

Town of Bauline  
Municipal Plan  
2007 - 2017



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**PUBLISHED IN NEWFOUNDLAND GAZETTE: JUNE 6, 2008**  
**CONSOLIDATED: APRIL 4, 2014**

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE  
TOWN OF BAULINE  
MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS  
2007-2017**

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

- a) Adopted the Town of Bauline Municipal Plan and Development Regulations 2007-2017 on the 26<sup>th</sup>. day of February, 2008.
- b) Gave notice of the adoption of the Town of Bauline Municipal Plan and Development Regulations 2007-2017 by advertisement inserted on the 8<sup>th</sup>. day and the 15<sup>th</sup>. day of March, 2008 in *The Telegram* newspaper.
- c) Set the 26<sup>th</sup>. day of March at 7:30 p.m. at the Town Hall, Town of Bauline 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 Bauline approves the Town of Bauline Municipal Plan and Development Regulations 2007-2017 as adopted (or as amended).

SIGNED AND SEALED this 29 day of April, 2008

Mayor: *Walter King* (Council Seal)

Clerk: *Valerie McGray*  
Municipal Plan/Amendment  
**REGISTERED**  
Number 240-2008-002  
Date May 26, 2008  
Signature *W. King*

Development Regulations/Amendment  
**REGISTERED**  
Number 240-2008-003  
Date May 26, 2008  
Signature *W. King*

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF BAULINE  
MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS  
2007-2017**

Under the authority of Section 10 of the *Urban and Rural Planning Act 2000*, the Town Council of Bauline adopts the Town of Bauline Municipal Plan and Development Regulations 2007-2017.

Adopted by the Town Council of Bauline on the 26<sup>th</sup> day of February, 2008.

Signed and sealed this 29 day of April, 2008.

Mayor: *Steve King* (Council Seal)

Clerk: *Valerie McEay*

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Town of Bauline Municipal Plan and Development Regulations 2007-2017 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

MCIP: *Leonard Butler*



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## **1.0 INTRODUCTION**

### **1.1 MUNICIPAL PLAN PREPARATION**

The Bauline Municipal Plan has been prepared in accordance with the requirements of the Urban and Rural Planning Act 2000, following surveys and studies of land use, population growth, the local economy, present and future transportation and communication needs, public services, social services and other relevant factors.

The Plan outlines the goals, objectives and policies of Council regarding the development of the Municipal Planning Area over the next ten years. This Municipal Plan, consisting of a written text in which the goals, objectives and policies are set out, also includes Land Use Maps indicating the proposed allocation of land into various land use categories.

### **1.2 PLAN APPROVAL**

For the Plan to gain full legal effect, Council must hold public consultation with area residents and concerned groups and individuals to allow for public input into the planning process. After this consultation, Council must adopt the draft Plan and allow for further input from the general public through a Public Hearing.

Council shall appoint a qualified Commissioner to conduct a formal hearing to consider objections and representations from the public either opposing or in favour of the Municipal Plan. The Commissioner will formally report his findings to Council as a result of the public hearing. Council may adopt the report in whole, in part or

reject the report in its entirety. Council can then formally approve the Municipal Plan and apply to the Engineering and Land Use Planning Division, Department of Municipal Affairs for registration. A notice will then appear in the Newfoundland and Labrador Gazette and a local newspaper advising the public of Council's intent. Once this notice has been published in the Newfoundland and Labrador Gazette, the Plan is legally binding on Council and any person or party proposing to develop, or to change the use of land, anywhere within the Planning Area.

### **1.3 PLAN REVIEW AND AMENDMENT**

In accordance with section 28(1) of the Act, every five years from the date on which the Municipal Plan first comes into effect, Council is required to initiate a review of the Plan. Where necessary, changes may then be made to account for any new policies or land use requirements for the next ten

years. The Plan may otherwise be amended at any other time, in whole or in part. Any such amendment will be read together with, and become part of, the Municipal Plan and so must not conflict with any other of its policies. If circumstances do not permit a Plan review to be undertaken within the prescribed time, the current Municipal Plan, and any amendments that had been made to it, will remain in effect until a Plan review is completed and fully approved.

