

**HEART'S DELIGHT – ISLINGTON  
MUNICIPAL PLAN 2015**

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**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF HEART'S DELIGHT-ISLINGTON MUNICIPAL PLAN 2015**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of Heart's Delight-Islington adopts the Town of Heart's Delight-Islington Municipal Plan 2015.

Adopted by the Town Council of Town of Heart's Delight-Islington on the 23<sup>rd</sup> day of September, 2015.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Mayor: \_\_\_\_\_  
Clayton Branton

Clerk: \_\_\_\_\_  
Kimberley Reid

**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*.

MCIP: Arvo McMillan

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE  
TOWN OF HEART'S DELIGHT-ISLINGTON  
MUNICIPAL PLAN 2015**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of Heart's Delight-Islington

- a) adopted the Town of Heart's Delight-Islington Municipal Plan 2015 on the 23<sup>rd</sup> day of September, 2015.
- b) gave notice of the adoption of the Town of Heart's Delight-Islington Municipal Plan 2015 by advertisement inserted on the 29<sup>th</sup> day of September, 2015 and the 6<sup>th</sup> day of October, 2015 in the Compass Newspaper.
- c) set the 15<sup>th</sup> day of October, 2015 at 7:30 p.m. at the Town Hall, Heart's Delight-Islington for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Heart's Delight-Islington approves the Town of Heart's Delight-Islington Municipal Plan 2015 on the 28<sup>th</sup> day of October, 2015.

SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_, 2015

Mayor: \_\_\_\_\_  
Clayton Branton

Clerk: \_\_\_\_\_  
Kimberley Reid

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**TOWN OF  
HEART'S DELIGHT-ISLINGTON  
MUNICIPAL PLAN 2015**

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## **1 INTRODUCTION**

### **1.1 *The Plan***

The Heart's Delight-Islington Municipal Plan is designed to give the Town control over land use and to ensure that development occurs in an orderly and transparent fashion in a manner that reflects the wishes of the Town and its residents. However, the plan and regulations must also comply with provincial and federal policies and not conflict with matters of provincial interest.

Prepared pursuant to the Urban and Rural Planning Act 2000, the Heart's Delight-Islington Municipal Plan contains policy statements and maps approved by Council and registered by the Minister of Municipal Affairs to guide community growth and development for the next 10 years within the Heart's Delight-Islington Municipal Planning Area ('Planning Area'), the area set out under the Urban and Rural Planning Act 2000 for planning and regulatory purposes.

The Municipal Plan is binding upon the Town and upon all other persons, corporations and organizations within the Planning Area. The Plan must be reviewed by the Town every five years and, if necessary, revised to take account of development that cannot be foreseen during the next ten year period.

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 – 'Development Regulations'. These are prepared at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations. The Development Regulations shall deal with matters relating to development and buildings as defined under the Urban and Rural Planning Act 2000, which include in addition to permitted and discretionary land uses, matters such as non-conforming uses, advertisements, subdivisions and permitting requirements.

Development Regulations must comply with the requirements of the Urban and Rural Planning Act 2000, regulations under the Urban and Rural Planning Act 2000 and any other pertinent rules and regulations enacted by

the Province, including, the Municipalities Act, and as well, legislation relating to environment, health and safety, agriculture, mines and mineral workings, highways, and forestry.

Development schemes (amendment to the Municipal Plan), design concepts, comprehensive plans, subdivision agreements and concept plans, further implement the Municipal Plan and Development Regulations with more detailed designs, design strategies and policies for roads and other facilities and development.

The Town 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 agreement with owners of the land as well permit its acquisition and use of these purposes. The Town 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 the carrying out of any development project.

## **1.2 *Heart's Delight-Islington and the Municipal Planning Area***

Heart's Delight-Islington is a well-serviced and attractive community of approximately 704 persons located on the east side of Trinity Bay.

In addition to being well provided with municipal water and sewer services, the Town also contains a seniors home major retail store, pharmacy, service station, recreation facility – with a playground and playing field, Town Office/Community Hall/Fire Station/Community Health Centre complex, two churches (St. Matthews and Bethel United) and three public trails – Witch Hazel, Northern Point and the Track. It used to have a school which is now closed.

It is one of a series of similarly sized communities situated along Highway 80 ('Baccalieu Trail') that loops around the east side of Trinity Bay and the west side of Conception Bay) stretching from Old Perlican south to Blaketown near the Trans Canada Highway.

Neighbouring communities are the Local Service District Cavendish, the Town of Whiteway to the south, and the Towns of Heart's Desire and Heart's Content to the north.

