

**Bauline**  
**Municipal Plan**  
**2023 - 2033**



**PLAN-TECH**



**ENVIRONMENT**

**August 2023**

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## 1.0 INTRODUCTION

### 1.1 Foreword

The Bauline Municipal Plan 2023 advances the sustainable development of land within the Bauline municipal planning area. Prepared in accordance with the *Urban and Rural Planning Act, 2000*, the Bauline Municipal Plan is a ten-year policy framework for Council's decisions with respect to the location and timing of development, municipal services, capital works and economic development. It guides the strategic environmental, social, cultural, economic, and governance decisions of the Town through goals and objectives, policy statements and the future land use map.

The Bauline Municipal Plan 2023 is a review and comprehensive update of the Municipal Plan and Development Regulations which came into legal effect on June 6, 2008. Since 2008, the Town has made amendments which have added:

- policy and regulations allowing for backlot development,
- redesignated and rezoned land for the new town hall,
- redesignated and rezoned land on Pouch Cove Road for residential development,
- allowed for rural residential development,
- eliminated the Tourism Commercial designation and zone on Bauline Line, and
- provided for industrial development on Bauline Line Extension.

The Municipal Plan serves as the basis for the Development Regulations. The Development Regulations contains specific development standards, land use zones and terms and conditions that support the implementation of the Municipal Plan. The Land Use Zoning Map forms part of the Development Regulations. Council uses the Development Regulations to make decisions about applications for buildings and land uses.

Once in effect, the Bauline Municipal Plan 2023 and the Development Regulations are legal documents binding on Council and any person undertaking development within the municipal

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planning area.

On an ongoing basis, Council administers the Municipal Plan and Development Regulations in several ways:

- Issuing development permits to individuals applying to develop land, build, or change the use of a building or land in accordance with the Development Regulations,
- Approving applications for subdivisions in accordance with the Development Regulations,
- Ensuring that Council initiatives align with the Municipal Plan and Development Regulations, and
- Carrying out capital works projects.

## 1.2 Municipal Plan Preparation Process

The *Urban and Rural Planning Act, 2000* establishes a process to bring a Municipal Plan and Development Regulations into legal effect. The initial steps include public consultation. In general terms, this involves gathering input from community residents and stakeholders as well as information from reports prepared for Council. In addition, government departments provide input on provincial interests which must be reflected in the Municipal Plan.

When Council is satisfied with the draft Municipal Plan and Development Regulations, the documents are submitted to the Department of Municipal and Provincial Affairs. The Department reviews the documents for provincial interests. Upon release from this review, the Bauline Council may adopt the proposed Municipal Plan and Development Regulations.

After adoption, Council must advertise a statutory public hearing held by an independent commissioner. The advertisements request written objections and representations. If no written submissions are received, Council may cancel the public hearing. Otherwise, the public hearing proceeds as scheduled. If the public hearing proceeds, Council will receive a report from the commissioner with recommendations. After considering the commissioner's report and recommendations, Council may approve the Municipal Plan and Development Regulations,

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approve the Municipal Plan and Development Regulations with changes, or withdraw the Municipal Plan and Development Regulations.

If Council decides with approve the Municipal Plan and Development Regulations, the signed and sealed Municipal Plan, Development Regulations, and maps are submitted to the Department of Municipal and Provincial Affairs for registration. Registration occurs if the Municipal Plan and Development Regulations comply with provincial policy and legislation. Once registered, a notice is published in the local newspaper and the Newfoundland Labrador Gazette. The publication of a notice in the Newfoundland Labrador Gazette brings the Municipal Plan and Development Regulations into legal effect.

According to the Act, Council is required to review the Bauline Municipal Plan and Development Regulations every five years. Where necessary, Council may make amendments to accommodate a development proposal or change in Council policies.

