

# **TOWN of CLARKE'S BEACH MUNICIPAL PLAN**

Gazetted: December 17, 1993  
Consolidated Amendments as of September 9, 2014

Prepared for the Town of Clarke's Beach  
by the Urban and Rural Planning Division  
Department of Municipal and Provincial Affairs

## Contents

1.0 INTRODUCTION .....	7
1.1 FOREWORD .....	7
1.1.1 PLANNING IN NEWFOUNDLAND AND LABRADOR.....	7
1.2 SUMMARY AND CONCLUSIONS OF BACKGROUND STUDIES.....	10
2.0 MUNICIPAL PLAN .....	12
2.1 THE FUTURE COMMUNITY .....	13
2.2 PLANNING GOALS.....	13
2.3 POLICY STATEMENTS .....	14
2.3.1 GENERAL DEVELOPMENT .....	14
2.3.2 RESIDENTIAL.....	16
2.3.3 COMMERCIAL .....	19
2.3.4 MIXED DEVELOPMENT.....	20
2.3.5 RURAL.....	21
2.3.6 OPEN SPACE RECREATION .....	23
2.3.7 CONSERVATION - WATER SUPPLY AREA .....	24
3.0 IMPLEMENTATION.....	25
3.1 ADMINISTRATION AND DEVELOPMENT REGULATIONS .....	26
3.2 DEVELOPMENT CONTROL .....	27
3.3 CAPITAL WORKS PROGRAM.....	28
3.4 AMENDMENT AND REVIEW OF PLAN.....	29



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**NOTICE of ADOPTION**

*Resolved, pursuant to section 15 of the Urban and Rural Planning Act, that the Council of the Town of Clarke's Beach adopt the Municipal Plan which is attached hereto and is impressed with the Seal of the Council, signed by the Mayor, and certified by the Clerk.*

*Resolved further, pursuant to section 17 of the Urban and Rural Planning Act, that the Council apply to the Minister of Municipal and Provincial Affairs for the setting of the time and place of a Public Hearing to consider objections or representations to the Municipal Plan.*

Proposed by: Walter Snow

Seconded by: RANDY DAWF

**SEAL and SIGNATURE**

*Signed and sealed pursuant to section 15 of the Urban and Rural Planning Act this*  
*13 day of Sept , 1993.*

  
\_\_\_\_\_  
Mayor

SEAL

**CLERK'S CERTIFICATE**

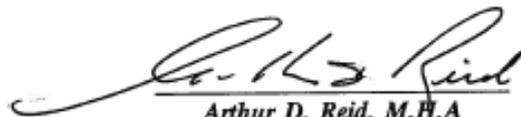
*Certified that the attached Municipal Plan is a correct copy of the Municipal Plan*  
*adopted by the Town of Clarke's Beach on the 13 day of September , 1993.*

  
\_\_\_\_\_  
Clerk

**NOTICE of APPROVAL**

I, Arthur D. Reid, Minister of Municipal and Provincial Affairs, under and by virtue of the power conferred by the Urban and Rural Planning Act, RSN 1990 Chapter U-7 hereby approve the Clarke's Beach Municipal Plan, adopted by the Town Council of Clarke's Beach on the 13<sup>th</sup> day of September, 1993.

Dated at St. John's this 8<sup>th</sup> day of December, 1993.



Arthur D. Reid, M.P.A.  
Carbonear District  
Minister of Municipal and Provincial Affairs

## **1.0 INTRODUCTION**

### **1.1 FOREWORD**

The Clarke's Beach Municipal Plan is comprised of a series of policy statements about future land use in the community based on information compiled in the Background Report. The Plan outlines the goals, objectives and policies of Council regarding the development of the Municipal Planning Area over the next ten years. The policies are statements by the Town regarding how it intends to guide and regulate development. Future Land Use Maps at the back of the report show the locations of the various categories of land use. Any development to take place within the planning area from the date upon which this Plan has been approved by the Minister of Municipal and Provincial Affairs must comply with applicable policies of the Plan.

The following brief summary of Municipal Planning Legislation and procedures is intended to assist Council in understanding and using its Plan. Details are contained in the *Urban and Rural Planning Act*.

#### **1.1.1 PLANNING IN NEWFOUNDLAND AND LABRADOR**

##### *The Municipal Plan*

This Municipal Plan has been prepared in accordance with the requirements of Section 14 of *the Urban and Rural Planning Act*, following surveys and studies of land use, population growth, the local economy, present and future transportation needs, public services, social services, and other relevant factors. These studies and surveys are included in The Background Report.

The Plan describes the goals, objectives and policies of Council regarding the development of the Municipal Planning Area for the next ten years. The Municipal Plan is a formal statement of policy on land use, a device to facilitate communication between Council and community members, and a framework for decision-making. The Clarke's Beach Municipal Plan consists of two parts: the written texts in which the goals, objectives and policies are set out and the Future Land Use Maps which illustrate the allocation of land into various land use categories.

### *Ministerial Approval*

When the Municipal Plan is formally adopted by resolution of Council under Section 15(1) of the Act, two copies must be impressed with the seal of the Council and signed by the mayor. Council must then give notice of a public hearing on the Municipal Plan, and its intention to seek the approval of the Minister of Municipal and Provincial Affairs by publishing a notice to that effect in the Newfoundland Gazette, and in the newspaper circulating in the community. At the Public Hearing the Commissioner appointed by the Minister will hear objections and representations, and subsequently forward to the Minister a written report together with copies of all evidence taken at the Hearing.