The Mayors Association of Trinity South and Conception Bay North meets periodically to discuss and lobby on matters of common interest – two of the most pressing items have been:

- the upgrading of Country Road to provide a safer all-weather alternative access to Carbonear, and,
- the provision of reliable cell-phone coverage to communities along Highway 80.

Highway 80 is the “main street” for these communities, which accommodates a mix of businesses – such as service stations, stores, building supplies dealers and tourist accommodations – dwellings, public buildings and facilities – such as churches, community halls, town offices, fire halls, community centres, public garages, and, the harbours and marine service centres that characterize these places.

These are communities that were largely sustained on a mixture of inshore fishing, lumbering and agriculture. Except where there are fish-plants and large fishing enterprises, such as in Old Perlican, this resource based economy has largely disappeared and mainly replaced with work in other larger centres, including Carbonear, Bay Roberts and the Metropolitan St. John's area. Retirees and in some cases, second home owners, are another element which contribute to the life of these communities..

As in many of the other communities of this region, there is still some agricultural activity being carried out in the form of livestock and sod farming, and, in the adjacent community of Cavendish – fur farming. Limited as they are in terms of economic effect, these agricultural uses are significant features in the Town's landscape and can affect future residential and other urban types of development in the community.

A sawmill is located off Highway 80 and, there are remnants of another sawmill that had operated next to Martin's Pond Brook.

Within the servicing limits, housing is the predominant land use.

During the last three census periods – 2001, 2006 and 2011 the Town's population has gone from 736 to 663, and then, 704.

The Town ('municipal') and Municipal Planning Area boundaries are the same, and take in approximately 27.27 hectares

Most of the built-up portion of the Town is provided with municipal water and sewer. The water system is supplied from the Heart's Delight – Islington Long Pond Protected Water Supply, about 60% of which lies within the Town. This is accessed from Country Road.

Fire protection is provided by a volunteer fire department.

Solid waste is taken to the Regional Integrated Waste Management Facility at Robin Hood Bay in St. John's.

Elementary school students are bused to Acreman Elementary in Green's Harbour. Students then subsequently attend Crescent Collegiate in Blaketown for grades 8 to 12.

The former Holy Epiphany School will be taken over by the Heart's Delight Anglican Parish and used as a church and parish hall, replacing the existing St. Matthew's Church and Community Hall. Along with St. Matthew's Anglican Church, there is also the Bethel United Church and the S.U.F. (Society of United Fishermen) Hall located along Main Road (Highway 80).

#### Environment, Climate Change and Sustainability

The Town does not have a history of significant flooding or coastline damage from storm activity. Notwithstanding, flooding has been recorded at Heart's Delight Brook, Halfway Brook and Short's Brook near where these brooks enter Heart's Delight Cove. These three flood risk areas are shown on the Flood Information Map for Heart's Delight-Islington and are delineated on the Future Land Use Map and Land Use Zoning Map.

This municipal plan contains policies which attempt to minimize the impact of future storm events on the existing and future built environments, and protects wherever possible waterways and wetlands as important storm mitigation tools, but also, and equally important, as features deeply embedded in the community's culture and heritage.

### **1.3 Development of the Plan and Issues**

Culminating in two well attended public consultations that took place on February 18<sup>th</sup>, 2015 and March 26, 2015 (about 50 persons in all not including council, staff and consultant), this municipal plan was developed over a series of council meetings and public consultations during 2014 and 2015.

Since this was the Town's first municipal plan there was no little concern expressed that people's rights to use their properties would be seriously curtailed and development would be tied up in red tape.

"Together We Grow" came up as a motto for the Town.

Initiatives – the two main community initiatives are the upgrading of the marina in Heart's Delight to provide more mooring and storage space for recreational vessels, and, the creation of a community centre as an extension

to the current town office that would accommodate major recreational and social events.

#### Planning and Regulatory Issues

- Fur Farms and Fur Farm Buffers – a major irritant for the community since odours from the farms are a problem and the buffers restrict residential development.
- Livestock and Agriculture – The place of livestock agricultural uses in a small community – there appeared to be a consensus that minor activities such as growing crops and keeping a small amount of livestock could be tolerated within the built-up part of the Town, while larger livestock operations should only be allowed in the rural unserviced areas with significant buffering between barns and non-farm dwellings and residential areas. Fur farming would be prohibited outright.
- Public Lanes and Public Access to Coastline – The protection and retention of existing public lanes which traditionally provided access to properties and lands back of the community plus the retention and protection of traditional public access to coastline areas were deemed to be very important issues
- Travel Trailers and Mobile Homes – This issue was discussed with the conclusion that travel trailers could be placed on properties but only occupied on a temporary basis, and that mobile homes could be accommodated in the same manner as ordinary single dwellings.