### 1.3 Municipal Planning Area

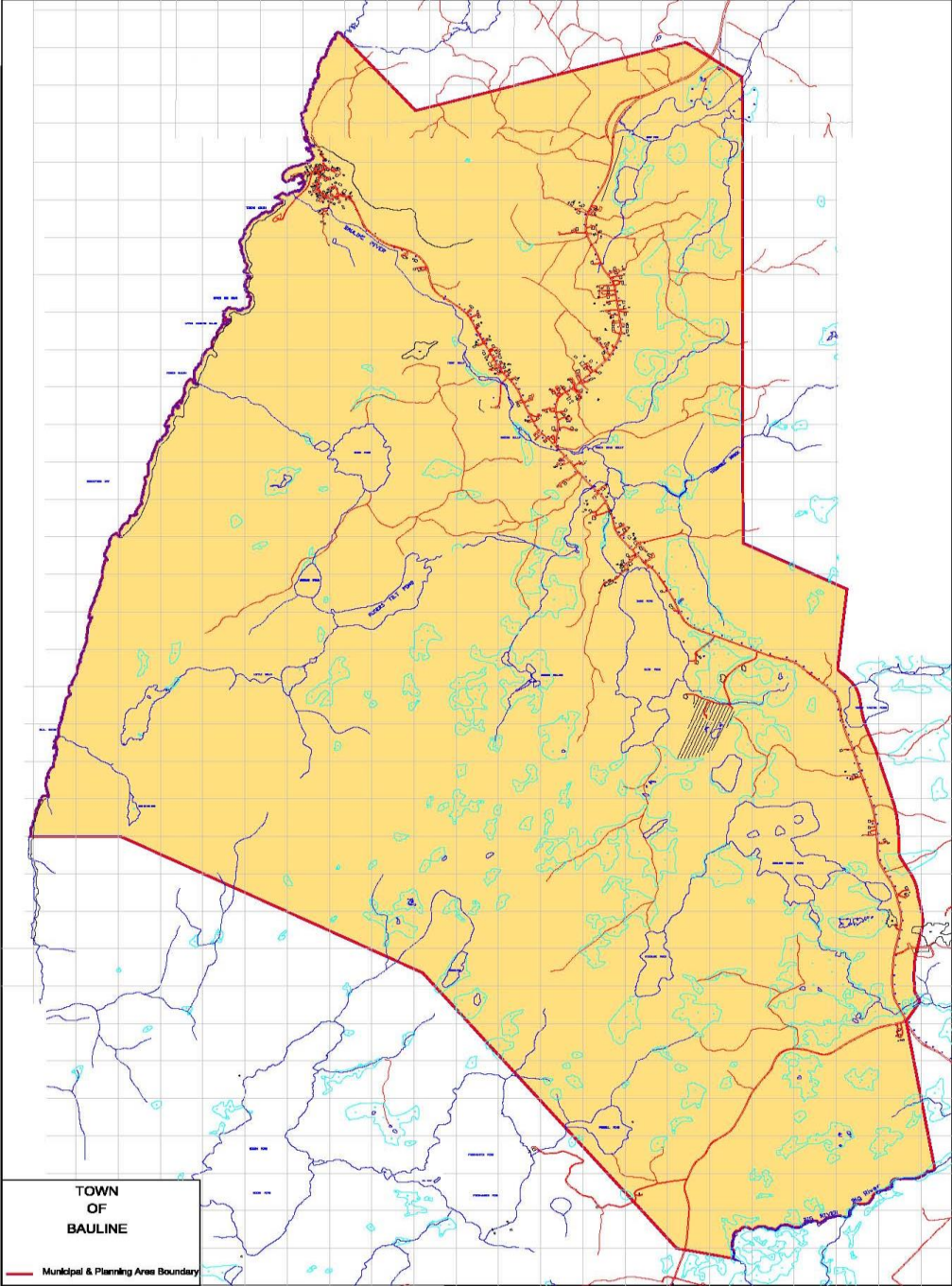
The Bauline Municipal Planning Area is concurrent with the Bauline municipal boundary established under the *Municipalities Act, 1999*. Figure 1 shows the Bauline Municipal Planning Area.

Council has planning and development control authority within the Bauline municipal planning area. The *Urban and Rural Planning Act, 2000* gives Council the sole responsibility to make a Municipal Plan, Development Regulations and to designate and zone land provided that the St. John's Urban Region Regional Plan and provincial legislation and policies are recognized. The Municipal Plan and Development Regulations give Council the authority to issue permits and control development.