After the Public Hearing is concluded and the Commissioner's report has been submitted, the Council must apply to the Minister for approval of the Municipal Plan. The Minister requires two copies of the Municipal Plan certified correct by the Clerk of the Council, a copy of the adopting resolution and of all written objections and representations considered at the Hearing.

On receipt of this material, the Minister may approve the Municipal Plan, with or without modification, or may disapprove it and order that a new Municipal Plan be prepared. Upon approval, the Minister will endorse a copy of the Plan and return it to Council. Within ten days of receipt of the final approval by the Minister, the Council must publish a notice of approval in the Newfoundland Gazette and in a local newspaper.

### *The Effect and Variation of the Municipal Plan*

When the Municipal Plan comes into effect it is binding upon Council and upon all other persons, corporations and organizations. The Plan must be reviewed by Council at the end of every five years from the date on which it comes into effect and, if necessary, revised to take account of developments which can be foreseen during the next ten-year period.

The Municipal Plan may at any time be amended in whole or in part for just cause by repeating the process with which it was adopted and approved.

### *Municipal Plan Administration*

When a Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land in strict conformity with the Municipal Plan, in the form of *Land Use Zoning, Subdivision and Advertisement Regulations*, otherwise known as Development Regulations. The Regulations are prepared at the same time the Municipal Plan is drafted, and are based on Standard Provincial Regulations prepared by the Provincial Planning Office.

The day to day administration of the Municipal Plan, and subsequent Development Regulations, is implemented by staff authorized by Council. Council staff have the duty of issuing all necessary permits approved by Council and making recommendations to the Council in accordance with the Municipal Plan policies and implementing regulations regarding all development in the municipal Planning Area.

### *Development Schemes*

At any time after the adoption of the Municipal Plan, the Council can prepare and adopt Development Schemes under Sections 30, 31, and 32 of *the Urban and Rural Planning Act* for the purpose of carrying out specific proposals described in the Municipal Plan.

A Development Scheme may enable the municipality to acquire, assemble, consolidate, subdivide and sell or lease land and/or buildings which are necessary to carry out provisions of the Municipal Plan.

Council may reserve land for future acquisition as the site of any public roadway, service or building, or for a school, park or other open space, and may make such agreements with owners of the land as will permit its acquisition and use for those purposes. Council may also specify the manner in which any particular area of land is to be used, subdivided or developed, and may regulate the construction of buildings which would interfere with any development project.

Development Schemes are prepared and approved in exactly the same way as the Municipal Plan and when approved, form part of that Plan.

## **1.2 SUMMARY AND CONCLUSIONS OF BACKGROUND STUDIES**

In 1991 the population of Clarke's Beach was 1192. The overall average population increased substantially over the ten year time period from 1981 to 1991, especially during the five-year period from 1981 to 1986. However, the population fluctuations make it difficult to forecast future trends with any degree of certainty. The small increase from 1986 to 1991 indicates that the population has stabilized at approximately 1190 persons. The most recent slow rate of growth can be accounted for by a declining birthrate and fewer people moving into Clarke's Beach due to lack of employment opportunities.

The growth rate in Clarke's Beach is not expected to experience any major population shift and should remain around 1200 (or less) during the next decade, especially if economic conditions remain the same.

In 1991 there were 368 occupied private dwellings in Clarke's Beach, representing an increase of 73 since 1976. According to the results of housing projections, the maximum number of private dwellings in Clarke's Beach will increase to 494 by the year 2011, which would be an increase of 126 dwellings. The minimum number of households is expected to be 371, which would require an increase of only five additional dwellings over the next twenty years. The actual future dwelling numbers will probably fall somewhere in between the projections; a large increase in the number of dwellings is unlikely considering that the most recent dwelling counts and population figures have stabilized. However, in accordance with national trends, with a decrease in family size and a small projected increase in population, sufficient housing possibilities need to be identified in the Municipal Plan.

