

# Town of Heart's Content Municipal Plan 2023-2033

Draft No. 3

Prepared for the Town of Heart's Content

by

Baird Planning Associates

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John Baird, MCIP





# Urban and Rural Planning Act 2000 Resolution to Adopt

## Town of Heart's Content Municipal Plan, 2023 - 2033

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

Adopted by the Town Council of Heart's Content on the \_\_\_\_ day of \_\_\_\_\_  
202\_.

Signed and sealed this \_\_\_\_ day of \_\_\_\_\_ 202\_

Mayor: \_\_\_\_\_  
Douglas Piercey

(Council Seal)

Clerk: \_\_\_\_\_  
Alice Cumby

### 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*.

\_\_\_\_\_  
John Baird, MCIP





# Urban and Rural Planning Act 2000 Resolution to Approve

## Town of Heart's Content Municipal Plan, 2023 - 2033

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

- (a) Adopted by the Heart's Content Municipal Plan on the \_\_\_ day of \_\_\_\_\_ 202\_.
- (b) Gave notice of the adoption of the Heart's Content Municipal Plan by advertisement posted
- (c) Set the \_\_\_ day of \_\_\_\_\_ 202\_ at 7:00 p.m. at the Town Hall, Heart's Content for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Heart's Content approves the Heart's Content Municipal Plan.

SIGNED AND SEALED this \_\_\_ day of \_\_\_\_\_ 202\_.

Mayor: \_\_\_\_\_  
Douglas Piercey

(Council Seal)

Clerk: \_\_\_\_\_  
Alice Cumby

Municipal Plan  
**REGISTERED**

Number \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_



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## **1.0 INTRODUCTION**

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

The Heart's Content Municipal Plan, 2023-2033 will provide for the development of the Planning Area over the ten-year planning period from 2023 to 2033 in accordance with Section 13(2) of the *Urban and Rural Planning Act 2000* (also referred to as the *Act*).

The Municipal Plan was drafted following a comprehensive review of development and land use issues in Heart's Content and consultations with Council, residents, and interested government agencies. Relevant planning issues were reviewed as required under the *Act*, including a study of land use, population change, economic and social issues, transportation, municipal services, and environmental issues.

### **1.2 Plan Preparation**

This Municipal Plan reflects the review of land use, environmental, demographic, social, and economic issues, consultations with Town Councillors and staff, and public comments received through the community participation process.

The Plan guides future growth and physical improvement of the Town by identifying locations and policies for various types of land use development. The Municipal Plan provides the basis for the Land Use, Zoning, and Subdivision Regulations (generally referred to as the Development Regulations), which Council will administer through subdivision approvals and development permits. The Municipal Plan authorizes Council to prevent the undertaking of any development that contravenes a policy stated in the Municipal Plan.

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

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

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

The Background Report in Section 2.0 describes conditions in the town at the time the Municipal Plan was prepared and summarizes input received in the public consultations. The Background Report does not form part of the legal document.

### **1.4 Municipal Plan Administration**

After Ministerial approval of the Heart's Content Municipal Plan was published in the Newfoundland and Labrador Gazette, the Plan became binding upon Council and all other persons, corporations, and organizations. Council administers the Municipal Plan by carrying out the Plan's policies. This is done in several ways:

- By preparing and implementing the Development Regulations,
- By issuing development permits to applicants wishing to subdivide land, erect or architecturally alter a building or structure, or change the use of a building or land, or

- conversely, refusing to issue permits for developments that are not in accordance with the Plan,
- By issuing demolition permits to applicants wishing to remove buildings or structures, or conversely, refusing to issue permits or demolitions that are not in accordance with the Plan,
  - By adopting or approving development schemes, concept plans, comprehensive plans, and so forth.

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

### **1.5 Interpretation**

In this Municipal Plan:

- “Council” means the Council of the Town of Heart’s Content.
- “Development Regulations” mean the Heart’s Content Development Regulations.
- “Municipal Planning Area” means the Heart’s Content Municipal Planning Area.
- “Town” means the Town of Heart’s Content.

## 2.0 BACKGROUND REPORT

### 2.1 Geographical Setting

Exhibit's 2.1 to 2.4 show the Town of Heart's Content's geographical setting. The town is located in Trinity Bay on the west side of the Bay de Verde Peninsula. Two Provincial highways run through and intersect in the town. The Trinity South Highway (Route 80) extends approximately 9.2 kilometres from the Heart's Desire boundary in the south to the New Perlican boundary in the north. The Heart's Content Highway (Route 74) runs for approximately 7.3 kilometres from the Town's eastern boundary to its intersection with Route 80. The town lies approximately 80 kilometres from the Trans Canada Highway via Route 80, 65 kilometres from the TCH via Routes 74 and 75, and 131 kilometres from St. John's.

Exhibit 2.3 shows the Heart's Content municipal boundaries relative to the other towns on the Bay de Verde Peninsula. It directly borders Heart's Desire to the south and New Perlican to the north. Other nearby towns include Whiteway, Heart's Delight-Islington, Winterton, and Hants Harbour on the Trinity Bay side of the peninsula, and Victoria, Salmon Cove, Carbonear, and Harbour Grace on the Conception Bay side.

Exhibit 2.4 shows the boundary of the Heart's Content municipal planning area, which covers 62.8 square kilometres. As shown in Exhibit 2.5, the Town's built-up area is concentrated along the eastern and northern sides of Heart's Content Harbour. Hugging the coastline, most of the Town's developed land lies within a half kilometre of saltwater. Away from the coast, land is mostly hilly and forested or barren.

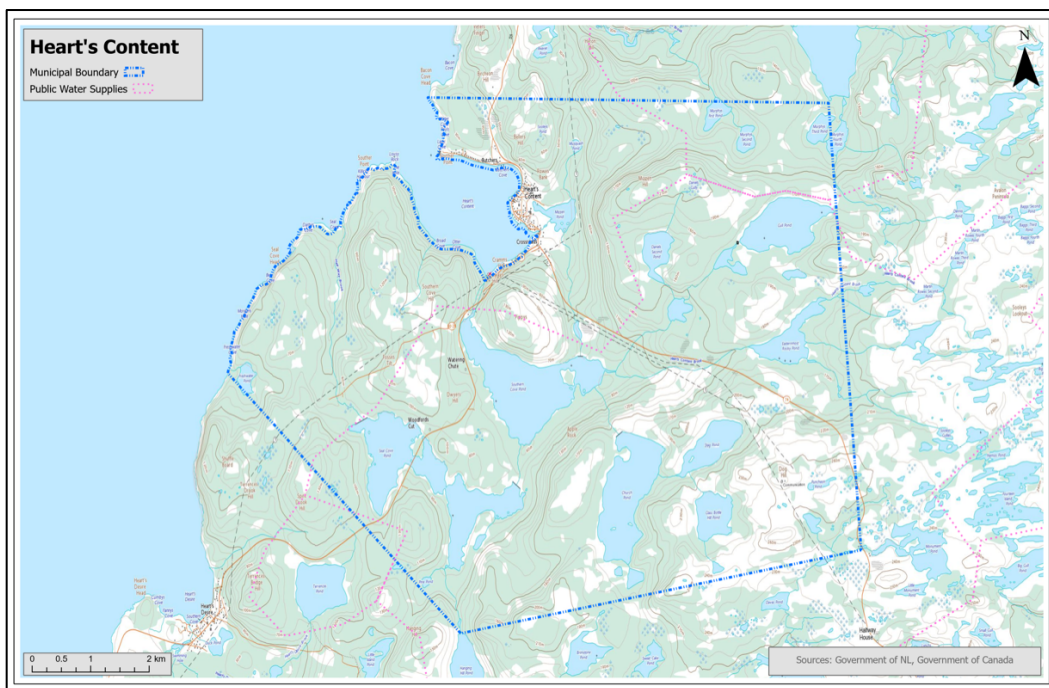
Exhibit 2.1 Regional Setting



Exhibit 2.2: Heart's Content and Surrounding Municipalities



Exhibit 2.3: Heart's Content Planning Area



<b>Exhibit 2.5 – Population Change Compared to Benchmarks</b>						
<b>Census</b>	<b>Heart's Content</b>		<b>Census Division No. 1 (Avalon Pen)</b>		<b>Newfoundland and Labrador</b>	
	<b>Pop'n</b>	<b>5-Year Change</b>	<b>Pop.n</b>	<b>Change</b>	<b>Pop'n</b>	<b>Change</b>
1996	538		251,523		551,792	
2001	495	-8.0%	242,875	-9.7%	512,980	-7.0%
2006	418	-15.6%	248,418	+2.3%	505,470	-1.5%
2011	375	-10.3%	262,410	+5.6%	514,536	1.8%
2016	340	-9.3%	270,348	+3.0%	519,716	1.0%
2021	330	-2.9%	271,878	+0.6%	510,550	-1.8%
25-Year Change	-208	-38.7%	+18,675	+8.1%	-41,242	-7.5%

