value of a private dwelling in 2006 was \$113,331, or \$134,922 in 2016 dollars. By 2016, this value doubles as the value of private dwellings were \$267,938. This is almost \$20,000 more than the provincial average value of \$243,157; however, it is still less than the price of homes in the Avalon Peninsula that average about \$349,753. Therefore, overall, the housing stock is attractive for a variety of potential residents.

According the real estate listings, house values range from \$69,900 (for land) to \$549,900 (estate-style development). The land in the photograph below is being advertised for these estate-style lots featuring a view over North River.





There are also estate lots facing South River at Moorehaven estates, as shown below.



Given the population profile, the Town needs to allow for housing to meet the needs of the full spectrum of lower, mid- to high-income residents. However, a key priority of the Town is to protect the character of the built form in the community in order to retain the rural, natural setting that is the essence of the towns attraction. The updated Municipal Plan and Development Regulations will establish the necessary lot size, permitted uses, housing form, site

design and zoning requirements to support and facilitate the types of development desired by the residents of the town.

### **3.2 Employment-Generating Land: Commercial/Industrial**

The town has one main strip of Commercially zoned land along Route 70. Businesses have maximum exposure to passing traffic and the movement of traffic stays off the quiet residential roads. These businesses include:

- Gas station
- Convenience stores
- Antique store
- Woodworking store
- Medical clinic
- Drug store
- Flower shop
- Clothing outlet
- Arendelle Spa
- Funeral home
- Accounting Services
- Newfoundland Distillery Company

Home businesses include hair salons and consulting companies, and a B&B and Vacation Home. Private senior's complexes located in the Residential zone also offers employment.

The RV Park is a completely separate feature of the community which offers a welcome service to residents, brings in tourists, and offers employment. This is discussed further in Section 3.7.

The key challenge for the Town is to ensure that the commercially zoned land is fully subscribed before designating other lands for commercial use. It is uncertain as to what other businesses would be viable given the proximity to other larger centres. Building upon the success of the relatively new Newfoundland Distillery Company and the Town's desire to promote tourism, more tourism-related opportunities need to be addressed in the updated Plan and Development Regulations. In particular, allowing for home businesses related to the arts, crafts and artisan workshops would be appropriate.

There is no industrial development in the town and there was no interest expressed in creating opportunities for industrial development. The only area in the community which could



potentially be considered for such development would be at the height of land above Otterbury Road, but access would have to be from the quarry road located in North River. This land is zoned residential, but the issue of appropriate residential access is a challenge.

### **3.3 Environmental Protection**

The Town is located between two rivers with estuaries and faces the shoreline of Conception Bay. These are very significant natural systems that warrant protection. It is proposed that a minimum 15 m shoreline buffer be designated around all waterbodies and widened around areas of value as habitat or otherwise not suitable for development. Some of these areas could potentially be considered for additional recognition and protection under a Wetland Stewardship Agreement with the provincial government such as those in Shearstown, Bay Roberts and Spaniards Bay.

As noted in the ICSP, nature-based tourism and cultural/heritage-based tourism are key ingredients of experiential tourism. Clarke's Beach is an ideal staging area for this kind of tourist-related activities in the Conception Bay area. The Town's attractive setting with its beachfront, two salmon rivers, and excellent walking conditions can draw people to the area but these enticements are not well known. With better promotion; clear, modern eco-friendly branding and some infrastructure development such as more walking trails, public washrooms and an information centre, the Town should be able to significantly increase its tourist

### **3.4 Open Space, Parks and Trails**

The Town has only one area designated for park purposes. The Beach Park is well developed for multi-age use and it is very visible to all who drive by on Route 70. This park also has a restroom which allows recreationers that option of staying for longer periods of time.

The only other official park area is the picnic area and Oceanview garden next to the War Memorial; however, to access this from the community requires crossing the busy Route 70.

Within the community, there are no other areas identified for park development; however, the area around the Railway Station and the Town property across the road has potential to be a green oasis for use by tourists and residents alike. The station also has a restroom which is a necessary service to the travelling public. This area could become the staging area for other outdoor adventures in the vicinity of the community, or perhaps the Baccalieu Trail network.



