

**TOWN OF CUPIDS
MUNICIPAL PLAN 2014**

SEPTEMBER 17 2015

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF CUPIDS MUNICIPAL PLAN 2014**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of Cupids adopts the Town of Cupids Municipal Plan 2014.

Adopted by the Town Council of Town of Cupids on the ____ day of _____, 2015.

Signed and sealed this ____ day of _____, 2015.

Mayor: _____
Harold Akerman

Clerk: _____
Ivy King

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP: Arvo McMillan

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF CUPIDS
MUNICIPAL PLAN 2014**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of Cupids

- a) adopted the Town of Cupids Municipal Plan 2014 on the _____ day of _____, 2015.
- b) gave notice of the adoption of the Town of Cupids Municipal Plan 2014 by advertisement inserted on the _____ day of _____, 2015 and the _____ day of _____, 2015 in the Compass Newspaper.
- c) set the _____ day of _____, 2015 at _____ p.m. at the Town Hall, Town of Cupids for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Cupids approves the Town of Cupids Municipal Plan 2014 on the ___ day of _____, 2015.

SIGNED AND SEALED this _____ day of _____, 2015

Mayor: _____
Harold Akerman

Clerk: _____
Ivy King

TABLE OF CONTENTS

1	INTRODUCTION.....	1
1.1	<i>The Plan</i>	1
1.2	<i>Cupids and the Municipal Planning Area</i>	2
1.2.1	General	2
1.2.2	History, Heritage, Archaeology and Settlement Patterns	2
1.2.3	Population and Housing	4
1.2.4	Community, Transportation & Municipal Services	5
1.2.5	Mineral Resources	5
1.3	<i>Environment, Climate Change</i>	6
2	LAND USE PLANNING FRAMEWORK.....	7
2.1	<i>Future Land Use Designations and Policies</i>	7
2.2	<i>General Development Policies</i>	8
2.2.1	General	8
2.2.2	Archaeological and Heritage Resources	8
2.2.3	Coastline and Harbour Areas, Streams.....	8
2.2.4	Compatibility of Development.....	9
2.2.5	Comprehensive Development	9
2.2.6	Coordination of Development.....	9
2.2.7	Site Development.....	10
2.2.8	Site Services and Access.....	10
2.2.9	Subdivisions – Groundwater Assessment.....	10
2.2.10	Unserviced and Semi-Serviced Development.....	11
2.2.11	Uses Allowed in All Designations	11
2.3	<i>Agriculture</i>	11
2.4	<i>Cupids Cove Heritage Area Overlay</i>	11
2.5	<i>Mineral Exploration and Mineral Workings</i>	12
2.6	<i>Non-Conforming Uses</i>	12
2.7	<i>Protected Water Body</i>	13
2.8	<i>Trails and Trail Buffers</i>	13
2.9	<i>Waterways and Wetlands</i>	13
2.10	<i>Windmills, Wind Turbines, Other Alternative Energy Sources</i>	14
3	DESIGNATIONS	15
3.1	<i>Residential Mixed</i>	15
3.2	<i>Comprehensive Development Area 1, 2, 3</i>	15
3.3	<i>Public</i>	16
3.4	<i>Industrial</i>	17
3.5	<i>Rural</i>	17
3.6	<i>Agriculture</i>	17
3.7	<i>Conservation</i>	18
3.8	<i>Environmental Protection</i>	18

MAPS – Future Land Use Maps 1 and 2

**TOWN OF
CUPIDS
MUNICIPAL PLAN 2014**

1 INTRODUCTION

1.1 *The Plan*

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

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

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

When a Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land, in strict conformity with the Municipal Plan, in the form of Land Use Zoning, Subdivision and Advertisement Regulations – 'Development Regulations'. These are prepared at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations. The Development Regulations shall deal with matters relating to development and buildings as defined under the Urban and Rural Planning Act 2000, which include in addition to permitted and discretionary land uses, matters such as backlot development, non-conforming uses, advertisements, subdivisions and permitting requirements.