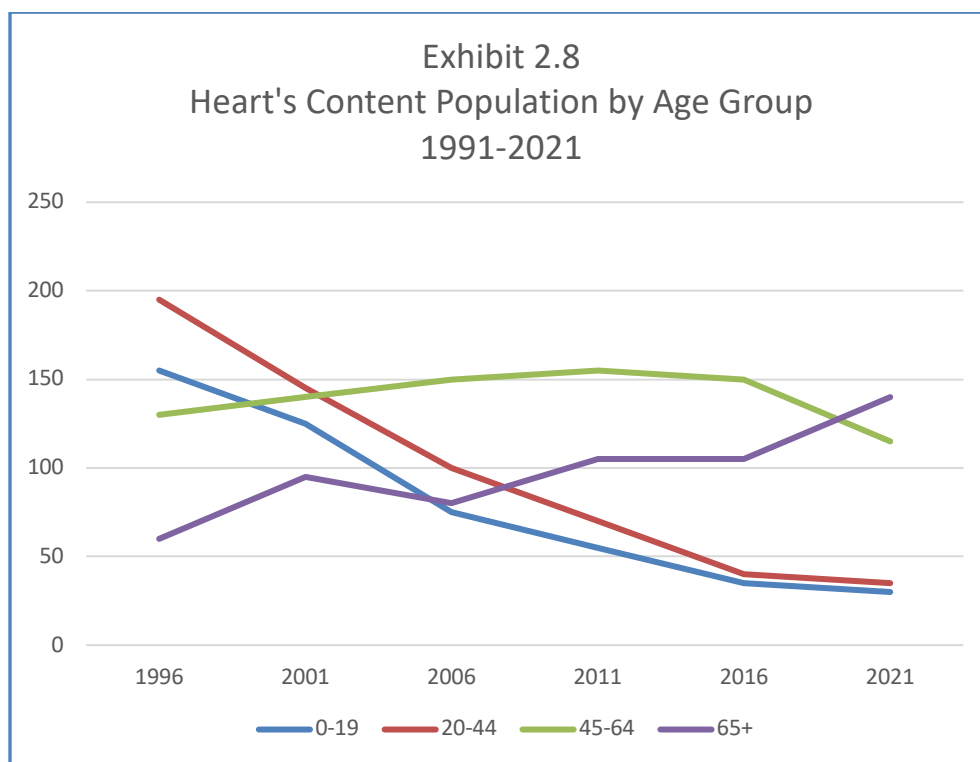
### 2.2.2 Age Structure

Exhibit 2.6 profiles the median age of Heart's Content's population from 2001 to 2021 and draws a comparison with the Avalon Peninsula, the province, and Canada as a whole. While all the benchmarks are getting older, the Heart's Content population is getting older at a more rapid rate. Its 2021 median age of 62.8 compared to 44.8 in the surrounding region, 48.4 in the province, and 41.6 nationally. From 2001 to 2021, its median age increased by a margin of 19.8 years compared to 7.4 in the Avalon region, 10.0 in the province, and 4.0 in Canada.

<b>Exhibit 2.6</b>				
<b>Median Age - Heart's Content &amp; Benchmarks</b>				
<b>Median Age of Population</b>				
	<b>Heart's Content</b>	<b>Avalon (Div. No. 1)</b>	<b>NL</b>	<b>Canada</b>
2001	43.0	37.4	38.4	37.6
2006	48.0	40.2	41.7	39.5
2011	54.8	41.6	44.0	40.6
2016	59.2	43.0	46.0	41.2
2021	62.8	44.8	48.4	41.6

Exhibits 2.7 and 2.8 show how significantly the town's population has aged since 1996. Whereas residents under 45 years of age comprised almost two-thirds of the population in 1996, by 2021 this age group was less than a quarter of the total. From 1996 to 2021 the 0-19 age group dropped from 28.7% to 9.4% while the 20-44 age group dropped from 36.1% to 10.9%. In contrast over the same period, the 45-64 age group increased from 17.2% in 1996 to 35.9% while the 65+ age group increased from 11.1% to 43.8%.

Exhibit 2.7 Heart's Content Age Distribution, 1991-2021						
Age Group	1996	2001	2006	2011	2016	2021
0-19	155 28.7%	125 24.8%	75 18.5%	55 14.3%	35 10.6%	30 9.4%
20-44	195 36.1%	145 28.7%	100 24.7%	70 18.2%	40 12.1%	35 10.9%
45-64	130 24.1%	140 27.7%	150 37.0%	155 40.3%	150 31.8%	115 35.9%
65+	60 11.1%	95 18.8%	80 19.8%	105 27.3%	105 31.8%	140 43.8%
Total	540 100.0%	505 100.0%	405 100.0%	385 100.0%	330 100.0%	320 100.0%



### 2.3 Households and Housing

Housing needs in a community are driven by two factors – change in population and change in average household size. Exhibit 2.9 compares changes in Heart's Content's population and its stock of full-time housing from 1996 to 2021. In contrast to its population drop of 208 residents, there was virtually no change in the number of occupied dwellings. The reason for this disparity is that the average number of residents per household dropped from 3.17 in 1996 to 1.96 in 2021.

<b>Exhibit 2.9 Occupied Housing Inventory 1996 - 2021</b>			
	<b>Population</b>	<b>Occupied Dwellings</b>	<b>Population per Dwelling</b>
1996	538	170	3.17
2001	495	180	2.75
2006	405	170	2.38
2011	375	171	2.19
2016	340	162	2.10
2021	330	168	1.96
25-Year Change	-208 -38.7%	-2 -1.2%	-1.22 -38.4%

According to Statistics Canada, the shift to smaller households is a long-term trend driven by demographic and societal changes. For example, from 1961 to 2011 the average number of children per family in Canada dropped from 2.7 to 1.9. Single-person households and couples-without-children households both now outnumber couples-with-children households.

Exhibit 2.10 profiles Heart's Content's occupied housing stock by dwelling type. It shows that detached single dwellings make up the town's entire stock of housing in 2021 with no change from 2016.

<b>Exhibit 2.10 Housing by Dwelling Type 2006-16</b>				
	<b>2006</b>		<b>2021</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
Single Units	170	100.0%	165	100.0%
Double Units	0	0.0%	0	0.0%
Row Units	0	0.0%	0	0.0%
Apartment Units	0	0.0%	0	0.0%
Total	170	100.0%	165	100.0%

Exhibit 2.11 shows the change in owner and renter occupied housing over the 2006-16 period. It shows that all occupied dwellings are owner-occupied with no change from ten years earlier.

<b>Exhibit 2.11 Owner Occupied Versus Renter Occupied Housing: 2006-16</b>				
	<b>2006</b>		<b>2016</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
Owner Occupied	170	100.0%	165	100.0%
Renter Occupied	0	0.0%	0	0.0%
Total	170	100.0%	165	100.0%

Exhibit 2.12 shows the age of housing in the town. As of 2016, 55.3% of dwelling were built before 1981 and the remainder after. Only 6.9% of dwellings were constructed after 2000. At the regional



level, 57.8% of units were built prior to 1980 and 42.2% after. In the province, 52.4% were built prior to 1980 and the remainder after.

Exhibit 2.12 also provides data on the condition of the town's housing. It shows that 6.7% of the town's housing stock needed major repairs in 2016 compared to 5.1% in the Avalon region and 6.5% in the province as a whole.

<b>Exhibit 2.12 Age of Housing 2016</b>			
Period of Construction	Heart's Content	Avalon	NL
1960 or before	24.3%	17.7%	19.8%
1961-1980	31.0%	29.0%	32.6%
1981-1990	24.3%	15.5%	15.6%
1991-2000	13.8%	12.0%	11.6%
2001-2010	0.0%	16.5%	13.0%
2011-2016	6.9%	9.3%	7.4%
	100.0%	100.0%	100.0%
<b>Condition of Housing 2016 (Dwellings by Condition)</b>			
Needs regular maintenance only	93.3%	94.9%	93.5%
Needs major repairs	6.7%	5.1%	6.5%

Exhibit 2.13 compares average household size in Heart's Content with the surrounding census region and the province as a whole. Between 2001 and 2021 the average number of residents per household in the town dropped from 2.8 to 2.0, while it dropped from 2.7 to 2.3 in both the Avalon region and the province as a whole.

<b>Exhibit 2.13 – Average Household Size</b>			
	Heart's Content	Avalon Pen. (CD1)	NL
<b>Persons per Household (Census Profiles)</b>			
2001	2.8	2.7	2.7
2006	2.4	2.5	2.6
2011	2.1	2.4	2.4
2016	2.1	2.4	2.3
2021	2.0	2.3	2.3

An interesting aspect of community housing inventories is to compare the number of occupied and unoccupied dwellings. Unoccupied dwellings can include houses that are fully vacant or houses that are not occupied permanent residents, for example summer homes and vacation rental properties. Exhibit 2.14 calculates the number of unoccupied dwellings as the difference between the number of private dwellings and occupied dwellings as defined in the Census. Between 2001 and 2021, the number of unoccupied dwellings increased from 46 in 2001 to 57 in 2021. As a proportion of the total, unoccupied dwellings ranged from 20.4% in 2001 to 25.3% in 2021.

<b>Exhibit 2.14</b>				
<b>Estimate of Unoccupied Dwellings</b>				
	<b>Total Dwellings</b>	<b>Occupied by Usual Residents</b>	<b>Not Occupied by Usual Residents</b>	
2001	226	180	46	20.4%
2006	214	170	44	20.6%
2011	224	171	53	23.7%
2016	217	162	55	25.3%
2021	225	168	57	25.3%

## 2.4 Public Consultations

### 2.4.1 Public Information Session – March 15, 2022

The first public consultation session took place on March 15, 2022, at the Heart's Content Town Hall. Public notice of the session included advertisements beginning on February 24 on Council's Facebook page and notice boards in xx locations throughout Heart's Content.

The information session included an open house in the afternoon and early evening and a public forum starting at 7:30 PM. Twenty-two people attended in person including six members of Council and the Town Clerk. Three people participated virtually through the Town's Zoom connection.

Planning issues raised during the session included the following:

- Prohibit fox farms in the town's watershed and near residential areas
- Heart's Content's water supply area extends into the Victoria Municipal Planning Area but Victoria has it zoned Rural
- More should be done to improve untidy public areas, also the fishing stages along the harbour shoreline
- Harbour shoreline could be a major tourist attraction
- Effort is needed to prevent erosion around the harbour, for example, Hopkins Landing
- The town's two economic drivers are the fishery and its heritage resources
- The heritage district is essential to developing tourism. Important resources outside the heritage district include the Lighthouse, the House of Commons, and Rendell's Forge. Council should consider extending the heritage district to take in Rendell's Forge
- There's a possible land use conflict with recreational land along the waterfront
- Maintaining common areas for continued public use is important

### 2.4.2 Second Open House – July 4, 2022

The second public consultation session took place on July 4, 2022, to present the draft Municipal Plan and Development Regulations. Public notice of the session included an advertisement beginning on June 16 on Council's Facebook page and a notice in the Hearts Content News Letter, which was distributed by mail to households on June 17.

The session included an open house from 1:30 to 4:30 PM and 6:30 to 7:30 PM and an interactive public forum beginning at 7:30 PM.