It is proposed that the Open Space, Parks and Trails uses be permitted in all zones. However, for areas where these uses need to be protected, the zone can be used and then the Permitted and Discretionary uses must be compatible with the intent of the zone.

The discontinued railbed is still a continuous right-of-way through the Town owned by the provincial government. Sections of the railbed are used for walking or ATV trails and also for unsanctioned access to private homes, access to the RV Park (at Brook Avenue and Main Street), and domestic wood cutting activities. At several locations these activities create conflict with adjacent landowners. There have also been proposals to transform the railbed at several locations to be made into a Town road.

At this time, the Town is reluctant to acquire the railbed for any use due to the liability responsibilities. As well, with regard to acquiring the Crown land for the purpose of accessing private property, it would not be wise use of public tax dollars to purchase and develop a private road for the benefit of a private development.

### 3.5 Town Centre

About 10 years ago, the Town has acquired, and paid for, a new Town Hall that is prominently located next to the Conception Bay Highway and the mouth of North River. It is backed by an historic cemetery and the Town depot, and is across the road from the War Memorial. The building itself is well designed and large enough to provide more public services to Town



residents and visitors than it does currently. It has become more of a Community Centre as well as the administration centre for the Town. The ICSP suggested that additional services and facilities could be provided such as a small library, internet access, and exercise equipment. With some landscaping and benches, information panels, out-door art and picnic tables, the area around the Town Hall could become more like a Town Centre and gathering spot for both locals and tourists.



### 3.6 Protected Water Supply

The Town has a water system that takes advantage of a spring-fed pond up on the mountain behind the community. This area is called a Protected Surface Water area by the Water Resources Management Division and the current municipal plan designates the area as Conservation/Watershed.

Given the value of this water source to the town and potentially to adjacent towns, the area should be given a stronger designation.

### 3.7 RV Park

The Mountainview RV Park is located in the heart of the community. It is considered one of the oldest RV Parks on the Island of Newfoundland. It is about 3.8 hectares in size and there are

plans for expansion. It is conveniently located near the playground and within a short walking distance to the businesses in the town. The services offered include:

- 150 fully serviced sites with 30-amp hook-ups
- 20 pull-through sites
- Public washrooms with hot showers
- Laundromat
- Dumping station
- Fire pits
- Firewood for purchase
- Fresh water pond for swimming
- Community building for dances and parties
- Wireless Internet

Considering the size of the business and its impact on the community, it deserves a zone of its own in order to set out standards for future development and control of the interface of the RV Park with the surrounding residential community.

### **3.8 Rural**

The rural zone encompasses much of the steep undevelopable parts of the mountain behind the community and extends to the boundaries with Makinsons. There are very few activities occurring in this zone in terms of harvesting of natural resources. There are no commercial forestry operations or quarries or commercial agricultural operations. There are several designated Blueberry Management Areas under the Lands Act; however, there is no activity at this time.

Residents have trails for ATV and snowmobile use and some participate in domestic harvesting of firewood and berry picking activities.

### **3.9 Land Use Planning Objectives**

As required by the Urban and Rural Planning Act, the Clarke's Beach Municipal Plan will contain planning objectives that will help to guide management of growth and development within the community and within its planning area boundary over the next ten-year period.

The land use planning objectives are:

- *To establish effective land use policies, environmental management approaches and development standards to enable the Town to proactively encourage and manage sustainable land and building development;*