Within the coinciding municipal boundary, Council provides services and has the right to impose property and business taxes in accordance with the *Municipalities Act, 1999*.

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Figure 1: Bauline Municipal Planning Area



## 1.4 Plan Preparation and Consultation

The Bauline Municipal Plan is based on a review of land uses, mapping, studies commissioned by the Town and Council's perception of the challenges and opportunities facing the community. Meetings were held with Town staff and Council to discuss priorities.

As part of its background research, Plan-Tech Environment Ltd. staff conducted several site visits to Bauline.

At the start of the planning process, Council informed the Department of Municipal and Provincial Affairs that it had retained Plan-Tech Environment Ltd. to undertake a review of the Town's Municipal Plan and Development Regulations. With this notification, the Department of Municipal and Provincial Affairs initiate an internal provincial consultation process through the Interdepartmental Land Use Committee to solicit feedback from various departments and agencies that may have an interest in land within the Bauline Planning Area Boundary. A summary report was received which is outlined in section 2.3.

Residents were invited to provide comments regarding the Municipal Plan, Development Regulations, and maps. A public open house and meeting was held on May 31, 2023, at the Bauline Town Hall. This public event was advertised on the Town's Facebook page and website. After a presentation by a planner with Plan-Tech Environment Ltd., there was a round table discussion and break-out tables. Written submissions were encouraged, and several were received after the public meeting.

The Town provided Plan-Tech Environment Ltd. with its asset maintenance plans completed in March 2023. These plans aid Council in managing municipal infrastructure. They provide information to assist Council in making investment decisions and reducing risk with respect to buildings, water system, parks, equipment, local roads, and stormwater system.

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The Town also provided a copy of the Expanded Habitat Conservation Plan prepared by the Newfoundland Labrador Eastern Habitat Joint Venture Program in partnership with the Town and the Stewardship Association of Municipalities (SAM) Inc. The Town first signed a habitat stewardship agreement in 2015 and this plan identifies additional areas of important habitat for conservation.

### **1.5 Interpretation**

The following sections and Future Land Use Maps constitute the legally effective parts of the Municipal Plan.

The general terms referred to hereinafter are defined as follows:

- “Council” shall mean the Council of the Town of Bauline.
- “Municipal Planning Area” shall mean the Bauline Municipal Planning Area.
- “Town” shall mean the Town of Bauline.

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

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## 2.0 PLANNING CONTEXT

### 2.1 Background

Bauline is a picturesque community located on the west side of the northeast Avalon Peninsula, along the Killick coast. Located at the end of Route 21 (Bauline Line), Bauline has high rocky cliffs and steep hills and a scenic coastline. Urban development extends along Bauline Line, Pouch Cove Line and Bauline Line Extension.

The Town was incorporated in 1988 and currently has a population of 412 residents. Bauline was originally settled for the summery cod fishery. Permanent settlement began around 1864 and since that time, the growth has spread from the traditional community centre along provincial highways.

The Town has a common boundary with the City of St. John's to the south, the Town of Portugal Cove-St. Philip's to the west and the Town of Pouch Cove to the east. The municipal boundary of Bauline encompasses an area of 16.05 square kilometres, which with a population of 412 equates to a population density of 25.7 people square kilometre. This low density reflects the development constraints resulting from a topography which features steep cliffs and hills.

Bauline is a vibrant community with a strong Council committed to managing Town assets responsibly. Built in 2016, the new town hall and community centre with the adjacent playground and courts, provides an important focus where residents can participate in a variety of programs and activities. Bauline strives to provide services to its residents while maintaining a family friendly, small-town atmosphere.

### 2.2 St. John's Urban Region Regional Plan

Bauline is part of the St. John's Urban Region and the St. John's Urban Region Regional Plan provides a planning framework which must be reflected in the Bauline Municipal Plan and Development Regulations.