Comments and questions addressed during the session included:

- **Question:** A residential property on the shore of Mizzen Pond is zoned Parks and Open Space. Should it be zoned Residential?  
**Reply:** This will be corrected.
- **Question:** Please clarify animal units as defined in Part 2 of the Development Regulations.  
**Reply:** There are two different definitions for animal unit. One relates to commercial livestock farming and is the definition provided by the Department of Agriculture. Commercial livestock farming is a discretionary use in the Rural zone only. The other definition relates to personal livestock use, which is discretionary in the Residential, Heritage District, and Mixed Development zones.
- **Question:** Can fishermen store equipment and supplies on their residential properties?  
**Reply:** Yes, under the Home Occupations regulation. See Regulation 5.9 (d).
- **Question:** Will backlot development be permitted?  
**Reply:** No.
- **Question:** Can a trailer or RV be used as a stand-alone summer residence on a building lot?  
**Reply:** The draft Development Regulations do not allow this. It states that camping trailers and RVs will be permitted only in a designated campground, as a secondary use on a residential property, or as a secondary glamping facility on a residential property. Concerns for allowing this include nuisance and property value impacts on nearby full-time dwellings. Council may want to revisit this issue.

### 3.0 GOALS AND OBJECTIVES

This section outlines the Town's planning goals and objectives for the 2023-2033 period. A goal is a desired state, which reflects the long-term intent of Council and relates to a major area of interest or concern. An objective is a short-range step towards achieving the goal. In this context, an objective is an outcome or output desired by Council in less than 10-years.

#### 3.1 Community Structure and Character

Goal: Orderly and efficient land development and use of infrastructure and municipal services, compatibility between land uses, avoidance of sprawl, and retention of the Town's attractive natural and built features.

Objectives: Facilitate infilling along existing serviced streets new streets near existing streets and infrastructure.

Preserve and protect environmentally important and sensitive areas including water supply areas, coastal resources, steep slopes, and visually significant features.

Preserve and maintain cultural and historic areas and buildings.

Ensure development is efficient in the use of municipal infrastructure and sensitive to the existing physical form and historic character of the community.

Preserve and maintain heritage areas and buildings.

Facilitate better mobility for disabled and elderly residents through land and building accessibility.

#### 3.2 Economic Growth and Development

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

Objectives: Strengthen Heart's Content's economy through development and promotion of its historic resources, cultural landscape, vernacular architecture, and coastal scenery.

Enhance tourism through the preservation and development of the town's heritage resources, coastal shorelines, and visitor services and facilities

Allow for compatible mixed development of residential, tourism, recreational, open space, and heritage uses.

Enhance Heart's Content as an attractive place to live year-round and seasonally, drawing on its scenery, ocean access, cultural heritage, and outdoor recreational amenities.

Facilitate creative enterprises and home occupations that fit with the Town's character and do not impinge on the reasonable enjoyment of neighbouring properties and its historical landscape.

### **3.3 Heritage Protection and Enhancement**

Goals: Development and protection of the Town's cultural heritage and architectural resources.

Maintenance and strengthening of the Town's tourism industry.

Objectives: Strengthen Heart's Content's unique and significant place in Canadian history and culture, particularly its status as the landing site of the first successful trans-Atlantic cable crossing and its five centuries-long attachment to the fishery.

Conserve and protect those buildings, structures, features, and areas of Heart's Content identified for their historic and aesthetic value

Develop, maintain, and protect Heart's Content Harbour to showcase the Town's coastal landscape and grow local tourism.

### **3.4 Environment**

Goals: Conservation, protection, and enhancement of biodiversity and important and sensitive environmental resources.

Objectives: Provide municipal services at environmentally acceptable standards.

Protect drinking water supply areas from land uses and activities that could adversely affect water quality and quantity.

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

Reduce stormwater flows, erosion, and impacts on receiving waters by improving how runoff is managed in developed and developing areas.

Limit development that would be injurious to areas designated as Sensitive Wildlife Area for Caribou.

### **3.5 Health and Social Well-Being**

Goal: Provision for the welfare of Heart's Content residents by addressing basic human needs, quality of life and community services.

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

Facilitate the housing needs of residents of all ages, income levels, and physical and mental abilities (also see Section 3.5).

Enact development standards to address the mobility needs of elderly and disabled residents and enhance Salvage as an accessible and age-friendly community. Enhance Heart's Content as an accessible and age-friendly community by

### **3.6 Housing**

Goal: Adequate housing for all residents regardless of age, income, abilities, and family status.

Maintenance of a pleasant residential environment.

Objectives: Allocate sufficient residential land to meet anticipated requirements for the next ten years.

Protect residential quality of life and property values.

Provide for the development of affordable housing for all residents.

Manage residential development in a manner that preserves and protects sensitive environments and public open space.

Facilitate residential infilling along existing streets and where possible encourage development of vacant land near existing streets and water mains.

### **3.7 Transportation**

Goal: Efficient and safe roads, trails, and pedestrian facilities to provide for motorized and non-motorized transportation needs in Heart's Content.

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

Appropriately address the needs of disabled and elderly residents in the planning and design of streets, sidewalks, crosswalks, parking areas, and trail systems.

### **3.8 Open Space and Recreation**

Goals: Provision of attractive natural areas and outdoor facilities to accommodate active and passive recreation for residents and visitors

Objectives: Involve residents and local businesses in the planning of open space, trails, and associated infrastructure.

Support community organizations in organizing recreation and festival activities and events.

Protect and enhance public access to the Town's coastal shorelines and scenic viewsheds.

### 3.9 Capital Works

Goal: Acceptable and consistent level of water, sewer, and transportation services.

Full utilization of existing capacity prior to investing in new municipal infrastructure.

Objectives: Maintain a water system capable of providing an adequate quantity and quality of drinking water to all feasible areas.

Maintain an efficient sanitary sewer system capable of accommodating existing and future sewage flows.

Maintain a safe and efficient transportation system for automobiles and pedestrians.

### 3.10 Governance

Goal: Effective, efficient, and equitable municipal services to all residents within the fiscal capacity of the Town.

Collaboration with other levels of government, community organizations, and the business community to facilitate opportunities to improve municipal services and economic development.

Objectives: Promote public participation in municipal governing processes, including Council elections, committee activities, and decisions-making on important municipal matters.

Deliver municipal administration and services effectively, efficiently, openly, and within the Town's fiscal capacity.

Govern the Town in compliance with relevant legislation such as the *Municipalities Act 1999* and the *Urban and Rural Planning Act 2000*.

### 3.11 Municipal Finance

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

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

Enlarge the Town's economic base to generate more tax revenues.

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

## **4.0 COMMUNITY WIDE POLICIES**

### **4.1 Policy Framework**

This section provides the policy framework for the planning of Heart's Content as expressed in the Goals and Objectives stated in Section 3.0.

The overriding thrust of the Heart's Content Municipal Plan is to ensure the continuance of an efficient and sustainable community, maintain the town's attractive character based on a compatible mix of built-up development and green space, protect environmentally sensitive resources, protect and enhance its cultural landscape and historic buildings, and optimize economic development opportunities, particularly in relation to cultural, heritage, and outdoor tourism and the fishery.

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

- (a) Areas that can be developed and serviced at the most reasonable long-term costs to the Town will be given priority for future growth. Highest priority is placed on the infilling of serviced vacant land. Second priority is placed on developing areas that are affordably close to existing streets and piped services. Development will be restricted in areas that would entail prohibitive or unnecessary costs to develop and maintain new infrastructure and provide services.
- (b) Prominent features that contribute to the character of the community, particularly historic buildings and sites, harbour front, open space, trails, and scenic vistas, will be protected and maintained to the fullest extent possible.
- (c) A high standard will be maintained for both the built and natural environments, particularly the protection of heritage buildings and sites, harbour shoreline, and environmentally sensitive coastal features, watercourses, wetlands, steep slopes, and vulnerable marine and aquatic habitat.
- (d) Capital works will be undertaken in an efficient, financially prudent, and environmentally responsible manner.

### **4.2 General Land Use Policies**

#### **4.2.1 General Layout of the Town**

- (1) Council will encourage the consolidation of development in areas that are economical to connect to existing roads and service with water and sewer.
- (2) Council may refuse proposed developments in locations where municipal services are inadequate or where it would be uneconomic to develop and maintain municipal services.
- (3) In certain areas with limited opportunity for connection to municipal water and/or sewer services, Council may consider allowing unserviced residential development subject to compliance with relevant Provincial regulations and standards.



#### **4.2.2 Compatibility of Uses**

- (1) As much as is reasonable, Council will ensure that new developments will not negatively affect existing land uses through the creation of hazards or nuisances such as noise, dust, odour, congestion, or unsightly appearance.
- (2) Council will ensure that new developments, including new buildings, building alterations, and demolitions, will not negatively affect heritage resources and the character of the existing townscape.
- (3) Council will carefully manage development to preserve and enhance the Town's historic landscape, facilitate related economic opportunities, and preserve the character and amenity of residential housing.
- (4) Council will strive to achieve the vision for heritage development expressed in its Heritage Regulations: *"To conserve and protect those buildings, structures, features, and areas of Heart's Content identified for their historic and aesthetic value and for their potential to improve our community, instill civic pride, and improve the local economy through tourism-related businesses while protecting their main use."*

#### **4.2.3 Non-Conforming Uses**

In accordance with the *Urban and Rural Planning Act 2000*, a use of land that legally existed on the date of the registration of this Municipal Plan shall be allowed to continue irrespective of its conformity to the Plan or Development Regulations.

#### **4.2.4 Land Development Proposals**

##### **1. Site Environmental Suitability**

When reviewing a proposed development or subdivision of land, Council will consider the site's suitability with respect to soils, geology, coastal shorelines, watercourses, wetlands, steep slopes, climate change concerns, and overall environmental sensitivity. When considering approval, Council will ensure that the development will have minimal negative effects on water resources, coastal features, surrounding properties, nearby heritage sites and buildings, and the Town's general historic character.

##### **2. Coordination with Surrounding Development**

New developments will be coordinated with surrounding existing developments, the street network, and municipal infrastructure. New developments may be required to provide for access to adjacent undeveloped lands.