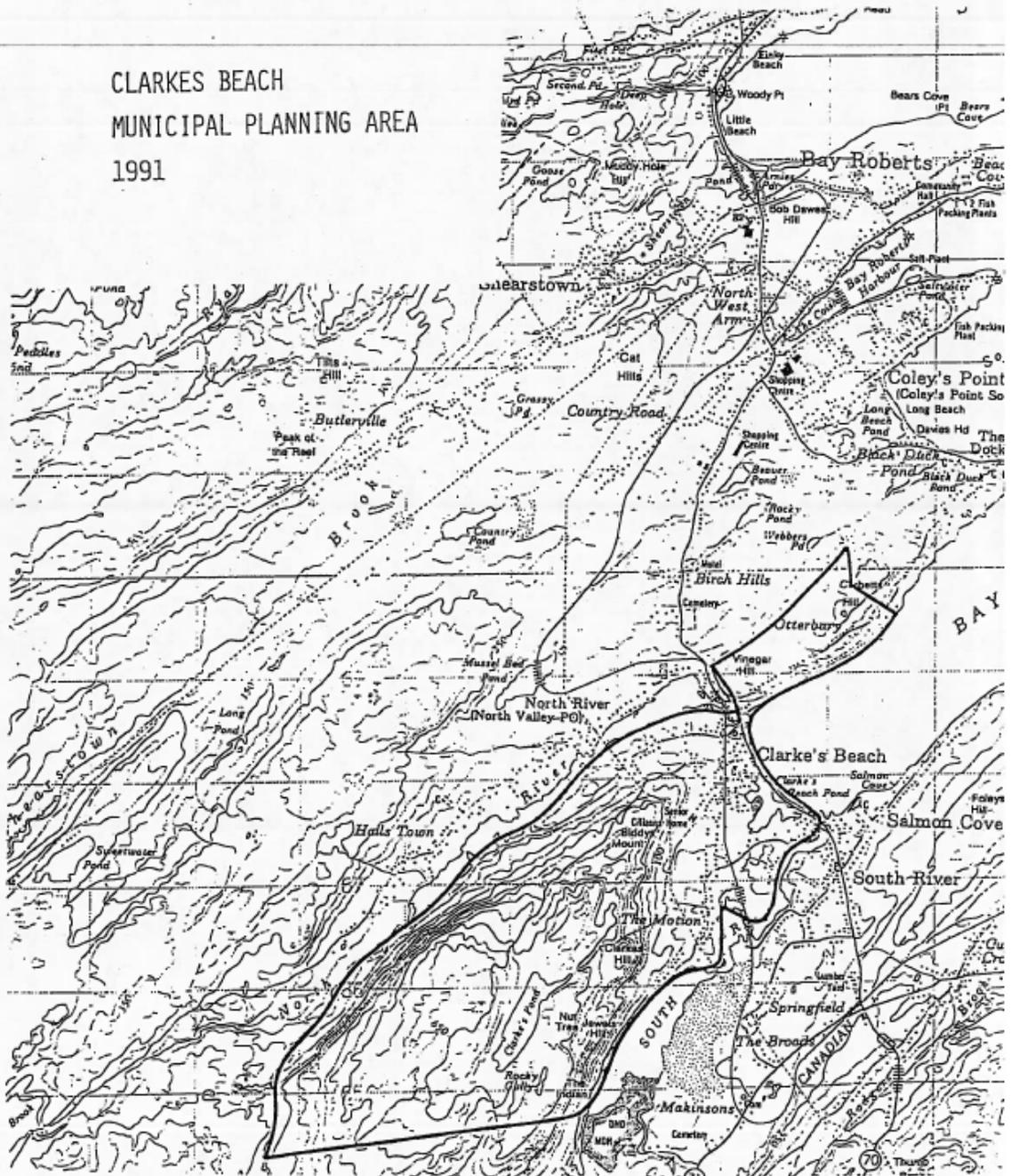
Opportunities for economic growth need to be increased because, as the statistics indicate, there has been a lack of growth in the Clarke's Beach economy in recent years. Commercial activity should be encouraged in designated commercial zones.

Other suggested future development that would enhance the community's economy include tourist related development like the new trailer park in Clarke's Beach. Another viable option for the future development of the community would be to increase and enhance the retirement housing options in the community.

The future of Clarke's Beach will be influenced by the proposed Conception Bay North Bypass Road. Accessibility to the town will be increased, and for the residents of Clarke's Beach the road will make it easier to get to St. John's and to Bay Roberts and Harbour Grace. Though job opportunities in Clarke's Beach will not likely be affected by the new road, jobs in St. John's and in the Harbour Grace area may become more viable for the citizens of Clarke's Beach because of the decrease in commuting time due to the improved access created by the Conception Bay North Highway.

The Municipal Planning Area of Clarke's Beach is shown on the Map on the following page.

CLARKES BEACH  
MUNICIPAL PLANNING AREA  
1991



## **2.0 MUNICIPAL PLAN**

### **2.1 THE FUTURE COMMUNITY**

The purpose of the Municipal Plan is to provide a guide for growth in the municipality and to control the type and form of development over a ten year period. The Plan, which establishes a systematic pattern for future growth and development to enhance the social, physical and economic well-being of residents, achieves this by dividing the Planning Area into groups of complementary land uses or zone designations.

The Municipal Plan attempts to guide development within land use designations by separating activities that have conflicting requirements and functions. For example, commercial areas are located where they may benefit from transportation connections and conservation areas are located where the pattern of uses has been derived to preserve natural features. It is not the intent of this Plan to segregate land uses for the sake of segregation but for the purpose of preventing conflicts between groups of activities and reserving land for its potential best use.

Development is ultimately controlled for the good of the entire community and for future generations.