Development Regulations must comply with the requirements of the Urban and Rural Planning Act 2000, regulations under the Urban and Rural Planning Act 2000 and any other pertinent statutes, regulations and policies enacted by the Province, including legislation relating to environment, health and safety, agriculture, mines and mineral workings, highways, and forestry.

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

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

1.2 *Cupids and the Municipal Planning Area*

1.2.1 General

Centred on Cupids Cove the Town of Cupids is situated on the south east side of Bay de Grave of Conception Bay, about an hour's drive from St. John's.

Its immediate neighbours are Brigus on the south east and South River on the north-west. It lies within a larger region that takes in other communities along the northern shore of Conception ('Baccalieu Trail') that includes Clarke's Beach, the major service centre of Bay Roberts, Harbour Grace, Carbonear and other communities along Conception Bay. It also borders the Roaches Line Local Service District.

The Town and Municipal Planning Area extend largely along the south east side of Cupids Cove and inland toward Highway 70 (Roache's Line) taking in a portion of Route 60 (Conception Bay Highway).

The Town and Planning Area take in approximately 10.5 square kilometres.

1.2.2 History, Heritage, Archaeology and Settlement Patterns

Historically, Cupids was known as Cupers Cove. With the focal point of Pointe Beach and Saltwater Pond it was the site of the first English settlement in Canada, established by the London and Bristol Company in 1610. The settlement varied in size throughout the 17th century and greatly expanded in the 18th century after some British based companies set up premises there. Two major ship building operations were established there in the late 1700s. In addition to some manufacturing, the fishing industry was generally the main employer with the Labrador fishery becoming much more prominent beginning in the 1820s.

This general area, including First Colony Road and taking in part of Cupids Pond, is indicated as the Cupid's Cove Heritage Area Overlay under Section 2.4 of the Municipal Plan. While fostering appropriate development, this overlay is designed to protect known archaeological sites and the overall character and significance of the Town's historic core.

The fishing and fish processing industry has remained a prominent part of the economy and culture of Cupids for more than 150 years. QuinSea Limited currently operates a seasonal fish processing plant on the north west side of Cupids Harbour.

More recently, Cupids has become known for its tourism potential based on work over the past 15 years. In 1995, excavations discovered the remains of four early 17th century buildings, thousands of artifacts and sections of the enclosure erected around the original settlement. The remains of the original Cupid's Cove Plantation established by John Guy has been designated a Provincial Historic Site under the Historic Resources Act.

There are six Provincially registered and protected archaeological sites in the vicinity of Pointe Beach, Saltwater Pond and Cupids Pond.

The Town of Cupids has designated four Municipal Heritage Sites – Old Lighthouse, Bulger Rock, Burnt Head Arch, and the John Guy Flag Site. Also, the Butler Property off Burnt Head Loop is a Registered Heritage Structure under the Historic Resources Act.

The Town has been promoting and developing the area around Pointe Beach and Saltwater Pond as a recreational boating facility and tourist attraction that combines heritage features and recreation.

There are two main cemeteries located within the Town's boundaries, the Anglican and the United Church (Cupids United Church) Cemeteries.

Located on the site of a former elementary school, the Legacy Centre showcases the history of Cupids as well as providing a venue for community events. Other community facilities within this same general area include include the Cupids Community Centre, the Town Hall, the United Church, Prince of Wales L.O.L. #26 Lodge, the John Guy Monument and the War Memorial Site together with Mill Brook Garden.

There are least two businesses that are providing a service to visitors in buildings that are historically significant – one is Skipper Ben's Bed and Breakfast on Seaforest overlooking Cupids Cove; the other is Cupids Haven which occupies the former St. Augustine's Anglican Church on Burnt Head Road. The former church property also accommodates Perchance Theatre, a remarkable space for theatrical and musical events.

Many properties along the east side of Cupids Cove had large gardens and root cellars. Many of the root cellars and gardens are still in use.

Furthermore, there are abandoned gardens, building foundations out towards Burnt Head – Morgan’s Cove and Greenland, and on the west side of Cupids Cove – out and around Caplin Cove, Goat’s Cove and Spectacle Head. Both areas are accessed by protected trails and paths, including the Spectacle Head and Burnt Head Trails.