##### **2. Municipal Services and Access**

The scale of new development must be appropriate with the provision of municipal services and street access. Council will ensure that a new development will make efficient use of existing streets and infrastructure and will not create unreasonable servicing demands or costs. If Council deems that a proposed development cannot be efficiently connected to or serviced by existing infrastructure, it may refuse the development.

##### **3. Unserviced Development**

Before approving a subdivision or building permit application in a location where municipal water and/or sewer services cannot be provided, Council will ensure that the development complies with all applicable Provincial regulations and requirements for unserviced development including:

- (a) The “Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells” ([www.gov.nl.ca/mae/files/waterres-regulations-appforms-unserviced-subdivision-gw-assessment-guidelines-dwh-revisions.pdf](http://www.gov.nl.ca/mae/files/waterres-regulations-appforms-unserviced-subdivision-gw-assessment-guidelines-dwh-revisions.pdf))
- (b) The Sanitation Regulations under the Public Health Act ([www.assembly.nl.ca/legislation/sr/regulations/rc960803.htm](http://www.assembly.nl.ca/legislation/sr/regulations/rc960803.htm))

**4. Site Environmental Suitability**

When reviewing a proposed development or subdivision of land, Council will consider the site’s suitability in terms of soils, geology, location of watercourses and wetlands, steepness of grades, impact on open space and viewsheds, impact on threatened and vulnerable animal, bird, and plant species, and general environmental sensitivity.

**5. Land Needed for Environmental Protection**

When approving a development, Council may require portions of the proposed site to be set aside from development in order to protect environmentally sensitive land. Council’s authority to require land to be set aside for environmental purposes derives from Section 13(3) of the *Urban and Rural Planning Act 2000*. Land needed for such purposes will not be included in the calculation of land for public use as set out in Section 37(1) of the *Act*.

**6. Stormwater Control** (Refer also to Section 4.4.6)

Council will require land developments to include reasonable measures to reduce stormwater runoff from the site, including as necessary the setting-aside of green areas for stormwater control and infiltration. In addition, it may require individual landowners to take measures to reduce runoff such as minimizing pavement and other impervious surfaces and installing soakaways to infiltrate runoff directly into the ground.

**7. Land for Public Use**

In accordance with Section 37 of the *Act*, for each subdivision approval, Council may require the developer to convey an area of land to the Town for open space or other public use. This conveyance would be equal to up to ten per cent of the gross area of the land to be developed. Land to be set aside must be high quality land suitable for the purpose.

Alternatively, in lieu of land dedication, Council may accept a sum of money that is equivalent to the value of the land that would have been conveyed.

**8. Public Input**

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

**9. Council Decision**

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

- (a) Approve the application as proposed,
- (b) Approve the application subject to certain terms or conditions,
- (c) Defer a decision subject to more detailed information or requested modifications to the proposal, or
- (d) Refuse the application if it deems that the development:
  - (i) would be unsuitable for the location
  - (ii) would be prohibitively expensive to service or maintain

- (iii) would create environmental or other problems that cannot be sufficiently corrected or mitigated

#### **4.2.5 Consolidation and Infill of Serviced Areas**

- (1) Council will encourage moderate intensification of development in areas that are accessible to piped water and sewer services. This can occur through infilling of vacant land along existing roads and keeping new street development near existing infrastructure.
- (2) Proposals for infill development will be assessed in terms of compatibility with the surrounding area, heritage sites, the coastal landscape, and retention of open space and access to harbour and freshwater shorelines.
- (3) Infill development must comply with Council's development standards with respect to lot size, frontages, installation of municipal services, environmental protection, retention of open space, access to backland areas, and provision for current or future public works.

#### **4.2.6 Adaptive Re-use of Existing Buildings and Properties**

Council will encourage adaptive reuse of existing buildings and properties for land uses that are permitted within the designation and would be compatible with nearby existing land uses.

#### **4.2.7 Permitted, Discretionary and Prohibited Uses**

##### **1. Permitted Uses**

For every zone included in the Development Regulations, Council will decide the classes of development that will be permitted in that zone. Generally, any proposed development that qualifies as a permitted use class in a particular zone will be permitted in that zone.

##### **2. Discretionary Uses**

Council may decide that certain classes of land use should be set out as discretionary uses in a particular zone in the Development Regulations, where:

- (a) The suitability of the use is not clear and may depend on the characteristics and circumstances of individual locations within the zone,
- (b) Council determines that the use might negatively affect the predominant uses of the zone and, in order to prevent or mitigate this impact, it would be desirable to consult with the public prior to taking a decision to approve or refuse a development permit.
- (c) Council determines that the use might be incompatible with the heritage or general character of an area or an important scenic resource and, in order to prevent or mitigate this impact, it would be desirable to consult with the public prior to taking a decision to approve or refuse a development permit.
- (d) It is necessary to attach conditions to an approval to ensure that the use is developed in a way that is compatible with nearby land uses and the character of area.

##### **3. Prohibited Uses**

If a proposed development does not qualify as permitted or discretionary use class as set out in a particular zone, the development will be prohibited in that zone.

#### **4.2.8 Mineral Exploration**

- (1) Mineral exploration that is classed as a development (by virtue of drilling, appreciable ground disturbance, or construction of access roads) may be permitted in certain

designations, provided that necessary Provincial approvals have been obtained and adequate provision has been made for environmental protection, site reinstatement, landscaping, buffering, or mitigations of impacts on residential, commercial, industrial, institutional, and recreational areas.

- (2) Mineral exploration that is not classed as a development will be permitted anywhere in the Planning Area provided that the Town is given reasonable notice, necessary Provincial approvals have been obtained, and owners of private land have given consent as per Paragraph (3) below.
- (3) In accordance with Sections 12 and 13 of the *Mineral Act*, no exploration of any type will be permitted on privately owned land without the consent of the landowner.

#### **4.2.9 Mineral Working**

- (1) Mineral working operations, where permitted, will be subject to terms and conditions to minimize impacts on environmentally sensitive areas and nearby existing development.
- (2) Mineral working operations will take measures to minimize negative impacts on water resources and other sensitive environmental resources.

#### **4.2.10 Forest Resources and Trees**

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

#### **4.2.11 Utilities**

##### **1. Utility Easements and Facilities**

Utility uses, such as transmission lines, communication towers, stormwater drains, water and sewer pipes and treatment facilities, energy generation facilities, and pollution control facilities, may be permitted in all land use designations subject to conditions set by Council. Council may restrict the development of certain utilities within the Environmental Protection designation.

##### **2. Alternative Energy Facilities**

At Council's discretion, wind, small hydro, and solar energy generation facilities may be permitted in any land use designation subject to conditions, including the following:

- (a) The location and design of such utilities shall take into consideration potential impacts on nearby land uses, persons, and the natural environment.
- (b) Wind generators permitted within built-up areas will be limited to single turbines designed to serve individual properties.

- (c) To provide for adequate safety and comfort of persons and properties, Council will ensure that there is an adequate separation distance between any type of wind generator and nearby buildings and structures.
- (d) Energy utilities are subject to required approvals by relevant provincial and federal departments.

#### **4.2.12 Archaeological Resources**

Archaeological sites are protected under the *Historic Resources Act*. If such a site is discovered, development will stop and no further development will occur until the Provincial Archaeology Office has been notified and provided direction on whether or how the development should proceed.

#### **4.2.13 Provision for the Disabled and Elderly**

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

#### **4.2.14 Signs**

- (1) Unless otherwise exempted in the Development Regulations, the erection of advertising and notice signs will be subject to the approval and standards of Council.
- (2) In addition to a permit from Council, the erection or display of a sign on Provincial Routes 74 and 80 will require approval from Digital Government and Service Newfoundland and Labrador.

#### **4.2.15 Use of Discretionary Authority**

Council may exercise its discretionary authority to prohibit or set conditions on a development when, in its opinion, that development might be incompatible with, or result in undesirable impacts on, existing land uses, especially heritage buildings and sites.

### **4.3 Heritage Policies**

Council places high priority on preserving and strengthening Heart's Content's unique place in Newfoundland and Labrador and Canadian history. Protecting and enhancing the Town's built and natural heritage is fundamental to this goal and to the importance of tourism in the local economy.

Land use decisions by Council will duly consider how heritage properties, sites, and scenic viewsheds will be affected.

#### **4.3.1 Heritage Values**

##### **Historic Significance**

The English fishery started in Heart's Content in the 1600's and despite periods of uncertainty has continued to the present day. Permanent residency slowly developed in the 1730's and 40's, but it was a century later when the population really began to grow with the increasing prosperity of the fishery. The Society of United Fishermen was formed in Heart's Content in the 1860's and built the SUF Lodge No.1, which remains a prominent part of the community.

The fishery is the reason that people first settled in Heart's Content, however it was the first successful landing of a transatlantic telegraph cable in 1866 that sets the history of Heart's

Content apart. The cable landing connected North America to the Europe and resulted in Heart's Content becoming an important hub in international communications. This attracted workers from both Canada and England resulting in a substantial increase in population. They brought with them cultural activities, lifestyles, and social classes that until then were unfamiliar.

### **Description of Historic Place**

The present-day community of Heart's Content is spread out from the north to the south side of the harbour but most of its historic buildings are clustered centrally on the harbour's east side. Today this area corresponds to the boundaries of the Heart's Content Heritage District, which was so designated in 2013 by the Heritage Foundation of Newfoundland and Labrador.

The Heart's Content Cable Station, built in 1876, is a Provincial Historic Site and the centrepiece of the Heritage District. Within walking distance of the Cable Station are numerous other historic buildings and sites including Cable company staff houses, Heyfield United Church, the SUF and Orangemen's halls, numerous private homes from the early 1900's and several cemeteries.

### **Character-Defining Elements**

Heart's Content is valued for its unique place in the Newfoundland and Labrador and Canadian history. The submarine connection between Europe and North America established the town as an important hub for international communications. This made Heart's Content the province's first company town while at the same time fishing continued as an important part of the economy. The harbour, community and surrounding hills achieve aesthetic value through the styles, colours, placement of the Cable Station, surrounding historic buildings, cemeteries, and striking harbour landscape.