### **2.2 PLANNING GOALS**

The following goals set out in broad terms the general intent of the Clarke's Beach Municipal Plan. They represent a framework for the long and short term development of the Municipal Planning Area, upon which the Plan's policies will be based. They are:

- Locate and designate areas for new development or redevelopment so that there is sufficient land to meet the particular needs of each kind of land use over the next decade.
- Establish areas for different land uses and associated municipal policies so that the environment of each use is maintained or enhanced and the long run potential of land for economical development is assured.
- Protect the amenity and integrity of residential areas by minimizing any potential conflict of non-residential land uses in residential neighbourhoods.
- Ensure that residents of Clarke's Beach have the opportunity to enjoy a full range of recreational areas through the designation of open space recreational land;

- Protect the town's capital works investment and promote full utilization of existing facilities. Provide the municipal services such as piped water and sewerage, road pavement and upgrading, and street lighting, and recreational facilities within the financial capabilities of the community.
- Provide for development and growth which are not detrimental to the Town's environment. Preserve, protect and enhance the natural environment for its aesthetic, recreational, and resource values.
- Promote an orderly and efficient development form by designating areas for new development or redevelopment and to encourage a compact pattern of development by limiting additional sprawl and promoting infill development. Development of a compact community will be encouraged in order to keep down the cost of running the community, especially those services where cost is related to road mileage, such as garbage collection and road maintenance.
- Establish the basis for preparation and adoption of zoning and subdivision regulations to guide the location and kind of development and standards which must be met.

## **2.3 POLICY STATEMENTS**

The following policies express a course of action or intention adopted by Council, for the entire time frame of this Municipal Plan. All development within the Clarke's Beach Planning Area shall be managed in accordance with the following general land use policies and designations. The Future Land Use Maps in the Appendix establish the pattern of development in conjunction with the land use policies.

### **2.3.1 GENERAL DEVELOPMENT**

#### ***Background***

The following policies are general in scope and can be applied to all development within the Planning Area. In specific circumstances they may apply to different sections of the municipality.

*Objective:* To provide a framework for development throughout the Municipal Planning Area.

*Policy Statements*

- 1) To provide sufficient areas for development and redevelopment that meet the future needs of the community, the following land use areas are established in the Plan and designated on the Future Land Use Maps in the Appendix.

Mixed Development  
Residential  
Commercial  
Open Space Recreation  
Rural  
Conservation - Water Supply Area

- 2) No development shall be carried out within the Planning Area, except in accordance with this Plan and the accompanying zoning and subdivision regulations, unless a permit for the development has been issued by the Council.
- 3) All development must have proper road access, and building setbacks from public roads shall be provided in accordance with the zoning and subdivision regulations.
- 4) The boundaries between types of land use portrayed on the Future Land Use maps are general only and, except in the case of roads or other physical barriers, are not intended to define exact limits. Therefore, minor adjustments may be made to these boundaries for the purpose of implementing the Plan.
- 5) Nothing in the Plan shall affect the continuation of a use which was legally established on the day that this Plan was approved by the Minister of municipal and Provincial Affairs. Where a building or use exists which does not comply with the intent of the Plan and the designated use, then it shall not be substantially expanded. Minor extensions may be approved provided there will be no adverse effects on surrounding properties or the environment.
- 6) Compact development shall be encouraged in order to minimize the cost of providing municipal services.

- 7) There are areas of land within the planning area which are considered environmentally and hydrologically sensitive areas. In these areas, protective rather than development measures must take priority. These areas can be grouped into natural drainage routes, flood plains, areas of steep terrain and unstable slopes, wetland, shoreline frontage and coastal areas. These areas need to be protected and reserved in the interest of public safety and well being.

### **2.3.2 RESIDENTIAL**

#### ***Background***

Housing is the major land use in Clarke's Beach and will remain so during the plan period. The need for new building sites during the time period covered by the plan will be primarily for housing at an estimated maximum of 5 dwellings per year over the next twenty years.

The housing in Clarke's Beach is scattered over a large area, with most of the denser housing located on or adjacent to the Conception Bay North Highway. Some non-residential uses are scattered amongst the homes along this highway, and the establishment of a commercial area along this section of the Conception Bay North Highway is discussed in the following sections. Limited infill opportunities with road frontage exist in the older part of town. However, in some of the more newly developed areas of town the projected demand for housing can be met by infilling in areas where topography and surface constraints are minimal. Water and sewer services are being installed, and to promote financial savings in the development of services Council has emphasized the need for more compact future development.

The following objectives and policies are designed to ensure that adequate serviceable land is reserved to meet future housing needs.

A. *Objective*: To provide sufficient housing sites to meet community needs.

1) *Policy*: Map 3 designates land for residential uses during the plan period.

B. *Objective*: To provide for the health and safety of residents and visitors.

(1) *Policy*: An adequate level of all community services and facilities is to be provided at each stage of community development, including police and fire protection, public health facilities, a water supply and distribution facility, sanitary sewerage, roads and pedestrian ways, schools, parks and refuse disposal.

(2) *Policy*: The predominant housing type will continue to be single detached dwellings. Council may consider other types of permanent housing, on a scale and at a concentration which preserves the low density character of existing neighborhoods and promotes a similar character in newly developing areas.

C. *Objective*: A good residential environment for established housing areas and new residential locations.

(1) *Policy*: Residential areas shown on the Future Land Use Map shall be comprised of predominantly single, detached dwellings. Council may consider other types of housing on a scale and at a concentration which preserves the low density character of the residential areas, except that in all unserviced residential infill areas, housing shall be limited to single detached dwellings.