#### **1.4 SUMMARY OF BACKGROUND REPORT**

Bauline is a picturesque community located on the west side of the northeast Avalon Peninsula incorporates a Municipal Planning Area of approximately seventeen square kilometres. Bauline consists of high rocky cliffs and steep hills and a scenic coastline.

The 2006 census lists Bauline population at 379 which reflects an 4.1% increase from the 2001 census population of 364. While experiencing a small positive growth since 2001, the increase in population is positive compared with the provincial population decline which was -1.5%.

#### **1.5 THE ST. JOHN'S URBAN REGIONAL PLAN**

The following policies of the St. John's Urban Regional Plan apply to the Town of Bauline:

- . Bauline is designated in the Regional Plan as a Local Centre.
- . Within Local Centres, residential uses shall generally be of a low density nature with a continuing predominance of single family dwellings.
- . Two prime aims are to encourage the infilling and consolidation of presently semi-developed areas once essential public services are installed and to develop improved local road systems.
- . Within areas designated for Agricultural Uses, the policy shall be to restrict development to agricultural and associated complementary uses. Non-agricultural-related uses may be allowed provided they are not considered to have an adverse impact on agricultural uses, are compatible with adjoining development, conform with the objectives of this Municipal Plan, and are approved by the Department of Natural Resources and associated regulations.
- . In areas designated for Agricultural Uses, where forest cover exists, it is desirable that this secondary forestry resource be maintained, managed and harvested in such a way that its forestry potential can be best realised until it becomes necessary for the land to be cleared for development for the designated use.





## 2.0 GOALS AND OBJECTIVES

It is the intention of the Municipal Plan to establish a number of goals and objectives. A goal is a desired state which reflects the long-range purpose of the Plan and is related to a major area of concern. An objective is a short-range step toward the goal. It is concrete, realistic, action-oriented and attainable within a period of 3 to 5 years. The achievement of an objective should move the goal closer to reality.

Based on a comprehensive study of the planning aspects of the Bauline Planning Area the following are the goals and objectives of this Municipal Plan, which are to be pursued within the ten year planning period.

### 2.1 PHYSICAL STRUCTURE

#### Goals:

- . To encourage a growth structure for Bauline which will ensure land use compatibility, orderly development and the economic use of municipal services.
- . To control future growth of the town in such a manner as to develop a balanced and attractive community.

#### Objectives:

- . To allocate land for future development on the basis of its best use considering its physical characteristics and location.
- . To permit development to occur only with appropriate municipal or on-site services.

### 2.2 HOUSING

#### Goals:

- . To provide for an adequate quality, quantity and mix of housing to serve the needs of the present and future population.
- . To provide for a good quality residential environment through good site design and a high standard of municipal services.
- . To provide for residential growth which maximizes the efficient use of land and services

#### Objectives:

- . To provide an adequate amount of serviced land to accommodate residential development within the municipality.
- . To encourage the improvement of substandard dwellings.
- . To provide for a mixture of housing types within the municipality.

- . To encourage the development of residential infilling lots within the built up area of the municipality.

## **2.3 MUNICIPAL SERVICES**

### **Goal:**

- . To provide, where possible, a full range of municipal services to Bauline.

### **Objectives:**

- . To ensure that on site services meet the standards of the Government Service Centre.
- . To provide fire protection to all residences through the provision of adequate residential fire flows.

## **2.4 TRANSPORTATION**

### **Goal:**

- . To provide for an efficient and safe road system to serve Bauline.

### **Objectives:**

- . To undertake improvements to the Municipal road system through a regular maintenance program.
- . To encourage an efficient vehicular parking and circulation system for Bauline.
- . To upgrade the road system in Bauline Cove to accommodate future traffic

## **2.5 ENVIRONMENT**

### **Goals:**

- . To provide a pleasant and safe living and working environment in Bauline.
- . To maintain and enhance the natural resources of the Bauline Planning Area (e.g., ponds, shoreline areas).

### **Objectives:**

- . To provide water, sewage and solid waste disposal services which are at an environmentally acceptable standard.
- . To prohibit development in excessively marshy areas.
- . To protect the designated Bauline Brook Pond Protected Watershed from any development or activity which could affect the quality of the water supply.
- . To ensure the preservation and enhancement of existing hiking trails as points of public access.