While not necessarily an exclusive list, the following are key elements that define the cultural and natural character of Heart's Content and are important for preserving heritage and aesthetic values:

- Heart's Content Cable Station, constructed in 1876 (Provincial Historic Site)
- Society of United Fishmen Hall No. 1, constructed in 1869 (registered heritage structure)
- Heyfield Memorial United Church, constructed in 1878 (registered heritage structure)
- Cable Staff Houses No. 1 and No 2 constructed in 1882 (registered heritage structures)
- Orangeman's Hall, constructed in 1880
- Anglo-American House, constructed in 1881
- Old Jack's Shop, constructed in 1900
- Heart's Content Lighthouse, constructed in 1901
- Western Union staff houses, constructed in 1918
- Western Union Operator's House, constructed in 1921 (registered heritage structure)
- Methodist School (now the Mizzen Museum), constructed in the 1920s
- A number of early-20<sup>th</sup> century two-storey houses and bungalows
- Uncle Bill Piercey's Store also known as the House of Commons (registered fisheries heritage site)
- Several cemeteries including Heyfield United Church Cemetery and the Anglian Church Cemetery on Main Road
- Anglo-American Coal Shed
- Historic rock walls and path supports, including the stone wall abutting the Anglican Cemetery on Main Road
- Other early-20<sup>th</sup> century two-storey homes and bungalows

- Traditional paths and roadways to the shoreline and surrounding hillsides and barrens used for berry picking, firewood cutting, and hunting
- The closed-in harbour sheltered by surrounding hills'
- New hiking trails and hillside viewpoints overlooking the harbour, community and oceanside

#### **4.3.2 Heritage Protection and Enhancement**

- (1) Council will endeavour to protect sites, buildings, structures, and viewsheds that are important for preserving Heart's Content's built and natural heritage. This includes historic buildings and sites, the harbourfront, historic homes, scenic hillsides, and in particular the buildings and cultural landscape within the Heart's Content Heritage District.
- (2) When reviewing a development or demolition application or proposed subdivision of land, Council will consider the potential effects on the Town's historic character and scenic landscapes.
- (3) When reviewing an application to develop, demolish, or alter any building, or subdivide land within the boundaries of the Heritage District, Council will be guided by the Heart's Content Heritage Regulations and the advice of its Heritage Advisory Committee.
- (4) At its discretion, Council may set conditions on an approval or may refuse an application if it deems that a proposed development is non-compliant with Heritage Regulations or will negatively affect heritage values to a degree that cannot be sufficiently minimized or mitigated.

#### **4.3.3 Designated Heritage Properties**

##### **1. Designated Provincial Heritage Properties**

Council will cooperate with Provincial authorities to ensure existing and future registered provincial historic sites and buildings are protected in accordance the *Historic Resources Act (RSNL 1990 CHAPTER H-4)*.

##### **2. Council Designation of Heritage Properties**

Under authority of Section 200 of the *Municipalities Act 1999*, Council may designate additional sites, buildings, and structures as "Municipal Heritage Properties."

#### **4.3.4 Adaptive Re-use of Historic Buildings and Homes**

Council will encourage the adaptive reuse of historic buildings, homes, and properties for land uses and activities that would help to facilitate their preservation, restoration, and enhancement of heritage values. This may include business, residential, cultural, and institutional activities that would enhance the economic viability of their preservation.

#### **4.3.5 Use of Discretionary Authority**

Whether or not a proposed development or demolition complies with this Municipal Plan and its Development Regulations, Council may exercise its discretionary authority to:

- Approve a development application that, in its opinion, would contribute to the preservation or improvement of a historic property or general heritage values of the area.

- Prohibit or set conditions on a proposed development or demolition that, in its opinion, would negatively affect or interfere with the preservation of a historic property, scenic viewshed, or general heritage values.

#### **4.4 General Environmental Policies**

Conservation values are intrinsic to this Municipal Plan. High priority is given to protecting sensitive areas and habitat. Council will protect freshwater resources, particularly the Town's water supply area, with a focus on maintaining water quality and minimizing stormwater impacts, soil erosion, and watercourse degradation. Environmental sensitivity will also be of primary consideration when reviewing proposed developments in the vicinity of coastal waters and steep hillsides. Land use decisions will always consider environmental sustainability and biodiversity objectives.

##### **4.4.1 General Environment**

###### **1. Biodiversity**

Maintaining biodiversity will be of foremost consideration in the planning and approval of future development in the Municipal Planning Area.

###### **2. Protection of Sensitive Areas**

Environmentally sensitive lands, including the water supply area, watercourses, riparian areas, wetlands, steep slopes, wet and unstable soils, coastal features, and terrestrial and marine habitat, will be protected from potentially damaging development.

###### **3. Consideration of Environmental Impacts**

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

##### **4.4.2 Soils and Drainage**

- (1) Development shall be permitted only on lands with soil and drainage conditions that, in the opinion of Council, are suitable for the proposed use.
- (2) Development in areas that are environmentally sensitive or hazardous due to wet or unstable soils, a high water table, or unstable geological conditions, may be restricted or subjected to terms and conditions to reduce potential impacts.

##### **4.4.3 Watercourse and Wetland Protection**

- (1) Development in the vicinity of a watercourse or wetland will be carried out in a manner that minimizes the potential for environmental impacts, protects natural drainage, and preserves existing public access to the water.
- (2) Conservation buffers will be established to protect watercourses from stormwater discharges, erosion, sedimentation, pollution, and damage to important habitat for aquatic and terrestrial species.



- (3) Where it believes that a proposed development may affect a watercourse or wetland, at its discretion, Council may:
  - (a) establish a sufficient buffer from the edge of the watercourse or wetland where development may not be permitted,
  - (b) require such other conditions or restrictions as it deems necessary to protect the watercourse or wetland, and/or
  - (c) refuse to approve a development if it believes that identified impacts cannot be sufficiently minimized or mitigated.

#### **4.4.4 Freshwater and Coastal Shorelines**

Development in the vicinity of freshwater and coastal shorelines shall be carried out in a manner that is in accordance with the Provincial *Policy for Development in Shorewater Zones* and aims to minimize environmental impacts, protect natural features, and preserve existing public accesses to and along the shoreline.

#### **4.4.5 Steep and Unstable Slopes**

Steep and unstable slopes may be subject to development restrictions or other conservation measures designed to minimize environmental impacts and hazards to humans and properties resulting from development.

#### **4.4.6 Storm Drainage**

- (1) Development will not be permitted in a manner that may cause excessive increases in stormwater runoff such that it could be detrimental to adjacent properties, steep and unstable slopes, nearby watercourses, coastal shorelines, and other sensitive areas.
- (2) In areas where there is concern that development may contribute to increased surface or sub-surface drainage, Council may require developers and landowners to:
  - (a) Set aside undeveloped land where stormwater can be discharged to naturally infiltrate into the soil.
  - (b) Maintain vegetated buffers between stormwater drainage outlets and watercourses to minimize direct discharges into watercourses.
  - (c) Preserve existing trees or plant additional trees and shrubs to promote soil infiltration and capture sediments.
  - (d) Install soakaways to capture runoff and infiltrate it directly into the ground.
  - (e) Channel runoff to gardens and low-lying areas on the development site and on individual lots.
  - (f) Take advantage of the topography to reduce storm drainage, for example, retain natural depressions in the landscape to accumulate runoff and promote soil infiltration.
  - (g) Re-establish vegetative cover immediately on gravel surfaces, banks, drainage ditches, and other areas disturbed by construction activity.
  - (h) Minimize pavement and other impervious surfaces that prevent infiltration and increase runoff.

#### **4.4.7 Wildlife**

##### **1. Caribou**

Land in the vicinity of Easternmost Rocky Pond and Gull Pond near the eastern edge of the Heart's Content Planning Area falls within an area designated as a Sensitive Wildlife Area for caribou. Council will consult with the Wildlife Division prior to approving any new development in this area so that proper mitigations may be put in place if needed.

## **2. Wildlife Habitat and Landscape Connectivity**

Council will consider potential effects on wildlife habitat and landscape connectivity when making land use and development decisions.

This could include:

- Maintaining a 30-metre riparian buffer along wetlands and watercourses (ponds, rivers, creeks etc.) with wider buffers when bordering land uses include higher impact uses such as residential subdivisions and some types of agriculture.
- Maintaining green belts that connect forested areas and other habitat patches to create travel corridors for various wildlife species.
- Restricting vegetation clearing within the May 1-July 31 period as disturbance can be most detrimental during this sensitive breeding and young rearing period.

### **4.4.8 Use of Discretionary Authority**

Council may exercise its discretionary authority to prohibit or set conditions on a development when, in its opinion, the development might result in undesirable environmental impacts, for example, excessive drainage onto adjacent properties, flooding, soil erosion, scouring and siltation of streams, or injury to rare and sensitive species and habitat.

## **4.5 Infrastructure Policies**

### **4.5.1 Water Supply System**

Council will maintain its water supply system, including intakes, treatment plants, and distribution system, in good working order to ensure the availability of an adequate quantity and quality of water for the town.

### **4.5.2 Sanitary Sewer System**

Council will maintain the town's sanitary sewer system in good working order and will not allow landowners to connect storm drains to sanitary sewer mains.

### **4.5.3 Stormwater Management**

Council will maintain storm drains, drainage ditches, and related facilities in good working order.

### **4.5.4 Water and Sewer Requirements for New Development**

- (1) All water and sewer infrastructure associated with new land development must meet the minimum standards of the Town.
- (2) The costs of installing water and sewer services and connecting new lots to the municipal system will be the sole responsibility of the developer.

## **4.6 Transportation Policies**

The transportation system in Heart's Content includes a hierarchy of arterial, collector, and local streets as well as public trails and walkways.

#### **4.6.1 Consideration of Environmental Impacts**

New streets, water crossings and associated infrastructure will be located and constructed so as to minimize adverse impacts on environmentally sensitive areas and resources.

#### **4.6.2 Arterial Roads**

##### **1. Purpose**

The primary purpose of an arterial street is to provide safe and efficient traffic flow for vehicles travelling to and through the Planning Area. A secondary purpose is to distribute traffic within the Planning Area.