(2) *Policy*: ~~Council may permit non-residential land uses in Residential areas as long as the uses are compatible with and complementary to the area concerned and the low-density residential character of the surrounding area is preserved. Examples of potentially compatible and complementary uses in residential areas are schools, churches, child care uses; certain home occupations such as medical and professional uses, personal services, and convenience stores; open space; limited agriculture; cemeteries; **campgrounds for recreational vehicles, camper trailers and tents**; and public utilities.~~

[MPA-2002-1](#) and [NL Gazette](#)

**Council may permit certain non-residential uses in Residential areas as long as the uses are generally compatible with and complementary to the area concerned and the low-density character of the surrounding area is preserved.**

[MPA-2014-2](#) and [NL Gazette](#)

(3) *Policy:* Higher density residential uses may be permitted by Council in residential areas. Multiple-unit, higher density row dwellings, apartment buildings, boarding and lodging houses and senior citizen housing of various types may be developed in the residential areas on sites with suitable physical, servicing and location characteristics. Sites for multiple dwelling-unit buildings shall have adequate parking, full municipal services, and be located so that traffic does not overwhelm residential streets. Council will not permit the development of multiple dwelling clusters into "apartment neighborhoods" or "row housing areas," because such clusters would be contrary to the present character of residential areas.

(4) *Policy:* Council shall establish development standards and conditions for nonresidential development proposals in residential areas which will aim to maintain the essentially residential character of each area. These standards and conditions will also attempt to mitigate or minimize any negative impact on adjacent dwellings expected from a non-residential use.

In particular, Council shall establish guidelines and standards to limit the nature and scale of home occupation uses, to prevent clusters of such uses from developing, and to ensure that they are carried out in an enclosed space with no outside storage and without undue negative impact on adjacent uses.

(5) *Policy:* Development shall be sited and carried out in a manner that provides for proper site drainage, avoids erosion at levels below the site, and does not contribute to pollution of existing, low lying wet areas and bogs. All new dwellings and other development in residential areas shall front on publicly-maintained streets which meet appropriate standards to be established by Council.

D. *Objective:* A compact form of development to minimize cost of community services.

(1) *Policy:* For serviced development, infilling will be promoted in areas where Council provides water and/or sewer.

(2) *Policy*: For unserviced development in the Residential designation, lot sizes shall be scaled to meet provincial requirements for interim, on-site water supply and/or onsite sewage disposal. Where town water and sewer lines are available within 150 metres of a backland site, dwellings there shall be connected to the service lines and lot size shall be reduced according to the specifications of urban lot size.

(3) *Policy*: In the case of a residential subdivision, where the land is suitable for a comprehensively planned subdivision near existing services, no residential area shall be developed in whole or in part until a plan of subdivision has been prepared that complies with the Plan and implementing Regulations and unless required public services, such as water and sewer, roads and telephone and electric utilities, are predetermined and provided at the expense of the developer.

### **2.3.3 COMMERCIAL**

#### ***Background***

The Conception Bay North Highway area already contains most of the commercial establishments located in Clarke's Beach, and would seem to be the logical place for future commercial development because it would provide the necessary road access and central location required by most establishments. Sites for a modest expansion of convenience shopping and personal service uses could be required during the plan period.

A. *Objective*: Provide for an adequate number of convenient sites for locally oriented commercial, service and office activities.

(1) *Policy*: Lands designated as Commercial shall be reserved primarily for business, professional and personal service uses, retail shops, catering and commercial residential. Service stations, garages and other light industrial uses may be permitted at the discretion of Council.

(2) *Policy*: All new commercial facilities shall provide adequate off-street parking and loading space in accordance with the standards established by Council.

(3) *Policy*: Wherever possible Council shall require vehicle accesses onto the highway to be shared by more than one commercial use.

B. *Objective*: To preserve the amenity of residential uses which are affected by commercial or other non-residential uses.

(1) *Policy*: Where commercial operations abut a dwelling, Council may require a buffer, in the form of tree planting or fencing, to protect the amenity of the residential use.

#### **2.3.4 MIXED DEVELOPMENT**

##### ***Background***

In order to optimize utilization of the community land base and to maintain a viable combination of compatible land uses, areas of existing mixed land uses may permit some types of commercial or public uses in conjunction with the established focus of residential use.

A. *Objective*: To provide for the continuation of the traditional mix of residential, commercial, and public buildings in the central part of town.

(1) *Policy*: Residential uses shall be the predominant use. Commercial, public and recreational uses may be accommodated where not in conflict with the residential use.

(2) *Policy*: Uses which may be permitted in the mixed development designation include: assembly uses such as halls, schools and restaurants; residential uses; small to medium scale retail and service facilities; and service stations, workshops and other similar light industrial uses. Compatible or complimentary uses may be permitted at Council's discretion.

B. *Objective*: To preserve the amenity of residential uses.

(1) *Policy*: Adverse effects of any proposed development on the adjacent existing residential uses shall be prevented or minimized through proper site planning and buffering.

(2) *Policy*: All development shall have adequate frontage on a publicly maintained road, incorporate necessary off-street parking and loading facilities, and be serviced with municipal water where available.

(3) *Policy*: Access points to the public street shall be limited in number and properly designed, in order to keep the street safe and efficient for both vehicles and pedestrians.

(4) *Policy*: The non-residential development shall not give rise to excessive noise or other forms of pollution, and will not cause unacceptable nuisance or hazard to adjacent residential uses.