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According to the St. John's Urban Region Regional Plan, Bauline is designated as a local centre. The St. John's Urban Region Regional Plan states that Municipal Plans prepared to guide development in local centres shall conform to specific guidelines:

- Within a local centre, residential uses shall be low-density and predominately single dwellings,
- Commercial uses shall be limited to those providing local services. Retail and highway commercial uses may be included.
- Industrial uses shall be restricted to those of a local nature and small scale operations employing local residents.

The St. John's Urban Region Regional Plan promotes infill and consolidation of existing development patterns within local centres. In addition, full municipal services are envisioned within the core of each local centre.

Within Bauline, the St. John's Urban Region Regional Plan designates land as follows:

- Regional Industrial (community wharf),
- Urban (land in the community core, along Bauline Line, Pouch Cove Line and Bauline Line Extension),
- Public Open Space (land along the coastline, steep slopes on Bauline Line, Bakeapple Marsh, Duck Pond recreation area, and land surrounding Bauline Rocky Pond and Stickles Pond),
- Rural (land outside of the other St. John's Urban Region Regional Plan designations), and
- Protected Watershed (the former water supply reservoir, the portion of the Pouch Cove water supply extending into the Bauline municipal planning area, and Rogers Tilt Pond water supply area).

These regional designations may no longer accurately reflect current approaches or community needs and, as a result, concurrent amendments to the St. John's Urban Region Regional Plan will be required. For example, current practice is to designate steep slopes and coastlines "Restricted Development" which reflects policies in the St. John's Urban Regional Plan. This

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designation is intended for lands with physical constraints and are intended for the preservation of the natural environment. In addition, the two water supply areas (the former reservoir and Rogers Tilt Pond) are no longer public protected water supply areas under the *Water Resources Act*.

By carrying out concurrent amendments to the St. John's Urban Region Regional Plan, future amendments will be more straightforward. Council may see broader opportunities for development because provincial policy constraints will be removed.

### 2.3 Provincial Interests

The Department of Municipal and Provincial Affairs asked the Interdepartmental Land Use Committee to carry out a referral to government departments and agencies. The summary identified various provincial interests to be recognized in the Bauline Municipal Plan and Development Regulations as follows:

- Approvals from the Government Services Centre, Department of Digital Government and Service NL are required prior to the start of construction.
  - The Climate Change Branch, Department of Environment and Climate Change identified the impacts of more precipitation and more frequent extreme weather events from climate change including increased flooding, storm surges, coastal erosion, and sea level rise. The Climate Change Branch recommends that climate change impacts be considered when allocating land for development.
  - The Climate Change Branch also notes that the National Building Code of Canada includes energy efficiency requirements for new buildings. When issuing building permits, the Town must ensure that new buildings comply with these requirements.
  - The Policy, Planning and Natural Areas Division, Department of Environment and Climate Change identified a small portion of the municipal planning area, adjacent to Marine Drive Provincial Park, which overlaps with an area of conservation interest nominated as a protected area to the Wilderness and Ecological Reserves Advisory
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Council.

- The Pollution Prevention Division, Department of Environment and Climate Change outlined provisions of the *Environmental Protection Act* and the *Water Resources Act* and related provincial regulations with respect to waste disposal and litter, air quality management, pesticide use, storage and handling of gasoline and related products, used oil control, halocarbon, and discharge of water.
  - Approval from Water Resources Management Division, Department of Environment and Climate Change is required for work in any body of water (including wetland), infill within 15 metres of a body of water, non-domestic water uses, development in shore water zones, development adjacent to or within a protected public water supply area prior to the start of construction.
  - The Water Resources Management Division, Department of Environment and Climate Change advised that a small portion of the Pouch Cove (North Three Island Pond) protected public water supply extends into the Bauline municipal planning area.
  - Any unserviced subdivision with greater than 4 lots require a Level I Groundwater Assessment. A Level II Groundwater Assessment is required by the Water Resources Management Division, Department of Environment and Climate Change for any subdivision greater than 14 lots or if any issues are identified in the Level I Groundwater Assessment.
  - The Agriculture Branch, Department of Fisheries, Forestry and Agriculture requires that the Bauline Municipal Plan and Development Regulations allow for current and future agriculture activity.
  - Crown Lands Branch, Department of Fisheries, Forestry and Agriculture requires that the Municipal Plan and Development Regulations consider Crown Lands titles and applications.
  - GIS and Mapping Division, Department of Fisheries, Forestry and Agriculture require that geodetic control monuments be protected from disturbance.
  - Forestry Branch, Department of Fisheries, Forestry and Agriculture identified a
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domestic cutting area.