## **2.6 MUNICIPAL FINANCE**

### **Goal:**

- . To manage municipal expenditures and revenues so as to provide necessary municipal services within a framework of long-term financial stability.

### **Objectives:**

- . To manage municipal expenditures within a framework of restraint and maximum return of investment

### **3.0 THE LAND USE PLAN**

The following policies with accompanying Future Land Use Maps constitute the land use component of the Bauline Municipal Plan, 2007 - 2017. Included are all policies which are seen as necessary by Council to ensure that the physical development of Bauline is undertaken in an efficient and economic manner during the ten-year (2007 - 2017) life of this municipal plan. The Land Use Plan is meant to complement the Goals and Objectives outlined in Section 2.

#### **3.1 GENERAL LAND USE POLICIES**

The following policies can be categorized as general in scope in that they can be applied to more than one land use and to different sections of the Town of Bauline. They are therefore presented as a separate section of this Land Use Plan.

##### **I) Subdivision Policies**

All proposed subdivision developments shall be subject to a comprehensive evaluation by Council. The content of this evaluation will be detailed in the Bauline Development Regulations and will include:

- an investigation of physical features of the site and the opportunities and constraints to development that they represent. Where possible, the layout of proposed lots and roads shall conform to the topography;
- an outline of how the proposed subdivision will integrate with existing development and roads and services on adjacent lands and provide for future access to undeveloped lands in the area;
- ensure compatibility between the subdivision and surrounding land uses, both existing and future; and
- a review of municipal servicing proposals by the developer and the public costs of providing and maintaining these services.

##### **ii) Subdivision Agreement**

As a condition of approval, the Council may require the developer to enter into a subdivision agreement with the Town.

**iii) Public Open Space**

A minimum of 10% of the gross area of land developed for subdivision purposes shall be dedicated to the Town as Public Open Space. This land would be suitable for walking trails, tot lots, green belts etc. Council may accept from the developer in lieu of such area of land, payment of a sum of money equal to the fair market value of the land which would otherwise be required to be dedicated.

**iv) Easements and Emergency Access**

Where land is required for utility easements or emergency access, such land shall be obtained for the appropriate agency in the course of approving subdivision or other development applications.

**v) Soils and Drainage**

Development shall only be permitted on lands having soil and drainage conditions which are suitable to permit the proper siting and development of the proposed uses.

**vi) Building Setbacks**

Building setbacks from roads shall be provided in accordance with the Bauline Development Regulations to preserve the right-of-way widths specified in this Plan. Such setbacks should be sufficient to allow appropriate landscaping and to permit the parking and movement of vehicles clear of any road allowance.

**vii) Access to a Public Street**

All development shall front onto a publicly maintained street, unless otherwise specified in this Plan.

**viii) Mineral Exploration**

Mineral exploration shall be permitted in the planning area as set out in the policies of this Plan and conditions of the Bauline Development Regulations. Aggregate mining and extraction shall only be permitted with the approval of a quarry permit from the Mineral Lands Division, Department of Natural Resources and approval of the Town of Bauline.

**ix) Trail Development and the East Coast Trail**

The Town of Bauline supports the work and efforts of the East Coast Trail Association to

preserve and enhance the rugged beauty of the coastlines of the Province. Public access to these areas shall be maintained by the Town of Bauline and the policies of this Plan. The route of the East Coast Trail shall be delineated on Land Use Zoning Maps 1 and 2 and appropriate standards shall be defined in the Bauline Development Regulations.

The Town will also ensure that: proposals for development in areas of the East Coast Trail along the coastline and in close proximity to residential areas shall be in conformity with the following policies and other policies as outlined in this Plan.

- development proposals for general or resource related industrial uses shall be prohibited in buffered areas along the East Coast Trail;
- emphasis shall be placed on minimizing the impact of development along the trail route. Efforts include:
  - the visual impact of new development shall be minimized by retaining natural and native tree cover where possible.
  - environmentally sensitive areas such as excessive steep slopes shall remain undeveloped.
  - where possible, the natural drainage patterns shall not be altered unless required for erosion or flood control.