### **2.3.5 RURAL**

#### ***Background***

Natural resources such as forest, blueberry areas and undeveloped land have a significant economic and recreational value and are important community resources. It is important to protect a community's hinterland and to reserve adequate lands for future expansion. It is also important to make optimum use of natural resources such as blueberry harvesting while, at the same time, attempting to preserve, protect and enhance the natural environment.

A. *Objective*: To protect natural resources from development that may adversely affect their future utilization or enjoyment and to ensure the optimum utilization of these natural resources.

(1) *Policy:* The uses permitted in rural areas include agriculture, forestry, fishing, recreational open space, conservation and cemeteries. Accessory or complimentary uses may be permitted at Council's discretion.

(2) *Policy:* The location and operation of permitted Rural uses shall be subject to standards to be determined by appropriate government agencies.

(3) *Policy:* Council may issue permits for summer cottages, provided such uses are extensively removed from the centre of town to prevent the likely provision of services and year-round occupancy and the density of development is controlled so as to prevent environmental damage and the need to provide municipal services.

(4) *Policy:* Agriculture and forestry management and harvesting shall conform to the regulations and guidelines of the Department of Forestry and Agriculture and any regulations and conditions prescribed by Council.

**B: *Objective:*** To protect and enhance the environment of the community's hinterland

(1) *Policy:* Development in proximity to any watercourse or waterbody shall be subject to the requirements of the Department of Environment and Lands.

(2) *Policy:* Plans for any activities that have the potential to affect fish habitat will be forwarded to Fisheries and Oceans Canada for review.

(3) *Policy:* The Authority may attach conditions to development approval for any permitted Rural use, where appropriate.

(4) *Policy:* All land within the Municipal Planning Area not designated for urban and associated uses shall remain undeveloped unless the land uses are of a rural nature.

(5) *Policy*: In order to avoid any possible land use conflict, a 1.6 km. buffer zone around the existing waste disposal site shall be established, and incompatible development shall not be permitted in this buffer zone.

### **2.3.6 OPEN SPACE RECREATION**

#### ***Background***

Lands designated as Open Space Recreation are intended to ensure the provision of adequate space for active recreation. There is only one area of Open Space land set aside in Clarke's Beach for the purpose of enhancing the active and passive recreation potential of the town.

Because of the aging population, emphasis should be placed on developing recreational facilities for senior citizens.

A. *Objective*: To designate land for the existing and future outdoor recreational needs of the community.

(1) *Policy*: Permitted uses in Open Space Recreation shall include indoor and outdoor recreation, outdoor assembly and conservation. Compatible or complementary uses may be permitted at Council's discretion.

(2) *Policy*: Recreational areas shall be reserved for active recreational use, generally sports and physical activity, and may accommodate buildings designed for such activities.

B. *Objective*: To provide for the present and future recreation needs of the community

(1) *Policy*: Parks and children's playgrounds, to serve nearby residents, should be developed in residential areas.

(2) *Policy*: Additional recreational facilities will be provided in areas where they are needed and when the Town's financial resources permit, with an emphasis on accessibility to the older age groups.

C. *Objective*: To upgrade and maintain community recreational facilities.

(1) *Policy*: The development and operation of recreation facilities shall not impose adverse effects on adjacent residential and other uses in terms of noise, traffic, and hours of operation.

(2) *Policy*: Existing recreational facilities shall be properly equipped and maintained.

### **2.3.7 CONSERVATION - WATER SUPPLY AREA**

#### ***Background***

The community of Clarke's Beach favours the preservation and protection of areas of scenic attraction and areas of natural beauty for the benefit of the community. The Conservation Designation is also used to protect the Designated Water Supply Area of Clarke's Pond.

A. *Objective*: To protect and conserve areas in their natural state.

(1) *Policy*: No development shall be permitted in the conservation areas, except that which may be necessary for flood control and passive recreation, like hiking trails and picnic areas.

(2) *Policy*: Conservation areas shall be retained in their natural state, except where planting of trees, control of erosion and similar preservation measures are required, and shall be protected from pollution or abusive activities.

B. *Objective*: To protect the watershed from development that would negatively affect water quality.

(1) *Policy*: Development within watersheds shall not be permitted without the prior approval of Council and only in accordance with the Department of Environment and Lands Protected Watershed Regulations.

(2) *Policy*: Land use activities within the watershed area should be carried out in a responsible manner and not cause any impairment to the environment, water resources, wildlife and fish habitat. The Department of Environment and Lands development plan guidelines for forestry operations, agricultural activities, quarry operations and mineral exploration in protected water supply areas must be consulted.

(3) *Policy*: Because water course alterations and stream crossings change the natural features of channels and result in water quality impairment, water course alterations and stream crossings should be minimized. Any development dealing with these two issues must be referred to the Water Resources Division of The Department of Environment and Lands for review and approval. All water course alterations and stream crossings have to be approved pursuant to the *Department of Environment and Lands Act*. Also, a buffer strip of undisturbed vegetation shall be retained along the shorelines of all water bodies. All watercourse alterations and stream crossings have to be approved pursuant to the *Department of Environment and Lands Act*.