From its base around Cupids Cove, settlement extended south taking in Cupids Crossing (Seaforest Drive/Goulds Road and Highway 60) and beyond, becoming predominantly agricultural in nature during the mid 1800’s. There are several protected agricultural areas in the Goulds Road area.

Excepting the fish plant, businesses in Cupids are relatively small, located on residential properties and dispersed throughout the Town and the Planning Area.

Cupids, like other settlements around Conception Bay enjoyed both road and railway access. The Newfoundland Railway had several branch lines, one of which, the Carbonear Branch took off from the main line at Brigus Junction and connected Brigus, Cupids, and other communities of Conception Bay North with St. John’s and the trans-insular railway in the late 1800’s and early 1900’s.

Despite the changes that have occurred over the years, this landscape and development pattern would still be very familiar to a person who grew up in the 1940’s and before.

The biggest change that has occurred with the development of the regional highway network would likely be the work patterns and the heavy reliance on the daily commute to the St. John’s Metropolitan Region for work and, services. Another apparent change would be the number of part-time residents who retain a permanent residence elsewhere and the amount of recreational boating activity occurring in the area. Probably around 80 of 398 (Statistics Canada 2011) the current single dwellings are occupied by part-time residents.

1.2.3 Population and Housing

The 2011 population of the Town of Cupids is 761, a drop of 3.7% (29 persons) from the 2006 population of 790. Previously the population of Cupids rose significantly from 485 in 1986 to 868 in 1991, followed by some decline during the 1990s and by 2006 was 790. This was up slightly from 775 in 2001 or an increase of 1.9% over the 5 year period.

However, the number of private dwellings increased in that census interval from 387 in 2006 (323 occupied by usual residents) to 398 in 2011 (318 occupied by usual residents).

In an average year roughly five to seven dwelling permits are issued.

Household size has remained fairly consistent around 2.5 persons per household, although in 2011 it was 2.4 persons.

1.2.4 Community, Transportation & Municipal Services

The Town of Cupids is partly (about 50% of the dwellings and businesses) served by municipal water and sewer, with the remaining properties in the town served by private water and waste disposal systems.

The Town sources its municipal water supply from the Brigus-Long Pond Protected Public Water Supply located in Brigus. This water supply also serves the towns of Brigus and South River.

Garbage is collected by the Town and taken to the regional landfill at Robin Hood Bay in St. John's.

Fire protection services are provided by the Bay de Grave Regional Fire Service based in South River. This fire department also serves Clarke's Beach, Makinson's, South River and North River.

Law enforcement services are provided by the Royal Canadian Mounted Police Detachments in Bay Roberts and Harbour Grace.

There are no schools in Cupids. Students are bussed to All Hallows Elementary in North River and to high schools in Bay Roberts.

Recreational facilities consist of a ball field, and playgrounds and the major trail systems of the community, including the Burnt Head (7.38 kilometres) and Spectacle Head (1.57 kilometres) Trails and the multi-purpose Track.

1.2.5 Mineral Resources

There are several quarries, 'mineral workings', in the Town, and, one minerals exploration licence in the Burnt Head area.

1.3 Environment, Climate Change

It is a given by now that weather patterns are changing in this Province and that severe weather occurrences – high winds, storm surges, heavy precipitation and so forth – are now frequent and severe than they were previously. The forecast gradual rise in the mean sea level of Conception Bay increases the impacts of storms.

This means that vulnerable areas along the coastline, such as Pointe Beach which shelters Saltwater Pond and the land behind it, eg. Quay Road, could be more often damaged by storms, and that brooks, including Horse Brook, which have overflowed in the past could do so more often and with greater severity.

With the exception of Pointe Beach the Cupids coastline does not appear to be very susceptible to storm damage. The Beach itself has been protected by walls of one type or another, most recently, armour-stone.