A 50 metre wide conservation buffer shall be established measured inland from the top of the cliff edge in areas having a slope greater than 25%. Where the slope is less than 25% over a continuous area, not less than 30 metre buffer shall be maintained. Development shall be prohibited in this buffer area except for those designed for control of flooding and erosion, bridges, and trail maintenance and development.

#### x) Coastal Reservation

Steep cliffs and a rugged coastline exists along shoreline of Black Cliff in Conception Bay. There is potential for numerous rockfalls and landslides in these areas. The Town shall prohibit development so that it does not encroach close to the steep coastlines or rock cliffs. To ensure that development is setback sufficiently to protect both the developer/user of the land and the environment, no building development shall be permitted within 50 metres from the top of the steep coastlines along the shorelines of the Town.

#### xi) Backlot Development

**Backlot development may be permitted at the discretion of Council in development areas behind existing dwellings where vacant parcels of land exist which are of sufficient size for a building lot, but which do not have the required frontage on a publicly maintained street. In such cases, the following requirements shall be met:**

- **The site is located in an area designated for Residential development in the Bauline Development Regulations.**
- **Approval for on-site water supply and sewage disposal must be obtained**

from Council and the Government Service Centre.

- The development of the lot does not prejudice the use of adjoining backland. Where there is potential for additional development in the area, the lot and access shall be developed in a manner which will accommodate future development. In such cases, access to the public street must be of sufficient width (15 metres) to accommodate future public use.
- Where there is no potential for additional development, the access road shall be treated as a private driveway and only one backlot development shall be permitted.
- Council shall be satisfied that the backlot development will not detract or restrict other types of development on adjacent lands.
- Approval of any backlot development shall not affect the legal conformity of any existing lots.
- To ensure that Council can meet its responsibility for public safety and emergency access, the dwelling on a backlot shall be a minimum of 32 metres and a maximum of 100 metres from a public street.
- 

Standards for backlot development shall be established in the Bauline Development Regulations.

[MPA-2012-1](#) and [NL Gazette](#).

### 3.2 SPECIFIC POLICIES - LAND USE DESIGNATIONS

The land resources of the Bauline Planning Area shall be managed in accordance with the proposed land uses shown on the Future Land Use Map 1 and 2 and the land use policies contained within this Municipal Plan.

The Future Land Use Maps establish the pattern of development by dividing the Planning Area into the following land use designations:

#### Residential

- Residential Community
- Residential Infill
- **Residential Rural**

#### Tourism Commercial

#### Industrial

#### Open Space

- Recreation
- Conservation

#### Watershed

## Rural

[MPA-2012-3](#) and [NL Gazette](#).

The following policies are to be applied specifically to the designations listed above and outlined on the Future Land Use Maps.

### 3.2.1 RESIDENTIAL

Residential is the major land use in Bauline. The need for new building sites will primarily be for housing. There are few areas of land, capable of development, available within the Town centre. Very little infilling of residential areas remains in developed areas of the Town.

#### Objectives:

- To promote a safe and serviced residential environment by controlling the classes of land use and characteristics of development permitted within residential areas.
- To designate land for residential use and promote its further development in a manner designed to make efficient use of municipal services.
- To ensure that residential development takes place in a manner that does not prejudice access to and appropriate development of neighbouring land.

#### Policies:

- Single and double dwellings shall be permitted within areas designated Residential Community and Residential Infill as set out in the Bauline Development Regulations.
- Row dwellings, apartment buildings, a place of worship, schools, convenience stores or small business offices may be permitted within areas designated Residential Community and Residential Infill.
- Development shall only be permitted only in areas which have direct access to a public street.

### 3.2.2 RESIDENTIAL DENSITY

There are ~~two~~ **three** categories of residential land use designated within the Planning Area.

- Residential - Community
- Residential – Infill



- **Residential Rural**

[MPA-2012-3](#) and [NL Gazette](#).

### **3.2.2.1 RESIDENTIAL - COMMUNITY**

The land encompassing the bowl of Bauline Cove from Thistles Point to Flatrock is designated Residential Community with the intention of preserving the outport community character. The intent is to preserve, where possible, older buildings and features of the original community and the careful management of new development.