### **3.0 IMPLEMENTATION**

The Clarke's Beach Municipal Plan provides the basis from which all development within the Planning Area will be controlled and monitored. The Municipal Plan must be implemented by means of the regulatory powers conferred upon Council by section 36 of the *Urban and Rural Planning Act* and other such statutes, enabling legislation and programs as are applicable. Council will implement the Municipal Plan by establishing and adopting a set of *Land Use Zoning, Subdivision and Advertisement Regulations*. The Plan must serve as a continuing reference and guide to Council and its officials in order to achieve the goals, objectives, policies and programs which it contains.

The preparation, adoption and approval of this Municipal Plan represents only a part of the planning process. The Plan is not an end in itself and does not have any purpose without being implemented. Furthermore, the Plan cannot implement itself and can be functional and effective only through Council's actions and efforts to carry it out.

In order to implement this Plan, Council must take the necessary action, as required by the Urban and Rural Planning Act and outlined below:

- i) Prepare, adopt and request the Minister of Municipal and Provincial Affairs to approve Development Regulations.
- ii) Control future development by enforcing the Development Regulations and the policies of this Plan.
- iii) Undertake a municipal program of water and sewer servicing geared to the availability of community resources and financial assistance from the higher levels of government.
- iv) Prepare and adopt development schemes for any area when and if the need for their development arises.
- v) Make necessary amendments on the Plan when conditions of the community change, and undertake a review of the Plan every five years.

### **3.1 ADMINISTRATION AND DEVELOPMENT REGULATIONS**

For the purpose of administering the Plan, Council will proceed to establish and adopt Land Use Zoning, Subdivision and Advertisement (Development) Regulations pursuant to Section 36 of the Urban and Rural Planning Act. The Development Regulations will be drawn up in strict conformity with the objectives and policies of the Plan, and will contain general land use regulations designed to control the use of all land within the Planning Area. These regulations also constitute the legal device for implementing the Plan.

*Land Use Zoning, Advertisement and Subdivision Regulations* to be administered and enforced by Council shall include:

- i) The powers of Council, including rules and administrative procedures governing Council's consideration of, and decision on, planning applications.
- ii) Rules and administrative procedures for appeal boards.
- iii) General development standards for all zones.
- iv) Regulations governing advertisements.

- v) Regulations governing the subdivision of land, covering but not limited to, subjects such as services to be provided, building lines, public open space, and design standards.
- vi) Definitions of key words and phrases to be used in the interpretation of the Regulations.
- vii) Classification of land and building uses to be used, in a Use Zone Table.
- viii) Tables tailored specifically for each use zone, listing the permitted and discretionary uses and the standards and conditions for development in each specific zone.
- ix) Use Zone Maps dividing the Planning Area into zones corresponding with the use zone tables.

Zoning is essentially a means of ensuring that the future land uses and development are in conformity with the Municipal Plan, that they are properly situated in the community, and that they do not conflict with or adversely affect neighbouring uses. It attempts to provide adequate space for each type of development. It directs new growth into appropriate areas and protects existing property by requiring that development afford adequate light, air and privacy for persons living and working within the community. Zoning also allows for the control of development density in each area so that property can be effectively serviced by such public facilities as roads, schools, utilities, municipal and recreational facilities.

Subdivision regulations, on the other hand, govern the development of areas larger than individual building lots for residential or other purposes. They prescribe standards for street improvements, lot sizes and lot layouts, procedures for dedicating land for public purposes, and other necessary requirements. Existing development which does not conform to the land use designations in this Plan may continue in this non-conforming use subject to limitations on enlargement. A non-conforming use may be changed to another use only if the new use is deemed more compatible with surrounding properties and the Plan policies.

### **3.2 DEVELOPMENT CONTROL**

All persons, groups, or organizations wishing to develop land for any purpose shall apply to Council for permission on the prescribed form. Council shall examine the application on the basis of the Regulations, which reflect the policies and proposals of the Municipal Plan, and may approve the application, approve it with conditions, or refuse it. Any applicant who is dissatisfied with the decision of Council may appeal to the appropriate appeal board.

All applications to Council must include a sketch plan of the proposed development, indicating as accurately as possible the location of the development, the proposed use of the lands and the location of existing and proposed buildings or structures. Applications for development in areas under the control of other government departments as well as Council, shall be referred to the concerned agency for review.

### **3.3 CAPITAL WORKS PROGRAM**

In compliance with the *Municipal Grants Act*, and in order to ensure that adequate funds are available at the appropriate time to implement each feature of the Municipal Plan, Council shall prepare and submit annually to the Department of Municipal and Provincial Affairs a five-year forecast of anticipated capital expenditure requirements.