## **2 LAND USE PLANNING – GOAL AND DEVELOPMENT POLICIES**

### GOAL

The goal of the Municipal Plan is to accommodate and encourage constructive change in a traditional community setting that will foster the community and region's economic and social development while adhering to basic principles of sustainable, economically sound and environmentally appropriate urban and rural development within the town and planning area.

### DEVELOPMENT POLICIES

All development within the Town of Heart's Delight-Islington Planning Area shall be managed in accordance with the general land use policies and designations set out in the ensuing sections. These designations are shown on the Future Land Use Map.

### **2.1 *Future Land Use Designations and Policies***

Future Land Use Maps designations are:

Town  
Rural  
Environmental Protection  
Floodway  
Protected Public Water Supply

Use Classes and Groups referred to in the designations of Section 3 are the use classes and use groups set out in Schedule B of the Development Regulations.

The boundaries between the land use designations set out 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.

## **2.2 General Development Policies**

- (1) In addition to any other considerations under this Municipal Plan, the Town may refuse permission for a development where in its opinion services are inadequate or it is uneconomical to provide and maintain these services.
- (2) In order to ensure that development occurs in an orderly manner and that appropriate development opportunities are maximized, subdivisions and other major developments shall be co-ordinated with other existing and proposed developments and the Planning Area's road system and services. These developments may be required to provide for public access to adjacent undeveloped lands. Furthermore, the Town may require that a comprehensive plan of development be prepared and adopted before any development is allowed in a given area.
- (3) When reviewing a development proposal, the Town shall consider the suitability of a site in terms of steepness of grades, soils and geology, location of waterways and wetlands and shall, when considering approval, ensure that the development has minimal or no negative effects on other properties and bodies of water.
- (4) If in its opinion, the development of the site having certain characteristics, such as steep or unstable slopes, poor drainage, high water table and so forth, could create problems for the development of the site or nearby properties, the Town can require the submission of a review of the development proposal by a certified engineer, landscape architect or similar professional.

Among other matters, the review shall evaluate the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent properties and bodies of water.

## **2.3 Conditions – All Development**

(1) Services and Access

Services and access must be appropriate to the type and scale of development.

The Town shall ensure that new development makes efficient use of existing roads and infrastructure. The Town shall further ensure that new development will not create unreasonable servicing demands or costs.

Development lacking municipal water and/or municipal sewer services shall be approved by the Service NL before a permit is issued by the Town.

(2) Uses Allowed In All Designations

Accessory buildings and uses, conservation, public services and public utilities, recreational open space, roads and trails can be allowed in all designations subject to the other provisions of this Municipal Plan and the Town's Development Regulations.

(3) Compatibility of Uses, Buffers and Screening, Property Upkeep

The Town shall ensure as much as possible that existing and new development will not negatively affect existing and proposed land uses by creating a hazard or nuisance such as noise, dust, odour or unsightly appearance. The Town may require a developer to provide appropriate screening and to undertake other measures to minimize negative effects and to ensure a clean and tidy town.

(4) Non Conforming Uses

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

## **2.4 Agriculture and Forestry**

Higher intensity livestock and related agricultural uses shall be separated by an adequate buffer between existing and proposed residential developments.

These agricultural uses shall conform to Provincial Government policies and guidelines with respect to such operations, as shall forestry and forestry related activities, both of which are subject to the approval by the Forestry and Agrifoods Agency before a permit is issued by the Town.

## **2.5 Agriculture – Fur Farm Buffers**

Buffers have been established by the Agrifoods Development Branch to protect fur farm operations in the neighbouring community of Cavendish. Within these buffers certain types of development must be approved by the Agrifoods Development Branch before a permit is issued by the Town.

## **2.6 Archaeological and Heritage Resources**

Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Also, if any major development is proposed, the Provincial Archaeology Office shall be advised before an approval is granted by the Town. This is to ensure that the necessary research is carried out before construction begins.

The Town may from time to time designate heritage sites and areas under the Municipalities Act.

## **2.7 Backlot Development**

To facilitate the development of certain properties, at its discretion and after notice has been provided, the Town may permit the development of up to two single dwelling lots ('backlots') situated to the rear of one or more existing lot(s) and accessed by a private driveway and with or without sufficient, frontage on a publicly owned and maintained road.