- Wildlife Division, Department of Fisheries, Forestry and Agriculture identified “Management Units” which should be reserved to ensure the conservation of land for wildlife. In addition, wildlife and landscape connectivity should be recognized by maintaining a 30 metre riparian buffers along wetlands and water bodies which connect to forested areas to create travel corridors for wildlife.
  - Mineral Lands Division, Department of Industry, Energy and Technology identifies land associated with a quarry permit. Some mineral exploration has occurred in the vicinity of Funnell Pond. Future exploration is possible. Standard definitions of mineral exploration, mineral working and mining were provided for inclusion in the Development Regulations along with conditions for separation distances and recommendations for zoning.
  - The Newfoundland Labrador Geological Survey, Department of Industry, Energy and Technology recommends that geological hazards be considered when making planning decisions. Bauline, with its rugged coastline dominated by cliffs and pockets of pebble and cobble beaches has a low index to coast erosion and, in the long-term, sea-level rise. Slopes greater than 15 percent and rock cliffs may create a risk for infrastructure and development at their base. Bauline could consider coastal setbacks as a strategy to mitigate impacts from sea level rise of greater than 100 centimetres by 2100. The Newfoundland Labrador Geological Survey recommends new development be restricted to areas at least 4 metres above the high-water mark and at least 30 metres inland from the upper edge of coastal cliffs, banks, and waterways to minimize the risks from storm water surges, coastal inundation, and coastal erosion.
  - The Local Governance and Land Use Planning Division, Department of Municipal and Provincial Affairs requires compliance with its submission standards.
  - *Highway Sign Regulations, 1999* apply to all highways constructed and maintained by the Department of Transportation and Infrastructure. A permit is required for any sign
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erected within 100 metres of the highway centreline.

- The Parks Division, Department of Tourism, Culture, Arts and Recreation requires a no development buffer of 50 metres to be maintained from the Marine Drive Provincial Park boundary.
- The Provincial Archaeology Office, Department of Tourism, Culture and Recreation identified one known archaeological site which is protected under the *Historic Resources Act*. This site cannot be interfered with in any way. Policy to protect archaeology sites is required in the Municipal Plan to ensure that appropriate measures are undertaken to protect known sites as well as areas with high potential prior to development.

## 2.4 Land Uses and Activities

The predominant form of development is single dwellings located on larger unserviced lots along Bauline Line, Pouch Cove Line and Bauline Line Extension. The topography is generally rugged and broken, with hills rising to over 270 metres, and capped by huge rock masses. This topography along with limited local roads and the lack of municipal water and sewer services impact development opportunities. Low density, unserviced development will continue to be the predominant land use and Bauline will continue to be a residential community.

### 2.3.1 Residential Uses

According to the 2021 Census, there are 172 private dwellings in the town, 161 of which are occupied by usual residents. There are 160 single dwellings which are the predominate dwelling type in Bauline as there are no apartment buildings, semi-detached or row dwellings. Most of the dwellings are occupied by two-person households and the average household size is 2.6 persons.

Table 2.1 illustrates that more than half of the occupied private dwellings were built prior to 1990. Table 2.2 shows that the Town has issued three housing permits in 2022 and in the previous two years, no housing permits were issued. According to the 2021 Census, Bauline has a stable

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population where 300 people, out of a total population of 412, are non-movers.

Given the age of the existing housing stock, the topographical constraints and the community connection of residents, repair, extension, and replacement of older dwellings will be the most likely form of construction activity in the years to come. Future growth, in the form of new buildings, will be minimal and will continue the trends from the past of a small number of housing permits issued per year.