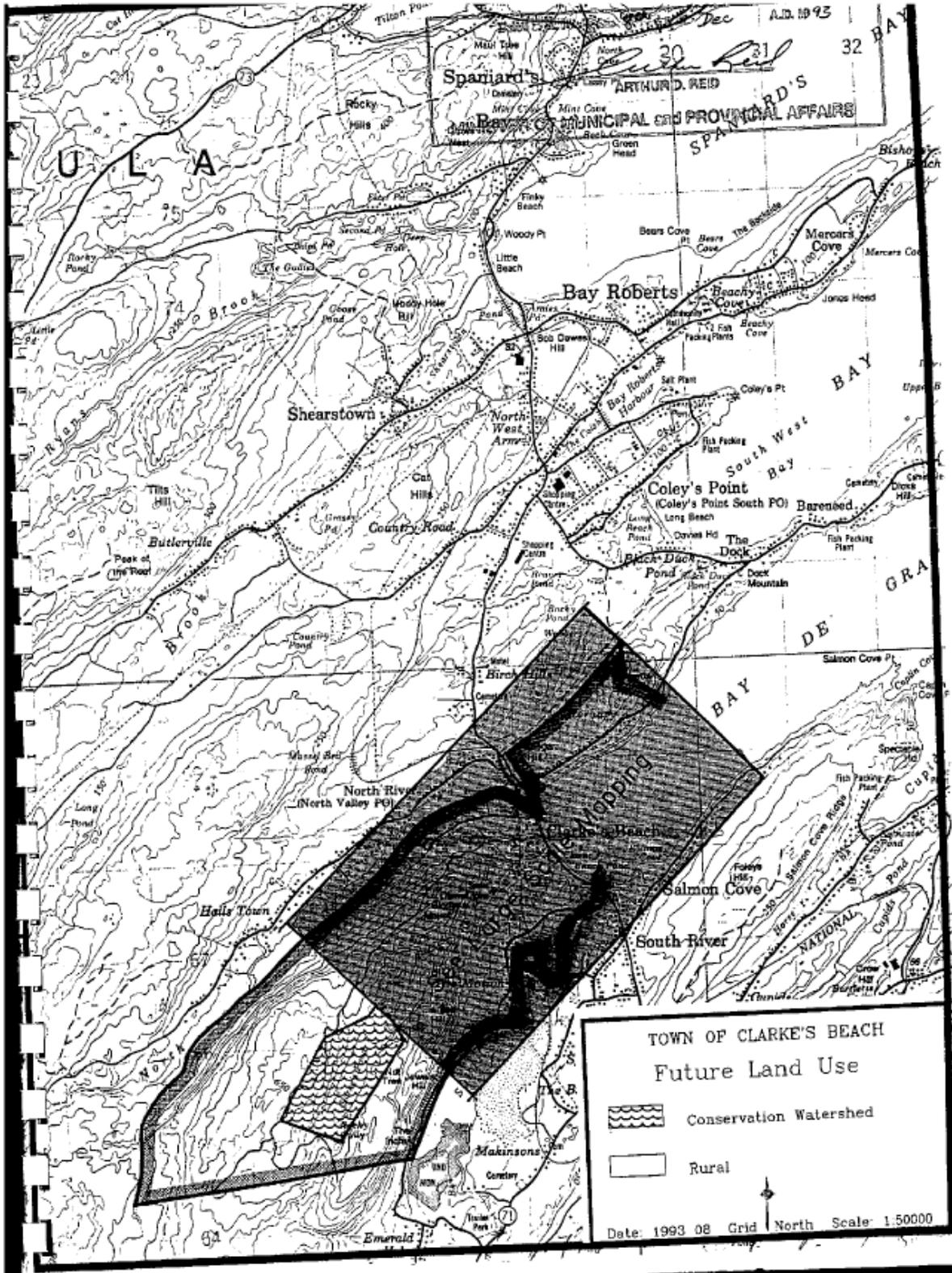
The realization of many of the goals contained in the Clarke's Beach Plan is brought about through a definite allocation of development funds for the most important projects. Through the development of a project timeframe and cost schedule, Council can allocate funds for these projects and remain within the financial capabilities of the community. The capital works program should be designed to implement and be in conformity with the plan.

The Town of Clarke's Beach is currently attempting to supply water and sewer servicing to as many residences as possible. However, in the five-year Capital Works Program submitted by Council for 1993-1997, there are also requests for road upgrading and paving totalling \$72,680. For 1993 the capital works project is the upgrading of Hill Avenue Extension at a cost of \$54,000. The only other project contained in the Five Year Capital Works Program are the upgrading and paving of Dawe's Avenue in 1993 at a cost of \$18,000.

There are a number of water and sewer projects listed in the 1993-1997 Capital Works Program. For 1993, streets designated to receive water and sewer include Hill Avenue and Park Avenue at an estimated cost of \$300,000. During 1994, Shaw Street and the Conception Bay Highway to Main Street are the projects listed in the 1993-1997 Five Year Capital Works Project for completion, at a cost of \$400,000. The next phase for completion in 1995 includes the supply of water and sewer along Glam Road and a connection to the Conception Bay North Highway. The cost of this phase is projected to be approximately \$430,000. In 1996, Glam Road West is designated to receive water and sewer at a cost of \$475,000. Finally, in 1997 water and sewer will be supplied to Main Road West at a projected cost of \$450,000. The total projected cost of the water and sewer projects according to this Five Year Program will be \$2,055,000 and for roads during the same period will be approximately \$72,000.

### **3.4 AMENDMENT AND REVIEW OF PLAN**

Since conditions in the Town may change during the Plan period, Council may amend this Plan at any time by following the same procedures which brought the Plan into effect. Any such amendment shall be read together with and form part of this Plan.



A.D. 1993  
 Dec 30  
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 SPANARD'S  
 MUNICIPAL AND PROVINCIAL AFFAIRS  
 ARTHUR D. REID

**TOWN OF CLARKE'S BEACH**  
**Future Land Use**

-  Conservation Watershed
-  Rural

Date: 1993 08 Grid North Scale: 1:50000