A mix of uses are meant to be accommodated within this designation, including residential, public, general assembly recreational/open space and commercial/industrial uses. Commercial and industrial uses will be at the discretion of Council and of an appropriate scale and fit within the intent of this Plan. They will include those related to the fishery and the local retail trade.

This designation is applied to areas with existing water services for new residential development or to maintaining existing residential neighbourhoods during the Planning Period.

#### **Policies:**

- Single family and double dwellings shall be permitted within the Residential Community designation. The specific types and densities of uses permitted shall be established in the Bauline Development Regulations.
- Recreational uses such as parks and playgrounds shall be permitted.
- Non-residential and compatible open space land uses such as a place of worship, public buildings, medical treatment and special care such as personal care homes may be permitted within the Residential Community area.
- Local convenience stores, shops, child care and other limited commercial uses which serve local neighbourhood needs only shall be discretionary and only permitted within the Residential Community areas provided that the use is clearly subsidiary to the residential use (e.g., where the use is contained within the residence).
- Medical, professional and personal care uses shall be discretionary and be contained within the residence.
- Local commercial uses within Residential Community areas should preferably be located in proximity to a major road.

- . Boarding House Residential may be permitted subject to the discretion of council and conditions as set out in the Bauline Development Regulations.
- . Infilling between existing buildings and properties shall be permitted subject to the policies of this Plan and other requirements for servicing, design and safety of the Town of Bauline, and appropriate provincial agencies, including the requirements of the Government Service Centre.

### **3.2.2.2 RESIDENTIAL - INFILL**

Residential development that is located along existing roads, in particular the residential areas appropriately designated along the Bauline Line and Pouch Cove Road, is developed on smaller lot sizes with onsite services. Traditional vacant lands in these areas are of smaller lot sizes. It is intent of the plan to continue this development pattern along existing roads and older areas of the Town, and to encourage the infilling of undeveloped lands. Development of onsite services for these lands will be subject to meeting health and environmental regulations and the approval of the Government Service Centre.

#### **Policies:**

- . Single family and double dwellings shall be permitted within the Residential Infill designation. The specific types and densities of uses permitted shall be established in the Bauline Development Regulations.
- . Recreational uses such as parks and playgrounds shall be permitted.
- . Non-residential and compatible open space land uses such as a place of worship, public buildings, medical treatment and special care such as personal care homes may be permitted within the Residential Infill area.
- . Local convenience stores, shops, child care and other limited commercial uses shall be discretionary and only permitted within the Residential Infill areas provided that the use is clearly subsidiary to the residential use.
- . Local commercial uses within Residential Infill areas shall preferably be located in proximity to a major road.
- . Boarding House Residential may be permitted subject to the discretion of council and conditions as set out in the Bauline Development Regulations.
- . Infilling between existing buildings and properties shall be permitted subject to the policies of this Plan and other requirements for servicing, design and safety of the Town of Bauline, and appropriate provincial agencies, including the requirements of the Government Service Centre.

### 3.2.2.3 Residential - Rural

**Residential Rural designated land is for development of new subdivision area lands with a larger lot size capable of providing onsite water and septic services. A high priority will be attached to meeting physical and environmental site criteria. Maintaining a quality rural community character will be important. Average lot size shall be large enough to maintain this character and blend with adjacent development. This designation shall include land which can accommodate unserviced subdivision development. Development of onsite services for these lands will be subject to meeting health and environmental regulations and the approval of the Service NL and shall require review under the “Ground Water Assessment Guidelines” administered by the Water Resources Management Division, Department of Environment and Conservation.**

#### **Policies:**

- **Single family dwellings shall be permitted within the Residential Rural designation as established in the Bauline Development Regulations.**
- **Recreational uses such as parks and playgrounds shall be permitted.**
- **Non-residential and compatible open space land uses such as a place of worship, medical and professional including special care such as personal care homes, office and antenna may be permitted within the Residential Rural area.**
- **Local convenience stores, shops, child care, personal service and other limited commercial uses shall be discretionary and only permitted within the Residential Rural areas provided that the use is clearly subsidiary to the residential use.**
- **Boarding House Residential may be permitted subject to the discretion of council and conditions as set out in the Bauline Development Regulations.**

[MPA-2012-3](#) and [NL Gazette](#).