##### **2. Description**

Provincial Highways 74 and 80, correspond to Main Road and Cove Road within the Hearts Content built-up area, are the town's only Arterial Streets. Within the Planning Area, Route 74 runs for approximately 7.2 kilometres from the eastern boundary to its intersection with Route 80 inside the built-up community. Route 80 extends approximately 9.5 kilometres from the Heart's Desire boundary in the south to the New Perlican boundary in the north.

##### **3. Individual Accesses**

Council will use its discretionary authority if necessary to prevent development of any driveway or other private access along Main Road and Cove Road where it deems that such access would adversely affect traffic safety and/or efficiency.

#### **4.6.3 Collector Streets**

##### **1. Purpose**

The primary purpose of collector streets is to distribute traffic between major points and local streets within the Town.

##### **2. Description**

Northern Point Road is the only street that can be described as a collector street in Heart's Content as most local streets connect directly to arterial Routes 74 and 80.

#### **4.6.4 Local Streets**

##### **1. Purpose**

Local streets are intended to serve properties located on the street and generally are not used by traffic except to access these properties and adjoining local streets.

##### **2. Description**

Local streets include all streets except for Main Road, Cove Road, and Northern Point Road.

#### **4.6.5 Future Road Connections**

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

#### **4.6.6 Street Design and Construction**

- (1) The location, design, and construction of public streets will meet Council's minimum requirements for public safety, traffic efficiency, access to adjoining land, and construction quality.

- (2) Except where it is not physically feasible, new streets shall be located such that there will be sufficient land to develop lots on both sides in accordance with the development standards of the zone.
- (3) The layout of a new street will provide adequate reservations to accommodate road extensions and access to backland areas for future development.
- (4) The costs of constructing and connecting new streets to the municipal street system will be the sole responsibility of the developer.

#### **4.6.7 Provision for Disabled and Elderly Persons**

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

## 5.0 LAND USE DESIGNATIONS

In addition to general policies that apply throughout the Planning Area, the Town's growth and development will be managed by designating lands to broad land use categories. These designations are shown on Future Land Use Maps 1 and 2. Policies outlined in this section specify Council's intent related to land use and forms of development in each of the following land use designations.

<b>Future Land Use Designations</b>	<b>Corresponding Zones</b>	
Environmental Protection	Environmental Protection	EP
Protected Water Supply	Protected Water Supply	PWS
Residential-Mixed Development	Residential Mixed Development	RES MD
Heritage District	Heritage District	HD
Commercial-Light Industrial	Commercial-Light Industrial	CLI
Coastal and Marine	Coastal and Marine	CM
Parks and Open Space	Parks and Open Space	POS
Rural	Rural	RU

### 5.1 Environmental Protection

#### 5.1.1 General Intent

Land is designated Environmental Protection to protect environmentally important lands and natural resources including surface water resources, wetlands, and estuaries.

#### 5.1.2 Environmental Protection Zone

The Development Regulations shall establish one land use zone within the Environmental Protection designation, also referred to as Environmental Protection.

<b>Zone</b>	<b>Intent</b>	<b>Application</b>
Environmental Protection (EP)	Protect watercourses, wetlands, estuaries, and other sensitive lands.	Rivers, lakes, streams, wetlands, estuaries, and important and sensitive habitat.

#### 1. Land Use

##### (1) Permitted Uses

Conservation and open space are permitted. Open space may include low impact uses such as walking trails, boardwalks, viewing platforms, picnic tables, and outdoor interpretation facilities.

##### (2) Discretionary Uses

Council may permit mineral exploration, multi-use trails, transportation, and utility uses in the EP zone.

Transportation infrastructure and utilities may be permitted at Council's discretion only if alternative locations are not feasible and Council considers the proposed development to be in the public interest. Development will be limited to essential infrastructure such as road crossings of streams, bridges, culverts, drainage ditches, electrical transmission lines, water supply

infrastructure, and sewer infrastructure. Council may consult with the Department of Environment and Climate Change and other relevant agencies before approving a proposed development.

Multi-use trails may be permitted at Council's discretion only if alternative locations outside of the EP zone are not feasible. Development will be restricted to the shortest reasonable routes through the zone and subject to conditions to minimize adverse environmental impacts. A multi-use trail will not be permitted in any area identified as a Sensitive Wildlife Area.

At its discretion, Council may permit mineral exploration that is classed as a development (refer to definitions in Part 2) subject to the provisions of **Section 4.2.8**, necessary Provincial approvals, and other conditions deemed necessary by Council.

### **(3) Prohibited Uses**

Uses that are not listed as permitted or discretionary will not be permitted.

## **2. Excavation and Infilling of Land and Water**

Excavation and infilling of land and water will not be permitted unless it is to redirect stormwater or is a work that has been approved by the Water Resources Management Division of the Department of Environment and Climate Change.

Council will not approve any infilling or dredging work within 15 metres of a body of water unless a permit from the Province has been issued under the *Water Resources Act 2002*. Also, all proposed infilling must comply with the Provincial *Policy for Infilling Bodies of Water*.

## **5.2 Protected Water Supply**

### **5.2.1 General Intent**

Land is designated Protected Water Supply primarily to conserve and protect the drinking water sources for Heart's Content and the adjoining towns of New Perlican and Heart's Desire. Land development within this designation will be limited and strictly controlled to ensure the quantity and quality of municipal source water in these areas is not compromised. Its highest goal is to ensure land use and development will not negatively affect surface water and recharge areas for these water supplies.

### **5.2.2 Protected Water Supply Areas**

- (1) The Protected Water Supply designation includes three Provincially protected water supply areas:
  - Southern Cove Pond Protected Water Supply Area
  - New Perlican River Protected Water Supply Area
  - Terrence Pond Protected Water Supply Area
- (2) No development of any kind will be permitted in these water supply areas without the required approval(s) and guidance of the Water Resources Management Division of the Department of Environment and Climate Change.
- (3) Council will monitor land uses and activities in these areas to ensure they are carried out in a manner that will not harm water quantity and quality.
- (4) Uses or activities that are found to be taking place in a manner deleterious to the water supply will be subject to an immediate stop-work order.

**5.2.3 Protected Water Supply Zone**

The Development Regulations shall establish one land use zone within the Protected Water Supply designation, also referred to as Protected Water Supply.

<b>Zone</b>	<b>Intent</b>	<b>Application</b>
Protected Water Supply (PWS)	Conserve and protect water supply areas. Allow certain uses to the extent that drinking water sources will not be harmed.	Corresponds to the boundaries of Provincially protected Southern Cove Pond, New Perlican River, and Terrence Pond water supply areas.

**1. Land Use**

**(1) Permitted Uses**

Conservation, open space, and community gardens are permitted. Open space may include low impact uses such as walking trails, boardwalks, viewing platforms, picnic tables, and outdoor interpretation facilities.

**(2) Discretionary Uses**

At its discretion Council may permit antennas, commercial crop agriculture, energy generation facilities, forestry, multi-use trails, transportation, and utility uses. A multi-use trail will not be permitted in any area identified as a Sensitive Wildlife Area.

Council may permit mineral exploration that is classed as a development subject to the provisions of Section 4.2.8, Provincial approval, and all conditions deemed necessary by Council.

Council may permit mineral working subject to the provisions of Section 4.2.9, Provincial approval, and all conditions deemed necessary by Council. At its discretion Council may require a professional assessment of potential environmental impacts prior to providing approval.

Council will not approve a discretionary use unless it is satisfied that municipal source water will not be negatively affected and all necessary Provincial approvals have been provided.

**(3) Prohibited Uses**

Uses that are not listed as permitted or discretionary will not be permitted.

**5.3 Residential-Mixed Development**

**5.3.1 General Intent**

Land is designated Residential-Mixed Development to preserve the amenity of existing residential areas and accommodate future housing needs as well as compatible development of commercial, cultural and public uses. The intent is to maintain a pleasant residential environment and encourage a diversity of housing types to meet changing needs. It is Council’s objective to ensure housing is available and affordable for all socio-economic groups, particularly aging residents.

The Residential-Mixed Development designation will accommodate commercial and light industrial uses that are compatible with nearby residential areas. The designation includes some areas that are predominantly residential and others where residential and commercial development are intermixed. Development will be guided in a manner that preserves and protects sensitive environments, public open space, and heritage and aesthetic values.

**5.3.2 Compatibility of Uses**

- (1) In evaluating development proposals in the Residential-Mixed Development designation, Council will pay particular attention to ensuring residential and commercial development remains compatible.
- (2) Where an area within the Residential-Mixed Development designation is predominantly residential in character, proposed non-residential uses will not be approved if they are deemed to be incompatible with the residential character of the area.
- (3) Before permitting a non-residential development, Council will be satisfied that its requirements with respect to building setbacks, buffering between uses, off-street parking, outdoor storage, and other site related matters can be met.
- (4) Council may impose conditions to require non-residential uses to maintain an attractive appearance and minimize adverse impacts on existing uses, including proper site layout, buffering, screening, and control or restriction of potentially noxious activities.

**5.3.3 Use of Discretionary Authority**

If Council deems that a proposed development in the Residential-Mixed Development designation will adversely affect existing land uses or the character of the area, it will exercise its discretionary authority to set terms and conditions on the development or to refuse the application.

**5.3.4 Land Use Zones**

The Development Regulations shall establish two land use zones within the Residential-Mixed Development designation – Residential and Mixed Development.

<b>Zone</b>	<b>Intent</b>	<b>Application</b>
Residential (RES)	Recognize existing and accommodate future neighbourhoods of single dwellings. Allow higher density housing in appropriate areas. Allow limited recreational housing as well as compatible commercial, cultural, and civic uses.	Existing and proposed residential areas.
Mixed Development (MD)	Maintain the existing functional mix of residential and commercial land uses while promoting development of vacant serviced land.	A compatible mix of residential, commercial, and public land uses.

**5.3.5 Residential Zone**

The Residential zone applies to existing residential areas fronting onto Main Road, Cove Road, Northern Point Road and connecting side streets. It also applies to potential residential expansion areas north of Northern Point Road and on the west side of Main Road south of the Main Road-Cove Road intersection. Development opportunities in this zone include infill along existing streets and new streets in areas that are sufficiently close to existing municipal services.