There is no apparent history of Seaforest Drive of being damaged by a storm where it runs along the shoreline, nor, has there been a history of storm damage to the Akerman and Quinsea premises which are located on opposite sides of Cupids Cove.

By the protecting waterways and wetlands and significant landscape features the Town is able to reduce, but not eliminate the effects, including personal and public costs, of extreme weather events on property and persons.

In addition to their flooding mitigation role, these waterways and wetlands and undeveloped landscape features are a significant part of the heritage of the community. They help to maintain access to the magnificent scenery of Cupids and are important in providing outdoor recreational opportunities. They also provide opportunities and habitat for various plants and animals.

The high quality of its scenery, ease of access to the marine and terrestrial natural environment and opportunities for outdoor recreation are very important to the people who live in and visit the Town and Planning Area.

2 LAND USE PLANNING FRAMEWORK

This Municipal Plan is designed to enable constructive change in a traditional community setting that will foster the community and region's economic and social development while adhering to basic principles of sustainable, economically sound and environmentally appropriate urban and rural development within the Town and Planning Area that protects and develops its recreational and heritage resources.

All development within the Town of Cupids Planning Area shall be managed in accordance with the general land use policies and designations set out in the ensuing sections. These designations are shown on the Future Land Use Maps.

2.1 Future Land Use Designations and Policies

Future Land Use Maps designations are:

- Residential Mixed
- Comprehensive Development Area 1, 2, 3
- Public
- Industrial
- Rural
- Agriculture
- Conservation
- Environmental Protection

There are also two overlays over existing designations and zones which are indicated as the Cupids Cove Heritage Area under Section 2.4 and another – Trails and Trail Corridors under Section 2.8.

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

The boundaries between the land use designations set out on the Future Land Use maps are general only and, except in the case of roads or other physical barriers, are not intended to define exact limits. Therefore, minor adjustments may be made to these boundaries for the purpose of implementing the Plan.

2.2 General Development Policies

2.2.1 General

In addition to any other considerations under this Municipal Plan, the Town may refuse permission for a development where in its opinion services are inadequate or it is uneconomical to provide and maintain these services.

2.2.2 Archaeological and Heritage Resources

Archaeological sites and discoveries are protected under the *Historic Resources Act, RSNL, 1990 CHAPTER H-4*. If such a site is discovered, in the Town and Planning Area development shall stop and the Provincial Archaeology Office of the Department of Business, Tourism, Culture and Rural Development consulted.

Also, if any major development is proposed, the Provincial Archaeology Office shall be advised and approval obtained before an approval is granted by the Town. This is to ensure that the necessary research is carried out before construction begins.

The Provincial Archaeology Office has identified at least seven archaeological sites in an arc around Saltwater Pond, Mill Brook, First Colony Road, Cupids Pond, plus another, eighth site, located near Newman's Point. There may be more sites in this general area, and perhaps elsewhere in the community.

These sites are protected by buffers where all development entailing excavation except for surface landscaping and fencing, must be reviewed and approved by the Provincial Archaeology Office of the Heritage Division of the Department of Tourism, Recreation and Culture, before a permit is issued by the Town.

The area that appears to have the highest degree of archaeological potential is identified as 'Cupids Cove Heritage Area' under Section 2.4 which overlays the other designations under the municipal plan and zones under the development regulations. Within this area any development entailing excavation except as noted, surface landscaping and fencing, requires approval by the Provincial Archaeology Office before a permit is issued by the Town.

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

2.2.3 Coastline and Harbour Areas, Streams

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

the body of water, potential damage to persons and property is avoided or minimized.

The Town shall pay particular attention to the safety of vulnerable populations and the provision of emergency services when reviewing a development at or near areas likely to be affected by storms and floods.

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

2.2.4 Compatibility of Development

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

2.2.5 Comprehensive Development

In order to achieve a higher quality of development than would otherwise be achieved under the standard requirements and/or that would allow for the development of a property which has unusual site constraints – such as steep slopes, rock outcrops and wetlands, the Town of Cupids can permit a fully serviced comprehensive development on a large parcel of land that except for overall density and use classes does not otherwise comply with the lot size, frontage, and minimum front, rear and side yard requirements of the zone in which it is located.