- *To pursue economically efficient and wise use of the developable land supply;*
- *To preserve the scenic rural character of the residential areas of the Town of Clarke's Beach;*
- *To provide appropriate protection to environmentally sensitive and natural areas, steep slope and flood risk locations, archaeological significant sites, valued local views, agricultural lands and other important local features;*
- *To promote infill land development in areas of existing municipal services;*
- *To enable new zone categories and housing design standards to encourage new housing as affordable to first-time home owners and young families;*
- *To respond to the emerging local housing needs for seniors;*
- *To present options for innovative housing forms for compact lots, garden suite development, panhandle lots and other efficient and affordable residential uses of land;*
- *To encourage expansion of employment generating r commercial business growth wherever feasible;*
- *To maximize public access, recreational and economic opportunities of the waterfront in Clarke's Beach;*
- *To devise pragmatic policy responses to each of the identified Provincial Agency referral comments; and,*
- *To achieve an enhanced sense of community for the residents of the Town of Clarke's Beach.*

## **4.0 THE ROLE OF THE MUNICIPALITY**

### **4.1 Town Operations and Finances**

The Town of Clarke's Beach operates under a seven-member Council. The next election will be in September 2021. There are no Committees of Council for issues such as recreation, heritage, economic development and marketing, or emergency preparedness. There are also no plans or strategies developed for these topics.

There is no formal Capital Works Plan, but the Town has set out priority areas for improvement based on the need for upgrading aging and potentially substandard infrastructure. Each year the Town prepares a submission to the provincial government for capital works funding and budgets to ensure financially responsible investment. For example, in 2019, this involved replacing a 2-inch line in Kavanagh Road.

The Town has a balanced budget operating budget. In 2019, it was \$1,081,533.63. The Town has an accumulated surplus of over \$4.5 million. This will be needed to continue to upgrade and maintain the services in the community over the long-term.

The Town has a full-time Town Clerk and 2 maintenance staff. The Town Clerk handles all administrative and financial responsibilities as well as the land use and development permits. The maintenance staff are responsible for operational maintenance.

### **4.2 Engineering Infrastructure and Services**

The water from the Clarke's Beach Pond supplies the town with high quality, spring-fed water. The town continues to upgrade the infrastructure to the homes in the town.

The Town provides sanitary sewer services but lacks any level of sewage treatment and dumps raw sewage directly into the waters of Bay de Grave.

The Town does not have a climate change program to reduce greenhouse gas emissions, energy consumption, potential impacts of climate change especially potential sea-level rise along the shoreline.



All the roads within the Planning area, except for the provincial highway (Route 70), are the responsibility of the Town. Many are narrow and there are many non-conforming setbacks from the road right-of-way due to the historical development of the town. However, the traffic is local residential traffic as there are no commercial or industrial developments in the urban built-up area of the town, so the narrow road create charm, rather than conflict.

Waste management is managed by the Eastern Waste Management Corporation and the Waste Recovery Facility is located on the former Harbour Grace incinerator site.

The Town of Clarke's Beach partners with Town of Spaniards Bay and North River for dog control.

The Town partners with the Towns of South River, Cupids, North River, and Makinsons as the Bay de Grave Fire Department (Bay De Grave Regional Municipal Corporation) for the operation of joint fire protection.

## APPENDIX: THE PLANNING PROCESS

### 1. Role and Purpose of Municipal Plan

The primary purpose of the Municipal Plan is to outline the land use intent and supportive land use policies for land located within the Town of Clarke's Beach Planning Area so as to encourage and provide for the effective management of land development within the community. The Plan represents opportunity to pursue new and resourceful approaches to managing future change in the community through considerations of sustainability, a comprehensive understanding of the land base and its potential, meaningful and achievable policy objectives.

The Municipal Plan will serve as the principal land use planning framework for Town Council to follow in managing the community's land base. The Municipal Plan is intended to provide for positive support and opportunity to local residents, businesses, community organizations, land developers and external agencies and departments, in protecting and preserving what is valued, and in identifying locations and the methodology for considering where, what density, and what specific types and uses of land and building development may occur.

### 2. Plan Content

#### Required Content

Section 13.0 of the *Urban and Rural Planning Act, 2000* identifies the required content of a Municipal Plan as follows:

- Statement of objectives of the Plan;
- Policies to be implemented under the Plan;
- Provision for a 10-year planning horizon;
- The division of land into varied land use classes and permitted uses within; and,
- How the Plan will be implemented.