While single detached dwellings will remain the primary housing form in this zone, double dwellings will be permitted and multi-unit dwellings, tiny homes, retirement establishments, residential care homes will be considered where appropriate. Travel trailers and recreational vehicles used for recreational living may be considered subject to compatibility standards. Compatible commercial, cultural, and civic uses will also be considered.



**1. Land Use**

**(1) Permitted Uses**

Permitted residential uses include single dwellings, double dwellings, subsidiary apartments, and boarding houses.

Residential accessory buildings will be permitted subject to standards and conditions.

Community gardens, conservation, and open space are complementary uses that will be permitted.

Other permitted uses include home offices, transportation, and utilities.

**(2) Discretionary Uses**

Residential uses that may be permitted at Council's discretion include apartment buildings, row dwellings, tiny houses, residential care homes, and retirement establishments.

A home occupation within a residential dwelling or a residential accessory building may be permitted subject to conditions.

Domestic sawmills and personal livestock uses may be permitted as accessory uses on residential lots subject to conditions.

Bed and breakfasts and visitor rental dwellings may be permitted subject to conditions to ensure they are compatible with surrounding residential dwellings.

Tourist cottages and glamping facilities may be permitted as a secondary use on residential lots subject to conditions to ensure they are compatible with the neighbourhood.

Travel trailers and recreational vehicles may be permitted as a standalone main use subject to conditions to ensure compatibility within residential areas.

Antennas, arts and craft studios, catering, cemeteries, childcare, cultural and civic uses, emergency services, energy generation facilities, kennels, mobile vending facilities, multi-use trails, personal services, recreational open space, shops, storage rental facilities, take-out food services, and tourist cottage establishments, may be permitted subject to conditions.

Council may permit mineral exploration that is classed as a development subject to the provisions of Section 4.2.8, necessary Provincial approvals, and other conditions deemed necessary by Council.

**(3) Prohibited Uses**

Uses that are not listed as permitted or discretionary will not be permitted.

**5.3.6 Mixed Development Zone**

The Mixed Development zone applies to lands lying south of the Heritage District and extending along Main Road to approximately 200 metres south of the Main Road-Cove Road intersection. This designation includes some areas that are predominantly residential and others where residential and commercial development are intermixed.

**1. Land Use**

**(1) Permitted Uses**

Single dwellings, double dwellings, row dwellings, subsidiary apartments, boarding houses, and residential accessory buildings will be permitted except where they are deemed by Council to be incompatible with existing commercial or other non-residential uses.

Conservation, open space, and community gardens are compatible uses that will be permitted.

Arts and craft studios, bed and breakfasts, childcare, home occupations, home offices, offices, personal services, transportation, utilities, and visitor rental dwellings will be permitted subject to any conditions that Council deems necessary.

**(2) Discretionary Uses**

Residential uses that may be permitted at Council's discretion include apartment buildings, tiny houses, residential care homes, and retirement establishments.

Tourist cottages and glamping facilities may be permitted as a secondary use on residential lots subject to conditions to ensure they are compatible with the neighbourhood.

Travel trailers and recreational vehicles may be permitted as a standalone main use subject to conditions to ensure compatibility within residential areas.

Domestic sawmills and personal livestock uses may be permitted as accessory uses on residential lots subject to conditions.

Campgrounds, catering, commercial accommodations, mobile vending facilities, take-out food services, and tourist cottage establishments, may be permitted if they are deemed to be suitable for the area and compatible with existing residential development.

Amusement uses, antennas, , clubs and lodges, communications, cultural and civic uses, drinking establishments, educational uses, emergency services, energy generation facilities, entertainment uses, funeral homes, garden centres, gas bars, general, indoor and outdoor assembly, general garages, general services, indoor and outdoor markets, kennels, medical service and treatment, multi-use trails, places of worship, recreational open space, recycling facilities, service stations, shops, shopping centres, storage rental facilities, vehicle sales and rentals, and veterinary services may be permitted.

Contractor yards and light industries may be permitted if they are deemed to be suitable for the area and compatible with existing uses.

Council may permit mineral exploration subject to the provisions of Section 4.2.8, necessary Provincial approvals, and other conditions deemed necessary by Council.

**(3) Prohibited Uses**

Uses that are not listed as permitted or discretionary will not be permitted.

## **5.4 Heritage District**

### **5.4.1 General Intent**

Land is designated Heritage District to ensure the continuity of important buildings, sites and features that showcase Heart's Content's history and culture. The Heritage District designation corresponds to Heart's Content Heritage District, which was so designated by the Heritage Foundation of Newfoundland and Labrador in 2013.

This designation recognizes the existing mix of public, residential, and commercial uses that have evolved over time, the town's status as the landing site of the first successful trans-Atlantic communications cable, and its historic connection to the cod fishery since the 1600's, and its opportunities for economic development derived from this heritage. It is the goal of Council to protect and enhance the mixed-use character of this historic area by maintaining the cultural landscape and encouraging compatible reuse and redevelopment of vacant and underused buildings and properties.

- (1) Council will carefully manage development in this designation to maintain and enhance Heart's Content's historic buildings and sites. Land uses and design approaches will be promoted that preserve and enhance the traditional character of these areas.
- (2) Council will encourage the revitalization of buildings and sites that have suffered from economic decline by promoting and facilitating adaptive re-use and redevelopment of vacant and underused buildings and properties.
- (3) The Heritage District designation will accommodate a compatible mix of land uses to attract new residents and facilitate tourism opportunities.

### **5.4.2 Compatibility of Uses**

- (1) When evaluating a development proposal, Council will pay particular attention to the need for it to be compatible with the district's heritage buildings and sites.
- (2) Where an area within the Heritage District is predominantly residential in character, a proposed non-residential use will not be approved if Council deems that it will be incompatible with nearby residential uses.
- (3) Before permitting a development, Council will be satisfied that its requirements with respect to building setbacks, buffering between uses, off-street parking, outdoor storage, and other site related matters can be met.
- (4) Council may impose conditions to require development to comply with the Heart's Content Heritage Regulations, maintain an attractive appearance and minimize adverse impacts on existing uses, including proper site layout, buffering, and screening.

### **5.4.3 Guiding Principles**

The following principles will be pursued in managing development within the Heritage District designation:

- (a) Adaptive reuse and redevelopment of vacant and underused properties and buildings to the extent that the reuse or redevelopment will be compatible with heritage values and will contribute to the revitalization of the area.

- (b) Preservation and enhancement of buildings and structures of architectural and historic importance.
- (c) Maintenance of the historic community form.
- (d) Maintenance of heritage character with respect to the appearance, scale, siting, and use of new buildings, expansions and alterations to existing buildings, and restoration and reuse of dilapidated buildings, structures, and sites.
- (f) Preservation of public rights-of-way, trails, open spaces, and scenic viewsheds.

**5.4.4 Use of Discretionary Authority**

If Council deems that a proposed development in the Heritage District will adversely affect the character and heritage of the area, it will exercise its discretionary authority to set terms and conditions on the development or to refuse the application.

**5.4.5 Heritage District Zone**

The Development Regulations establish one zone within the Heritage District designation, also referred as the Heritage District zone.

<b>Zone</b>	<b>Intent</b>	<b>Application</b>
Heritage District (HD)	Accommodate a mix of residential, commercial, public, and open space uses. Protect heritage values and scenic viewsheds by prohibiting incompatible development and demolitions.	Land use and development decisions by Council will be guided by the Heart's Content Heritage Regulations.

**1. Land Use**

**(1) Permitted Uses**

Permitted housing the Heritage District zone includes single and double dwellings, subsidiary apartments, and boarding houses.

Accessory buildings will be permitted subject to standards and conditions required by Council.

Home occupations will be permitted within a residential dwelling or an accessory building in accordance with conditions required by Council.

Community gardens, conservation, and open space are complementary uses that will be permitted.

Other permitted uses include arts and craft studios, bed and breakfasts, childcare, home offices, offices, personal services, , transportation, utilities, and visitor rental dwellings.

**(2) Discretionary Uses**

Residential uses that may be permitted at Council's discretion include row dwellings, apartment buildings, tiny houses, and residential care homes, and retirement establishments.

Domestic sawmills and personal livestock uses may be permitted as accessory uses on residential lots subject to conditions.

Tourist cottages and glamping facilities may be permitted as a secondary use on residential lots subject to conditions to ensure they are compatible with the neighbourhood.

Other uses that may be permitted include amusement uses, antennas, catering, cemeteries, clubs and lodges, commercial accommodations, communications, cultural and civic uses, docks, drinking establishments, educational uses, emergency services, energy generation facilities, entertainment uses, general, indoor and outdoor assembly, general services, indoor and outdoor markets, kennels, light industries, marinas, medical services, mobile vending facilities, personal livestock uses, places of worship, recreational open space, residential care facilities, shops, slipways, stages, and take-out food services.

## 5.5 Commercial-Light Industrial

### 5.5.1 General Intent

The Commercial-Light Industrial zone is located on the east side of Main Road opposite its intersection with Cove Road as well as a much smaller area on the east side of Main Street near the Heart's Content Fire Hall. The intent of the CLI zone is to protect the amenity of existing uses and allow for more land-extensive commercial and industrial development that cannot be accommodated or might not be compatible in other areas of the town.

### 5.5.2 Commercial-Light Industrial Zone

The Development Regulations will establish one land use zone within the Commercial-Light Industrial designation – also referred to as Commercial-Light Industrial.

Zone	Intent	Application
Commercial-Light Industrial (CLI)	Provide for commercial and industrial development separately from other land use classes.	Existing and future commercial-industrial uses in the vicinity of the Main Road-Cove Road intersection.

#### 1. Land Use

##### (1) Permitted Uses

Permitted uses will include contractors' yards, emergency services, garden centres, general garages, general services, light industries, offices, recycling facilities, service stations, shops, storage rental facilities, transportation, utilities, and vehicle sales and rentals.

Conservation and open space are compatible uses that will be permitted.

##### (2) Discretionary Uses

Development that may be permitted at Council's discretion include antennas, autobody shops, construction yards, energy generation facilities, general industries, and salvage yards.