### 3.2.3 *TOURISM COMMERCIAL*

The Tourism Commercial designation exists to recognize valuable tourism resource areas with potential for future development of tourism and commercial recreation. Its purpose is to protect these areas from conflicting uses, enhance the potential of existing operations, and facilitate future development of appropriate activities.

#### **Policies**

- The Tourism Commercial designation is established in order to facilitate the development of a compatible mix of tourism, commercial related, and recreational activities designated areas around Duck Pond.

- Lands located on the southern and western extremities of Duck Pond shall be Included in this designation.
- Uses associated with boarding house residential such as a tourist home and commercial residential uses such as a small hotel related to the tourist industry shall be permitted
- Activities such as restaurants, lounges, lodges, banquet facilities, tourist cabins, recreational facilities, and open space uses shall be permitted.
- Assembly uses shall be for exhibition and market uses associated with a tourist related use.
- Convenience stores and take outs shall be discretionary and only permitted where the use is clearly subsidiary to the residential use.
- Dwellings shall be discretionary and shall be clearly subsidiary to a tourist related use.
- Light industry uses shall be at the discretion of Council and shall be related to the demonstration of log home construction for the tourist industry. Uses shall be limited to the manufacture, display and demonstration of log home construction and furniture making.
- Prior to any development in this land use designation, Council shall ensure that the following conditions have been considered and addressed to its satisfaction. These conditions shall include, but not be limited to:
  - a site plan depicting the manner in which the land is to be subdivided showing the placement of dwellings/structures and phasing of the development;
  - the location of the proposed development in relation to surrounding properties;
  - the general layout of the site, including access points and any roads to be built or upgraded;
  - compatibility of any proposed development with adjacent uses, including Open Space Recreation/Conservation and other environmentally sensitive areas;
  - the proposed method and cost of servicing, including maintenance;
  - the biophysical characteristics of the site, including soils and drainage;
  - the potential effects of the proposed development on the biophysical characteristics of adjacent lands, particularly environmentally sensitive or valuable areas such as the Bakeapple Marsh;
  - costs and benefits to the municipality, including capital, operating and maintenance costs and revenue generation;
  - buffering requirements (if any).

These factors shall enable Council to set conditions which shall ensure that the proposed development is designed with regard for the physical, social, environmental and economic implications, in a manner that shall ensure the most efficient and cost-effective present and future use of lands.

### 3.2.4 INDUSTRIAL

Land primarily associated with fishing and marine activities is designated for industrial use. This designation is located along the shoreline of Bauline Cove.

#### Policies

- This Plan shall encourage the continued operation and expansion of the fishing industry.
- Permitted uses shall be those associated with all types of industrial and transportation uses requiring ocean frontage for their operation, including the storage of boats and fishing equipment..
- Lands shall be preserved along the waterfront in Bauline Cove for fishing and other Marine-Related uses.
- Council will ensure that adequate provision is made for safe vehicular access and parking accommodation in relation to all industrial uses.
- Industrial uses involving hazardous substances may be permitted subject to the following conditions:
  - The use does not cause or promote fires or other hazards and does not emit noxious, offensive or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration;
  - an appropriate separation distance between adjacent residential development and the type and scale of industrial use be determined prior to any hazardous use being approved;
  - the use receives the approval of the relevant federal and provincial authorities having jurisdiction over such uses from an environmental and occupational health and safety point of view; and
  - hazardous uses which abut residential areas shall be subject to additional requirements which will be set out in the Development Regulations.

### 3.2.5 OPEN SPACE

Two categories of Open Space land uses designated within the Planning Area are:

#### Open Space

- Recreation and

- Conservation.

Limited open space and recreational land uses such as parks and playgrounds may be permitted within all other land use designations of this Plan.

### 3.2.5.1 Open Space - Recreation

Lands designated as Open Space - Recreational are to provide for the active and passive recreational needs of Bauline residents and visitors. Permitted uses shall include non-building uses such as parks, playgrounds, outdoor swimming areas, and buildings which are accessory to the open space uses. Council shall endeavor to reserve land at various places in the Town for Open Space - Recreational uses. Lands located on the east shore of Duck Pond are designated as Open Space-Recreation.