## **2.8 Coastline and Harbour Areas, Streams**

In order to protect lives and property and the natural environment, development proposals for sites adjacent or near streams and the marine coast line and harbours shall be reviewed to ensure that unless it is a use requiring direct access to the body of water:

- a) it is not likely to be damaged by a storm;
- b) it is not a vulnerable or critical use, that is, a multi-unit residential use,

a use catering to persons with disabilities or other special needs, and/or a use related to emergency services (example – a fire station or emergency command centre, emergency shelter or other facility) – uses which if damaged or destroyed, could cause injury or loss of life and/or make it more difficult to respond to an emergency

With the exclusions noted above, along the marine coastline except for marine related activities and temporary or minor structures, new development may not be permitted at or below the 4 metre elevation, unless it can be demonstrated to the satisfaction of the Town and other relevant authorities that the risk is low and/or that the development can withstand the damage that could be incurred by a flood or storm event. However existing conforming uses can be allowed to expand.

The Town in its discretion may refuse to issue a permit for a development that could be affected by a storm event based upon previous events, local knowledge and/or research carried out in respect of climate change.

## **2.9 Mineral Exploration**

- (1) Subject to the other provisions of this Municipal Plan, mineral exploration which is not classed as development by virtue of drilling, appreciable ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- (2) Mineral exploration which is classed as development shall or may be permitted in appropriate designations designation provided that adequate provision is made for buffering/and or other mitigations of impacts of existing or future urban residential, commercial, industrial, institutional and recreational areas and provided that all necessary approvals are obtained.
  - (a) Buffering may take the form of a buffer between such mineral exploration and areas set aside for urban purposes within which higher impact mineral exploration is either prohibited outright, or is treated as a discretionary use.
  - (b) Higher impact mineral exploration shall be subject to conditions that control noise, appearance, duration of the drilling or excavating program and the control of other impacts that may arise. The precise nature of these controls will depend upon the location of the mineral exploration in respect to built-up areas and uses sensitive to noise and ground disturbance.
  - (c) Where there is ground disturbance, the developer shall provide

a site restoration surety and/or other satisfactory guarantees of site landscaping to the Town.

### **2.10 Mineral Workings**

The Town may provide for mineral workings in areas where there are known aggregate supplies and where there is less likely to be conflict between mineral workings and other uses subject to controls that will minimize environmental damage and conflict with other land uses.

### **2.11 Protected Water Body**

Protected Water Bodies – The ocean, and including streams ponds and wetlands which appear on the Future Land Use Map (derived from 50,000 base mapping) when derived from the 50,000 base mapping are shown as Protected Water Body on the Future Land Use Map. Any development activities, including fording, within 15 metres of the high water mark of these water bodies must be approved under Section 48 of the Water Resources Act by the Department of Environment and Conservation. See also Section 2.16 – Waterways and Wetlands.

### **2.12 Subdivisions – Groundwater Supply Assessment**

The approval of new unserviced subdivisions containing five or more lots or the addition of unserviced lots to existing unserviced subdivisions require that a groundwater assessment be done to determine with high probability that acceptable quality and quantity drinking water will be available to homeowners for both the short and long term. This shall be done in accordance with the Provincial Land Use Policy – ‘Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells’ as from time to time amended and administered by the Department of Environment and Conservation, Water Resources Management Division.

This policy provides the administrative and technical guidance to developers applying for subdivision approval and to ensure that the development proposals are submitted with the required technical support.

### **2.13 Trails and Public Access to Coastline**

Historic trails, lanes and rights of way are very important recreational and cultural features of Heart's Delight – Islington and wherever possible are protected. These protected trails include but are not limited to the Witch Hazel and Northern Point Trails and the Track.

Furthermore, public access to the coastline and ponds and streams is protected wherever feasible.

Where a traditional access to a water body has crossed a private property, after careful consideration and in the absence of suitable alternatives the Town may require that the property owner grant an easement to the Town for the purpose of allowing public access.

### **2.14 Travel Trailers**

To ensure that travel trailers are not used for year-round occupancy and to accommodate the legitimate use of travel trailers, the Town controls the use and occupancy of travel trailers

- a) on properties occupied by dwellings, for use or storage by the primary residents of the dwelling;
- b) on properties occupied by dwellings, for temporary occupancy by guests and visitors;
- c) on vacant parcels of land;
- d) in approved campgrounds
- e) on other sites in the Town.

The requirements are set out in the Development Regulations.

### **2.15 Unserviced and Semi-Serviced Development**

Development on individual parcels of land with onsite sewage disposal and/or onsite water supply requires the approval of the Service NL under the Sanitation Regulations of the Health and Community Services Act. In addition to the standards regarding onsite sewage disposal and water supply, the Department also sets out minimum lot area and frontage requirements for unserviced and semi-serviced development pursuant to the Sanitation Regulations. See also Section 2.12 – Subdivisions – Groundwater Supply Assessment.