#### Permissive Content

The Urban and Rural Planning Act also identifies the permissive content that may be considered for inclusion within the Municipal Plan; some of the provisions are briefly noted as follows:



- Describe and determine the physical, economic and social environment of the planning area;
- Provide for the protection, use and development of environmentally sensitive lands;
- Provide for the protection, use and development of natural resources;
- Establish areas for comprehensive development;
- Establish locations, provisions for and policies with respect to housing and facilities for senior citizens;
- Provide for and recommend the attraction, location, development and diversification of economic activity;
- Describe existing and proposed transportation networks and proposed networks of streets;
- Provide for the use and conservation of energy;
- Provide for the non-removal of trees and vegetation... and require that environmental studies be carried out prior to undertaking specified developments;
- Provide for storm water and erosion control;
- Provide for garden suites and back lot development;
- Propose the phasing in of a development; and,
- Make other proposals that in the opinion of Council are necessary.

### Intended Content

The intent of the Clarke's Beach Municipal Plan is to utilize the planning direction identified by the *Urban and Rural Planning Act, 2000* and to complement this content with additional policy statements that will help to further strengthen the long term environmental, economic and social sustainability of the community, and that are financially affordable to the Town.

### 3. Development Regulations

Once the Municipal Plan is prepared, Section 35 of the *Urban and Rural Planning Act, 2000* outlines the mandatory requirement for the preparation of Development Regulations. The issues to be addressed in the Development Regulations, that are the tool to implement the policy direction and objectives of the Municipal Plan, are set out below:

**35. (1)** A council or regional authority shall, to ensure that land is controlled and used only in accordance with the appropriate plan or scheme, make development regulations

(a) respecting land use zoning and shall require for that zoning, a map that divides the planning area into land use zones;

(b) indicating permitted, prohibited and discretionary uses of land in each land use zone;

- (c) respecting the requirements for residential lots and access to residential lots;
  - (d) respecting the development of and requirements for subdivisions;
  - (e) respecting development permits including
    - (i) different types of permits,
    - (ii) the application for and issuance of permits,
    - (iii) required fees, forms and information with respect to permits,
    - (iv) approval in principle of permits,
    - (v) processing, cancellation, suspension and refusal of permits,
    - (vi) conditions applicable to a permit or type of permit,
    - (vii) length of time for which permits are valid, and
    - (viii) the discretion and variance powers available to the council or regional authority with respect to the issuance of a permit;
  - (f) requiring that an applicant for a permit be provided with available information and requirements applicable to the application;
  - (g) requiring that a decision of a council or regional authority with respect to a permit be in writing and state reasons for a refusal of or conditions placed upon a permit;
  - (h) respecting reasonable minimum notice periods for the council or regional authority for decisions respecting discretionary land use, non-conforming land use and variances;
  - (i) respecting public notice for permit applications and requiring that the cost of that notice be borne by the applicant;
  - (j) respecting the non-conforming development and use of land;
  - (k) respecting financial guarantees of applicants with respect to a proposed development;
  - (l) respecting appeals of decisions to boards; and
  - (m) respecting the enforcement of permit requirements.
- (2) Regulations made under subsection (1) shall be administered and enforced by the appropriate council or regional authority and shall conform to the requirements of this Act.
- (3) Sections 14 to 24 apply, with the necessary changes, to regulations made under this section.
- (4) A permit issued under regulations made under subsection (1) only applies to the land for which the permit is given regardless of the transfer, sale or exchange of that land.
- (5) Notwithstanding subsection (3) and section 25, where there is a proposed change in a regulation made under this section that has not occurred as a result of a change in a plan, a council or regional authority responsible for the changed regulation shall only give notice of those proposed changes in a newspaper circulated in the area and shall receive representations with respect to those changes before forwarding the regulations to the minister for registration under section 24.