**Building uses such as cultural and civic buildings may be permitted at the discretion of council. Building uses shall not detract to the recreation value of open space land.**

The development of passive recreation facilities such as walking or nature trails, and associated interpretation programs may be permitted provided they will not have an adverse impact on the natural environment.

#### **Policies:**

- Recreational facilities such as sports fields, community parks and playground facilities shall be permitted on lands designated Open Space Recreation.
- Development associated with recreational uses will be permitted in Open Space - Recreation designation.
- Indoor Assembly building uses such as ice arenas, indoor swimming pools, and uses which are clearly associated with recreational uses shall be permitted.
- **General Assembly uses such as cultural and civic buildings may be permitted.**

[MPA-2012-1](#) and [NL Gazette](#).

### 3.2.5.2 Open Space - Conservation

Land designated for Open Space - Conservation uses include undeveloped portions of the western shoreline of Conception Bay. These areas offer potential for future open space conservation uses, taking advantage of natural features, future development of the East Coast Trail, such as heights of land offering scenic views.

Cemeteries which are located separately from a place of worship are designated as Open

### Space-Conservation.

#### **Policies:**

- No permanent buildings or structures shall be permitted on lands designated for Open Space Conservation Uses, except those necessary for environmental protection (e.g., for erosion control).
- All lands within 15 metre of all ponds and watercourses shall be designated as Open Space - Conservation.
- Passive recreational uses such as hiking trails shall be permitted.

The East Coast Trail Association is developing a natural walking/hiking trail within the Town along the coastline as part of a coastal trail system and its route is delineated on Land Use Zoning Maps 1 and 2. Council shall ensure that:

- a buffer be maintained along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail;
- landowners/developers take into consideration the effects of development on the preservation of the East Coast Trail and the scenic beauty of the landscape along the coastline;
- natural topography and vegetation will be maintained where possible;
- a buffer free of development will be maintained between the East Coast Trail and shoreline recreational uses or wharves; and
- Council shall support further work on the East Coast Trail as a hiking/walking trail with minimal disturbance to the surrounding land.

### **3.2.6 WATERSHED**

The municipal watershed is a distinctive conservation land use where more stringent measures are required for protection of public health and preservation of the natural resource.

Use of the watershed shall be limited to passive recreation uses such as hiking. No permanent buildings or structures shall be permitted within the watershed, except those required to control erosion.

#### **Policies:**

- Within the Bauline Brook Pond water supply area, forestry and recreational and conservation open space uses may be permitted on a discretionary basis, subject to approval and compliance with the Department of Environment and Conservation.
- Council will monitor the capacity of the catchment to ensure a safe and adequate water supply for the Town.

### **3.2.7 RURAL**

The remaining lands within the Bauline Planning Area are designated Rural. No development shall be permitted on land within this designation except those associated with agriculture, forestry, mineral workings, outdoor recreation, resource conservation, or other uses as may be outlined in this Municipal Plan.

Activity concerning electric power transmission, other public utilities or road construction and maintenance, consistent with the objective of retaining the qualities of the rural environment, may also be permitted.

#### ***Forest Management***

The Town of Bauline has no direct control over forest management within the Planning Area. It shall ensure that forestry activities are in accordance with good management practices.

The Rural area contains wood stands that are valuable as a long term domestic wood supply for residents of Bauline. The Department of Natural Resources may designate lands as wood harvesting areas.

#### ***Mineral Workings***

Mineral workings may be permitted as a discretionary use by Council. Mineral workings shall be subject to conditions outlined in the Bauline Development Regulations. Mineral workings may include the extraction, exploration, processing or storage of gravel, sand, rock or any other mined material, concrete and asphalt making, rock crushing, quarrying, sand and gravel pits and other types of mining in general.

#### **Policies:**

- No development shall be permitted within Rural areas except that associated with agriculture, forestry, outdoor recreation, mineral exploration and workings, and resource conservation.
- An accessory residence to a permitted land use in a Rural area shall be permitted



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only in accordance with the conditions specified in the Bauline Development Regulations.