### **2.16 Waterways and Wetlands**

Sound environmental and engineering practice and protection of the Town's amenities make it the general policy of the Town to protect most waterways and wetlands ('water bodies') of the Town of Heart's Delight-Islington Municipal Planning Area. Even minor water bodies can have a significant role to play in the management of drainage and plant and wildlife habitat.

A protective buffer of undisturbed soil and vegetation shall be preserved insofar possible along the shoreline of the ocean and most water bodies – particularly the Protected Water Bodies (Section 2.11). The buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect plant and animal habitat.

Subject to the approval of the Department of Environment and Conservation and the Town for a Protected Water Body, *and only the Town if it is not a Protected Water Body unless the Town chooses to refer the development application to the Department of Environment and Conservation*, the only uses that can be allowed in the buffer area of a water body are roads, driveways, public services and utilities, recreational open space and trails and uses requiring direct access to a body of water, such as wharves and docks and other marine related uses.

Wetlands can only be developed in such a way as to minimize damage and impacts on the hydrology and environment of the area and will require a permit from the Department of Environment and Conservation under Section 48 of the Water Resources Act.

If a body of water is deemed to be minor, wherever possible such water bodies shall remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such water bodies shall be explored, including relocation of the water bodies and/or redesign of the development.

## **2.17 Windmills, Wind Turbines, Alternative Energy Sources**

Wind mills, wind turbines and other alternative sources such as solar panels ('Utilities' under Schedule B of the Development Regulations), which are not classed as public utilities can be approved by the Town in suitable locations provided that all necessary approvals are obtained from the Departments of Environment and Conservation and Natural Resources and other relevant agencies, and that the Town is satisfied that such development will not create a hazard or nuisance to nearby land uses.

### **3 DESIGNATIONS**

#### **3.1 *Town***

The Town designation reflects the historic mix of land uses that make up Heart's Delight-Islington.

Permitted Uses in this designation include Uses under Section 2.3 (2) of this Municipal Plan, single dwelling residential uses, including but not limited to mobile homes, and uses compatible with single dwelling residential uses including businesses carried out on residential properties.

Discretionary Uses in this designation can include non-residential uses that could have an impact on the primary residential uses of the community including but not limited to certain assembly, institutional, business and personal service, mercantile, industrial (excluding hazardous industry) and agriculture, animal, antenna, mineral exploration, mineral working and utilities (windmills, wind turbines, etc.).

##### Non Residential Uses

Non-residential uses shall be compatible with nearby residential uses, which is to say that they shall not interfere with the use and enjoyment of nearby residential properties by virtue of appearance, noise, odours, traffic or dust.

##### Municipal Services

Development in this Designation shall be connected to the Town's municipal water and sewer services where feasible.

#### **3.2 *Rural***

Including uses under Section 2.3 (2) of this Municipal Plan under the Rural designation the Town can allow resource based uses such as agriculture, forestry, mineral exploration, mineral working, mining, transportation, utilities (windmills, wind turbines, etc.), and appropriate compatible uses as permitted or discretionary uses.

All development in this designation is subject to the approval of the Forestry and Agrifoods Agency, along with other appropriate departments and agencies.

General industrial uses shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry, mineral working or mining uses. Only an office may be allowed as an accessory use.

## Municipal Services

Development in this Designation shall not be connected to the Town's municipal water and sewer services.

### **3.3 Environmental Protection**

The Environmental Protection designation is primarily applied to waterways and wetlands, particularly those which are deemed to be important to the community.

Permitted Uses under this designation are uses under Section 2.3 (2) of this Municipal Plan.

Discretionary Uses under this designation are antenna and transportation.

Transportation uses are limited to uses requiring direct access to a body of water.

Along with the Town, all development in this Designation is where necessary subject to the approval of the Department of Environment and Conservation and other departments and agencies.

### **3.4 Floodway**

The Floodway designation limits development to conservation and hydraulic structures, public utilities and roads and recreation and other uses not likely to be affected by flooding.

Antenna and recreational open space are discretionary uses.

All development in both designations must be approved by the Department of Environment and Conservation before a permit is issued by the Town.

### **3.5 Protected Public Water Supply**

See also the Department of Environment and Conservation Policy Directive W.R. 95-1.

Within the Protected Public Water Supply Designation development is restricted to uses and activities that will not damage the water supply.

All development applications shall be referred to the Department of Environment and Conservation for approval before a permit is issued by the Town.

Including uses required for the operation of a water supply system, the only permitted use in this designation is Conservation.

Discretionary uses in this Designation are Antenna, Recreational Open Space and Trails and Utilities.