#### 4. Consultation and Comments

Town Council provides the primary influence to the character, content and policy direction of the Municipal Plan. The Municipal Plan also reflects the desires and needs of local residents, businesses, community groups and organizations, government agencies and departments, and is responsive to regional considerations. As part of the Plan preparation process, varied opportunities to engage and to receive comment from members of the local public and larger community have been, or are to be, pursued, as illustrated below:

- Initial meeting with members of Town Council;
- Initial public open house meeting;
- External agency review and input;
- Circulation of 'draft copy' of Municipal Plan for review and comments;
- Public consultation on the proposed planning documents and land use zoning maps;
- Revisions to draft Plan;
- Public Hearing
- Registration of Municipal Plan and Development Regulations and associated mapping.

As the Municipal Plan (2019-2029) is implemented, community and regional partnerships, and public involvement, is intended to be ongoing.

#### 5. Process for Adoption, Approval and Registration of the Plan

Following initial public consultation, submission of the proposed Plan to the Province for review and upon formal adoption of the Municipal Plan (2019-2029) through a resolution by Clarke's Beach Town Council under Section 16 (1) of the *Urban and Rural Planning Act, 2000* a notice of Public Hearing is to be advertised. At the Public Hearing, a Commissioner who is appointed by Town Council, shall hear and receive any representations and objections to the Municipal Plan, and submit a report with recommendations to Council for consideration.

Council may approve the Municipal Plan, or approve the Plan with the revisions that may be recommended by the Commissioner, or through other amendments as deemed necessary. The Plan is thereafter submitted to the Minister of Municipal Affairs for review to ensure conformance to all applicable provincial law and policy, prior to registration of the Municipal Plan within the provincial planning registry.

The Municipal Plan becomes effective on the published date of notice of registration of the Plan within the Newfoundland Gazette. The Town Council shall also proceed to have published a notice of registration within the local Advertiser newspaper.

## 6. Administration, Legal Effect and Authority of Municipal Plan

The Municipal Plan is a land use policy document of Council that shall be administered by the designated staff members of the Town of Clarke's Beach such as the Town Administrator, Town Clerk, Lands Officer and as under the direction of Town Council.

Upon provincial registration of a Municipal Plan by the Minister of Municipal Affairs and Environment, the Plan is deemed to be a legal and binding document on Council's land use planning decisions and consideration of development application proposals, and binding on all other persons, property owners, businesses, corporations and organizations.

### No Compensation

Section 5 of the Act additionally identifies in part that:

*"A person is not entitled to compensation for a reduction in the value of that person's interest in land nor for a loss or damage to that person's interest in land resulting from application of this Plan."*

In other words, the greater public good of the planning direction and land use designations adopted by Council through the Municipal Plan supersedes the Plan's potential effect on individual property.

## 7. Relationship to Other Plans and Legislation

The policy statements of the Municipal Plan do not exist in isolation to other planning initiatives of the Town. Under Section 29 of the Urban and Rural Planning Act, Town Council may prepare and adopt more detailed development or local improvement schemes, or land and/or building acquisition proposals, for the purpose of pursuing specific strategies identified within the Plan. Other land use planning documents and regional/provincial influences also impact local growth and development.

### Development Regulations

The Municipal Plan has been updated in concert with the companion Development Regulations, the land use regulatory document that specifies the more detailed permitted, accessory, prohibited and discretionary uses of land, conditions of use, land development standards, and other requirements that are applicable to property located within the Town's Planning Area. The content of the Development Regulations is varied, and includes land use zone categories for all properties located within the Planning Area, subdivision requirements, advertising and signage regulations, the minimum and/or maximum land use density of specific locations within the



community, and general development design guidelines that may apply to new and expanded land and building developments and related activities within the community.

### **Regional and Provincial Influences**

The updated Municipal Plan is also intended to work generally in concert with the applicable interests of the provincial and federal governments, federal and provincial legislation, regulations and policies continue to apply within the Town planning area.

### **Municipal and Provincial Affairs**

Successful ongoing implementation of the Municipal Plan will further entail coordination with the Local Governance and Planning Section of the Department of Municipal Affairs and Environment.





**APPENDIX B: FUTURE LAND USE MAPS**