Small scale quarrying and other types on mineral working, may be permitted as a discretionary use by Council and shall be subject to approval of the Department of Natural Resources.

Council may require buffer distance separation between permitted or discretionary uses and ponds, watercourses and other types of development.

## **4.0 IMPLEMENTATION**

The Municipal Plan will be implemented over the next ten years through decisions of Council and affected agencies such as the Departments of Municipal Affairs; Transportation and Works; Environment and Conservation; and Natural Resources. Of particular importance to Council are the following:

- effective administration of the Plan;
- the adoption of five year capital work budgets;
- land use zoning, subdivision and advertisement regulations;
- the adoption of development schemes and plans of subdivision; and
- the procedure for considering amendments to the Plan.

### **4.1 PLAN ADMINISTRATION**

For the purposes of administering the Plan, the Proposed Land Use Maps shall be read only in conjunction with the Goals, Objectives and Policies outlined in this document. All development applications will be evaluated as to their conformity to the Plan as required by Council.

The boundaries between land uses designations are meant to be general, except where they coincide with roads or other prominent physical features, where they are intended to define the exact limits. It is intended that no amendment to this Plan shall be required to permit minor adjustments to these boundaries. Other than such minor changes, no development shall be permitted that does not conform to this Plan.

All persons wishing to develop land for any purpose within the Bauline Municipal Planning Area shall apply to Council for permission through the established procedure. Council may approve applications with or without conditions. The appeal of all Council decisions to the Regional Appeal Board shall be permitted.

Prior to the major development of land within the Planning Area, a development agreement may be required, which will be signed by both the developer and the Council. This agreement shall establish the conditions under which development may proceed and shall be binding to both parties. Conditions governing developments may also be enforced by being attached to the development permit.

Nothing in this Plan shall affect the continuance of land uses which are lawfully established on the date that the Plan is adopted by Council.

#### **4.2 PLAN IMPLEMENTATION**

The preparation, adoption and approval of the Bauline Municipal Plan represents only a part of the planning process. The Plan cannot implement itself and can be functional and effective only through Council's actions and efforts to carry it out.

In order to implement this Plan, Council must take the necessary action, as required by the Urban and Rural Planning Act 2000 outlined below:

- control future development by enforcing the Development Regulations and the policies of this Plan;
- undertake the capital works program on a progressive basis geared to the available resources of the community and financial assistance from the provincial government; and
- make necessary amendments to the Plan if conditions of the community change, and undertake a review of the Plan every five years.

#### **4.3 DEVELOPMENT REGULATIONS**

To implement this Plan, and in accordance the *Urban and Rural Planning Act*, Council shall prepare and adopt Development (Land Use Zoning, Subdivision and Advertisement) Regulations on the basis of this Plan. These regulations are intended for Council's control over future use of land and development within the Planning Area and they outline land use zoning, development standards and application procedures necessary to implement this Plan.

#### **4.4 DEVELOPMENT CONTROL**

Council shall exercise proper control over development within the Planning Area in accordance with this Plan and the Development (Land Use Zoning, Subdivision and Advertisement) Regulations.

All persons wishing to develop land for any purpose within the Planning Area shall apply to Council for permission on the prescribed form(s) and shall submit a detailed plot/sketch plan of the proposal indicating the location and dimensions of the land

and of the development. Council shall examine the application on the basis of the Regulations, which reflect the policy of this Plan, may approve the application, approve it with conditions, or refuse it. Any applicant who is dissatisfied with the decision of Council may appeal to the Central Regional Appeal Board.

Development in areas under the control of Council as well as other government departments will be referred to the concerned departments for review.

#### **4.5 PUBLIC WORKS AND MUNICIPAL SERVICES**

In order to properly implement the goals and objectives of the Plan, an annual public works program will be adopted and implemented by Council. This will include the annual preparation of a "5 year Capital Works Budget" which outlines proposed capital works to be undertaken by Council over a five year period, subject to the availability of government funding.

An annual public works program will be adopted and implemented by Council. This will include five year projections of work to be undertaken as required by The Municipalities Act.