Council may permit mineral exploration subject to the provisions of Section 4.2.8, necessary Provincial approvals, and other conditions deemed necessary by Council.

## 5.6 Coastal and Marine

### 5.6.1 Intent

The Coastal and Marine designation abuts the shoreline of Heart's Content Harbour for most of the distance between the hydro plant in Southern Cove and the Lighthouse at Northern Point.

Existing land uses in the Coastal and Marine zone include the fisheries marine centre in the northeast of the harbour, scattered private docks, slipways, and stages, as well as some accessory buildings in the backyards of residential properties.

The intent of this zone is to protect sensitive coastal features and scenery and accommodate commercial fishing, marine, and recreational uses that have bona fide need for shoreline access.

### 5.6.2 Coastal and Marine Zone

The Development Regulations will establish one land use zone within the Coastal and Marine designation – also referred to as Coastal and Marine.

<b>Zone</b>	<b>Intent</b>	<b>Application</b>
Coastal and Marine (CM)	Protect sensitive and scenic coastal features. Accommodate commercial and private uses with a bonafide need for shoreline access.	Existing and future commercial-industrial uses in the vicinity of the Main Road-Cove Road intersection.

#### 1. Land Use

##### (1) Permitted Uses

Permitted uses will include conservation, open space, and utilities.

##### (2) Discretionary Uses

Development that may be permitted at Council's discretion include boathouses, docks, fisheries facilities, marinas, marine facilities, slipways, and stages.

Council may permit mineral exploration subject to the provisions of Section 4.2.8, necessary Provincial approvals, and other conditions deemed necessary by Council.

##### (3) Prohibited Uses

Uses that are not listed as permitted or discretionary will not be permitted.

## 5.7 Parks and Open Space

### 5.7.1 General Intent

Areas are designated Parks and Open Space for their aesthetic, cultural and heritage values, passive and active recreation, community gatherings, and tourism development.

### 5.7.2 Parks and Open Space Zone

The Development Regulations shall establish one land use zone within the Parks and Open Space, also referred to as Parks and Open Space.

<b>Zone</b>	<b>Intent</b>	<b>Application</b>
Parks and Open Space (POS)	Provide land for parks, open space, recreational and cultural facilities, trails, campgrounds, cemeteries, outdoor gatherings, community events, retirement establishments, and heritage protection.	Existing and future parks and open space areas.

**1. Land Use**

**(1) Permitted Uses**

Permitted uses in the Parks and Public Use zone include community gardens, conservation, and open space.

**(2) Discretionary Uses**

Uses that may be permitted at Council's discretion include , campgrounds, catering, cemeteries, cultural and civic uses, energy generating facilities, general, indoor and outdoor assembly, indoor and outdoor markets, mobile vending facilities, recreational open space, and shops.

Retirement establishments with independent-living dwelling units may be permitted subject to conditions set by Council.

Mineral exploration may be permitted subject to the provisions of Section 4.2.8, necessary Provincial approvals, and other conditions deemed necessary by Council.

Transportation and utility uses may be permitted at Council's discretion.

**(3) Prohibited Uses**

Uses that are not listed as permitted or discretionary will not be permitted.

**5.8 Rural**

**5.8.1 General Intent**

Areas are designated Rural to recognize their potential for natural resource utilization, agriculture, outdoor recreation, and certain commercial and industrial uses that may not be suitable in or near built-up areas.

**5.8.2 Rural Zone**

The Rural Resource zone recognizes land used presently or with the potential for forestry, mineral working, agriculture, mining, and other natural resource developments.

<b>Zone</b>	<b>Intent</b>	<b>Application</b>
Rural (RU)	Recognize lands presently used for or with potential for agriculture, forestry, mineral working, outdoor recreation, and natural resource development.	Undeveloped lands lying outside built-up areas.

**1. Land Use**

**(1) Permitted Uses**

Permitted uses in the Rural zone include antennas, community gardens, conservation, commercial crop agriculture, energy generation facilities, forestry, mineral exploration, open space, transportation, and utilities.

**(2) Discretionary Uses**

Uses that may be permitted at Council's discretion include campgrounds, cemeteries, commercial livestock agriculture, mineral working, mining, mobile vending facilities, multi-use trails, and

recreational open space. None of these uses will be permitted in any area identified as a Sensitive Wildlife Area.

At its discretion, Council may permit a single dwelling that is accessory to a bonafide commercial agricultural use.

Subject to conditions set by Council, a general or light industrial use may be permitted provided that the use is accessory to a commercial agriculture, forestry, or mineral working use, or is unsuitable for development within or close to the Heart's Content built-up area.

Subject to conditions set by Council, a construction or salvage yard may be permitted if Council deems that it would be compatible with the surroundings and would be unsuitable within or near the town's built-up area.

A catering use, indoor market, outdoor market or shop may be permitted at Council's discretion provided that the use is accessory to a commercial agriculture use or campground.

**2. Environmentally Sensitive and Scenic Areas**

Council may restrict or set conditions on land uses and resource extraction activities in locations where it deems that steep slopes, geologically unstable areas, wetlands, watercourses, scenic viewsheds, and other sensitive areas may be negatively affected. In such areas, protection and conservation will take priority over development.

**3. Forestry**

- (1) Commercial forest harvesting, and resource road development will be permitted only in accordance with the forest management plans of the Department of Fisheries, Forestry and Agriculture.
- (2) Domestic wood cutting will be permitted in areas designated for this purpose by the Department of Fisheries, Forestry and Agriculture.



## **6.0 IMPLEMENTATION**

The Heart's Content Municipal Plan will be implemented over the next 10 years through decisions of Council. Of particular importance to Council are the following:

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

### **6.1 Administration of the Plan**

The Heart's Content Municipal Plan is comprised of goals and objectives (Section 3 of this document), community-wide land use policies (Section 4), designation-specific land use policies (Section 5), and a program of implementation (Section 6). The Background Report (Section 2) provides information but does not form part of the legally binding Heart's Content Municipal Plan. All development applications will be evaluated as to their conformity to the policies in the Municipal Plan.

#### **6.1.1 Map Interpretation**

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

#### **6.1.2 Development Applications**

- (1) A person wishing to develop land for any purpose within the Heart's Content Municipal Planning Area must apply to Council for permission through the established procedure. Council shall require that all development applications conform fully to the Heart's Content Municipal Plan before proceeding. Council may refuse or approve the application and may set conditions on approval. The decision of Council may be appealed to an adjudicator by the applicant or a third party in accordance with Section 41(1) of the Act,
- (2) Once conformity to the Municipal Plan has been established, Council shall ensure that each development proposal is given an evaluation.
- (3) If Council suspects that a Provincial or Federal policy or statute may come into effect, it will refer the development proposal to the relevant government department or agency for approval or comments.
- (4) Council's final decision on an application will be based on the desire to guide the development of Heart's Content in the best long-term interest of residents and landowners.

- (5) Provisions regarding appeals of Council decisions on development applications will be contained in the Development Regulations.

### **6.1.3 Subdivision Proposals and Agreements**

- (1) All persons wishing to subdivide or develop land for any purpose within the Planning Area shall apply to Council for permission on the prescribed application form and shall submit a detailed drawing of the proposal indicating the location and dimensions of the land and the development.
- (2) Council will review the application based on the Development Regulations and consideration of the following:
- (a) Physical conditions and features of the site and opportunities for and constraints on development.
  - (b) How the proposed subdivision will connect to existing roads, how it will affect existing developments, and whether it will provide future access to undeveloped lands in the area.
  - (c) Compatibility with surrounding land uses, both existing and future.
  - (d) Proposed municipal services and the long-term public costs of providing and maintaining these services.
  - (e) How stormwater drainage will be managed to minimize increased run-off onto adjacent lands.
  - (f) How the development may affect important and sensitive environmental resources.
- (3) Based on its review, Council may approve the application, approve it with conditions, or refuse it.
- (4) Before approving a development, Council may require the developer to enter into a development agreement, which will establish the conditions under which development will proceed and shall be binding on both parties. Any conditions governing the development will be enforced by attaching them to the development permit.

## **6.2 Public Participation**

The Municipal Plan is an expression of the goals and aspirations of the citizens of Heart's Content, therefore, periodic reviews of the Plan provide an opportunity for public participation and input and can be an invaluable tool for the successful implementation of planning.

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

## **6.3 Development Regulations**

Pursuant to Section 35 of the *Urban and Rural Planning Act 2000*, Council has adopted the Heart's Content Development Regulations to implement the goals, objectives, and land use policies of the Municipal Plan. The Development Regulations control the subdivision and development of all land within the Heart's Content Planning Area.

### **6.3.1 Council Responsibility**

In accordance with Section 35 of the *Urban and Rural Planning Act 2000*, the Development Regulations have been established to ensure that land is controlled and used only in accordance with the Heart's Content Municipal Plan.

### **6.3.2 Content**

The Development Regulations:

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

## **6.4 Development Control**

### **6.4.1 Municipal Plan is Binding**

The Heart's Content Municipal Plan is a legal document that is binding upon all persons and organizations including Council.

### **6.4.2 Council Responsibility**

Council shall exercise appropriate control over development in the Heart's Content Planning Area in accordance with the Municipal Plan and the Development Regulations.

### **6.4.3 Right to Appeal**

An applicant who receives a refusal decision from Council on a development application may appeal that decision to an adjudicator in accordance with the Heart's Content Development Regulations. As well a third party who feels aggrieved by a decision by Council may appeal that decision to an adjudicator.

### **6.4.4 Provincial and Federal Referrals**

If Council deems that a proposed development may be affected by the policies or regulations of a Provincial or Federal department, the application will be referred to the concerned department for comments before a permit is issued.

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

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

### **6.5.1 Municipal Plan Amendment**

If Council decides to adopt an amendment to the Municipal Plan, in accordance with Section 25 of the *Urban and Rural Planning Act 2000*, the amendment procedure will be the same as for the adoption of the Municipal Plan as a whole. This procedure is outlined in Sections 14 to 24 of the *Act*.

**6.5.2 Stand-Alone Amendment to the Development Regulations**

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