The development should provide a higher quantity and quality of open space and environmental protection than is otherwise achievable under the standard requirements and, the Town can use this provision to protect heritage sites and culturally significant landscapes.

The development must be compatible with adjacent development.

The Town shall require that a comprehensive development be connected to available municipal services and have frontage on a publicly owned and maintained road.

2.2.6 Coordination of Development

In order to ensure that development occurs in an orderly manner and that appropriate development opportunities are maximized, subdivisions and other

major developments shall be co-ordinated with other existing and proposed developments and the Planning Area's road system and services. These developments may be required to provide for public access to adjacent undeveloped lands. Furthermore, the Town may require that a comprehensive plan of development be prepared and adopted before any development is allowed in a given area.

2.2.7 Site Development

When reviewing a development proposal, the Town shall consider the suitability of a site in terms of steepness of grades, soils and geology, location of waterways and wetlands and shall, when considering approval, ensure that the development has minimal or no negative effects on other properties and bodies of water.

If in its opinion, the development of the site having certain characteristics, such as steep or unstable slopes, poor drainage, high water table and so forth, could create problems for the development of the site or nearby properties, the Town can require the submission of a review of the development proposal by a certified engineer, landscape architect or similar professional.

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

2.2.8 Site Services and Access

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

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

Development lacking municipal water and/or municipal sewer services shall be approved by the Department of Government Services, and where necessary, the Department of Environment and Conservation, before a permit is issued by the Town.

2.2.9 Subdivisions – Groundwater Assessment

The approval of new unserviced subdivisions containing five or more lots or the addition of unserviced lots to existing unserviced subdivisions require that a groundwater assessment be done to determine with high probability that acceptable quality and quantity drinking water will be available to homeowners for both the short and long term. This shall be done in accordance with the Provincial Land Use Policy – 'Groundwater Supply Assessment and Reporting

Guidelines for Subdivisions Serviced by Individual Private Wells' as from time to time amended and administered by the Department of Environment and Conservation, Water Resources Management Division.

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

2.2.10 Unserviced and Semi-Serviced Development

Development on individual parcels of land with onsite sewage disposal and/or onsite water supply requires the approval of the Department of Government Services under the Sanitation Regulations of the Health and Community Services Act. In addition to the standards regarding onsite sewage disposal and water supply, the Department also sets out minimum lot area and frontage requirements for unserviced and semi-serviced development pursuant to the Sanitation Regulations. See also Section 2.2.9 – Subdivisions – Groundwater Supply Assessment.

2.2.11 Uses Allowed in All Designations

Accessory buildings and uses, conservation, public services and public utilities, recreational open space and trails and roads can be allowed in all designations as permitted or discretionary uses, subject to the other provisions of this Municipal Plan.

2.3 *Agriculture*

Higher intensity livestock and related agricultural uses shall be separated by an adequate buffer between existing and proposed residential developments. These agricultural uses shall conform to Provincial Government policies and guidelines with respect to such operations.

In general, all agricultural operations shall be approved by the Department of Natural Resources.

2.4 *Cupids Cove Heritage Area Overlay*

See also Section 2.2.2 – Archaeological and Heritage Resources.

The Cupids Cove Heritage Area Overlay is designed to achieve two objectives:

- a) highlight and focus attention on the historic core of Cupids;

- b) protect and appropriately develop the archaeological, heritage and community resources of this historic core.

Development within this area shall be reviewed by the Town to ensure that these objectives are being met regardless of the underlying designations and zones. In doing so it shall where appropriate consult with the Heritage Division and other agencies as needed.

Within this area the Town will consider strategies and policies to both protect and develop its special characteristics and heritage resources. This could include:

- a) heritage mapping, including an assessment of building and landscape typologies;
- b) design guidelines or regulations employing graphic images of recommended design practice to ensure that the design of buildings maintains the scale, placement and overall character of the area;
- c) the preparation of a development plan that considers opportunities for public improvements and amenities, infill, and other potential developments that capitalize on heritage and community assets and resources – physical, historical, cultural and human.

2.5 Mineral Exploration and Mineral Workings

Mineral exploration and mineral workings can be allowed within the Planning Area under certain designations.

Higher intensity forms of mineral exploration are to be suitably buffered from other developments, and the sites remediated upon completion.

The Town may provide for mineral workings in areas where there are known aggregate supplies and where there is less likely to be conflict between mineral workings and other uses. Such mineral workings shall be accommodated under designations and zones specifically designed to accommodate mineral workings and certain compatible uses, and/or they can be accommodated in the rural portions of the Planning Area, subject to controls that will minimize environmental damage and conflict with other land uses.

2.6 Non-Conforming Uses

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

2.7 Protected Water Body

Protected Water Body includes the marine coastline and streams ponds and wetlands as indicated derived on the 50,000 base mapping. Any development activities, including fording, within 15 metres of the high water mark of these water bodies must be approved under Section 48 of the Water Resources Act by the Department of Environment and Conservation. See also *Section 2.9 – Waterways and Wetlands*.

This Section however, does not prevent the Town from protecting any water body (waterway and wetland) within the Planning Area, nor does it prevent the Town from imposing greater setbacks or buffers along water bodies than the minimums required by the Department of Environment and Conservation.

2.8 Trails and Trail Buffers

Historic trails and rights of way are very important recreational and cultural features of Cupids.

Well known, historical and/or traditional and/or designated trails and rights of way, including the Track, are protected insofar possible and indicated on the Future Land Use and Land Use Zoning Maps and/or on a plan of trails adopted by the Town.

Buffers are established along all trails except the Track to protect the trail system and to protect nearby residents. The trails and trail buffers are shown on the Future Land Use and Land Use Zoning Maps which overlay existing designations and zones.

The actual location of such trails and their buffers may vary slightly from that shown on the maps.

Within the trail buffer only Section 2.2.11 uses can be allowed unless it can be determined to the satisfaction of the Town that certain permitted and discretionary uses of the designation and zone in which the buffer is located can or may be permitted without detriment to the Trail.

2.9 Waterways and Wetlands

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

drainage and plant and wildlife habitat.

A protective buffer of undisturbed soil and vegetation shall be preserved insofar possible along the shoreline of the ocean and most water bodies – particularly the Protected Water Body (Section 2.7). The buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect plant and animal habitat.

Wetlands can only be developed in such a way as to minimize damage and impacts on the hydrology and environment of the area.

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

Where applicable development in or near water bodies and their buffers shall be approved by the Department of Environment and Conservation and other Provincial and Government of Canada agencies before a permit is issued by the Town.

2.10 Windmills, Wind Turbines, Other Alternative Energy Sources

Wind mills, wind turbines and other alternative sources such as solar panels ('Utilities' under Schedule B of the Development Regulations), which are not classed as public utilities can be approved by the Town in suitable locations provided that all necessary approvals are obtained from the appropriate Provincial and Federal agencies, and the Town is satisfied that such development will not create a hazard or nuisance to nearby land uses nor negatively affect the views of historic and/or culturally significant landscapes.

3 DESIGNATIONS

3.1 *Residential Mixed*

Although the primary use remains single dwellings, the Residential Mixed designation reflects and sustains the array of residential and non-residential land uses that occur within the Town of Cupids.

Permitted Uses in this designation include Uses under Section 2.2.11 of this Municipal Plan, along with single dwelling types of residential uses, and uses compatible with single dwelling residential uses including small scale agricultural operations and businesses carried out on residential properties including free-standing and home based businesses.

Discretionary Uses in this designation may include higher density and other residential uses, along with an array of appropriate non-residential uses that while not treated as permitted uses can be considered for approval on a discretionary basis.

Agricultural Uses

Agriculture uses are limited to greenhouses and related uses, field crops such as fruits and vegetables and forage and minor livestock operations that can operate near residential uses without adverse impact.

Transportation Uses

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

Non Residential Uses

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

Municipal Services

Development in this Designation shall be connected to the Town's municipal water and/or sewer services wherever possible.

3.2 *Comprehensive Development Area 1, 2, 3*

The Comprehensive Development Area 1, 2, and 3 designations are designed to ensure that areas which are deemed to have significant historical and

recreational significance and potential for the community at large, but which also may have property ownership issues are developed in a manner which respects the integrity of the area as a community resource while accommodating certain types of development.

Subject to the approval of the Town and all relevant agencies, the Comprehensive Development Area Plan for the entire area so designated shall be prepared by the applicant, and/or by the Town as the case may be, and approved by the Town.

However, before it is approved the public shall be consulted on the Comprehensive Development Area Plan.

Upon approval of the Comprehensive Development Area Plan permitted and discretionary uses can include those uses allowed under the Residential Mixed Designation of Section 3.1.

Pending the approval of a comprehensive development area plan Permitted Uses under this designation are uses under Section 2.2.11 of this Municipal Plan, and, Discretionary Uses are agriculture (minor operations which will not have a negative impact on nearby residential developments) antenna, mineral exploration and transportation.

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

3.3 Public

The Public designation is designed to highlight, protect, and allow the appropriate development of selected sites that are primarily public in nature and can include churches, cemeteries, monuments and cultural and civic facilities. This designation accommodates tourist oriented facilities and the adaptive re-use of existing properties and buildings.

Permitted Uses in the Public designation include Uses under Section 2.2.11 of this Municipal Plan, and, cemetery, cultural and civic, office, place of worship, protection and theatre.

Discretionary Uses in this designation include appropriate residential uses, antenna, boarding house residential and/or bed and breakfast, catering, club and lodge, commercial-residential, indoor assembly, indoor market, outdoor assembly, outdoor market, seniors' housing and personal care facilities and transportation.

3.4 Industrial

The Industrial Designation is set aside for fish plants and other major industrial uses.

Permitted Uses in this designation include Uses under Section 2.2.11 of this Municipal Plan, general industry, light industry, transportation and related or appropriate uses.

Discretionary Uses in this designation are hazardous industry, mineral exploration and mineral working.

3.5 Rural

The Rural designation is designed to accommodate selected resource based uses, including agriculture and forestry.

Subject to the review and approval by appropriate Provincial agencies and departments, including the Forestry and Agrifoods Agency and Mines Branch of the Department of Natural Resources, and, Service NL, uses that can be permitted in this designation include Uses under Section 2.2.11 of this Municipal Plan and uses deemed to be appropriate to a rural setting

Municipal Services

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

3.6 Agriculture

The Agricultural designation is applied to agricultural areas as defined by the Forestry and Agrifoods Agency.

Including uses under Section 2.2.11 of this Municipal Plan, Permitted Uses are agriculture, antenna and forestry.

Discretionary Uses in this designation are animal, mineral exploration, outdoor market, single dwelling, transportation and veterinary.

All development in this zone is subject to the approval of the Department of Natural Resources, Forestry and Agrifoods Agency, and other relevant agencies, along with the Town.

All development shall occur on a property primarily used for agricultural or forestry purposes and, unless it is a mineral exploration or recreational open space use, owned and operated by the owner of the agricultural or forestry use.

A single dwelling is restricted to a farm dwelling, that is, a dwelling, occupied by the farm operator.

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

3.7 Conservation

The Conservation designation is primarily applied to culturally significant landscapes, areas of steep slopes and occasionally, waterways and wetlands.

Permitted Uses under this designation are uses under Section 2.2.11 of this Municipal Plan, which includes recreational open space and trails.

The only Discretionary Use Classes that may be permitted under this designation are antenna, mineral exploration and transportation.

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

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

3.8 Environmental Protection

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

Except for recreational open space and trails, Permitted Uses under this designation are uses under Section 2.2.11 of this Municipal Plan.

Discretionary Uses and Use Classes under this designation are agriculture, antenna, outdoor assembly, recreational open space and trails and transportation.

Outdoor assembly is limited to a temporary use only for special events.

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

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