**Table 2.1 Dwellings by Period of Construction**

<b>Occupied private dwellings by period of construction</b>	<b>140</b>
1960 or prior	15
1961 – 1980	45
1981 – 1990	25
1991 – 2000	0
2001 - 2005	10
2006 – 2010	10
2011 – 2015	25
2016 – 2021	10
Source: Statistics Canada 2021 Census Data	

**Table 2.2 Housing Permits: 2016–2022**

<b>Town of Bauline Housing Permits Issued 2016 - 2022</b>	
2022	3
2021	0
2020	0
2019	2
2018	1
2017	2
2016	2
Source: Town of Bauline	

### 2.3.2 Non-Residential Uses

There are few non-residential uses in Bauline. The harbour and wharf are a focus for marine related activities. A recent development “The Sheds on the Bank” located adjacent to the harbour provide a tourism and marine amenity. Within the central community core, the United Church and associated cemeteries exist. Another cemetery is located off Pouch Cove Line. The town hall and community centre, along with a playground and courts, are located off Bauline Line. This is also the location of a cell tower.

Land was designated and zoned on Industrial along the Bauline Line Extension, near the western limits of the municipal planning area. This land remains undeveloped but the potential to accommodate future commercial and industrial uses remains.

### 2.3.3 Rural Development

Sod farming, a domestic cutting area, and a quarry exist in the rural portion of Bauline.

### 2.3.4 Habitat Management Areas

In 2015, the Town entered into a municipal habitat stewardship agreement with the Eastern Habitat Joint Venture recognizing the importance of protecting wetland and upland habitats for wildlife. This agreement identified management units at Rocky Pond, First and Second Gully, Bakeapple Marsh, and Bauline Rocky Pond.

As a signatory to the agreement, the Town agrees to manage wetlands within its jurisdiction with technical advice from the partners of the Eastern Habitat Joint Venture. The agreement specified that the Town shall only permit activities in the management units that have no adverse impact on wetland habitat, waterfowl, or other wildlife. In the agreement, the Town committed to the preparation of a Habitat Conservation Plan and the incorporation of measures into its Municipal Plan to protect these areas. The objectives of the Habitat Management Plan are to:

- To present an assessment of the habitats and wildlife species designated for conservation.
- To recommend protection and enhancement strategies which will maintain and/or

increase wildlife use in designated Conservation Areas.

- To describe potential engagement initiatives designed to increase Council and public awareness of the value of ‘their’ habitat for conserving wildlife.
- To empower Council and municipal residents to conserve these habitats through informed development decision-making with the support of residents.

The Town also agreed to:

- Implement over time and as opportunities allow the Habitat Conservation Plan in the community with the assistance of the NL EHJV partners.
- Participate, as capacity allows, in the activities of the Stewardship Association of Municipalities (SAM) Inc.

In 2022, additional areas were identified and included in the “Municipalities of Bauline Expanded Habitat Conservation Plan”. This habitat conservation plan indicates the Town’s support for the long-term conservation of additional areas of important wildlife habitat within the municipal planning area. Within the context of the revised stewardship agreement and habitat conservation plan, the Wildlife Division, Department of Fisheries, Forestry and Agriculture is responsible for reviewing future development which would impact the designated conservation areas and to support the implementation of the conservation plan. The Town is responsible for ensuring that the designated areas are protected and to incorporate habitat protection concepts into the Bauline Municipal Plan 2023. The additional areas identified for habitat conservation include land along the coastline with steep and rocky cliffs which host seabird colonies along with other bird species, Rogers Tilt Pond, Church Pond, Little Gully and Cove Pond and any tributary or outflows, and Rogers Gullies.

### **2.3.5 East Coast Trail**

Approximately 9.1 kilometres of the East Coast Trail runs along the coastline in the Bauline municipal planning area including Piccos Ridge Path (6.3 kilometres) and White Horse Path (1.1 kilometres). In addition, the East Coast Trail includes a 1.1-kilometre side path known as the Big Hill Trail and a 0.6-kilometre community walk linking the two paths.

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The East Coast Trail Association and the Town have worked collaboratively to build and maintain the paths through Bauline. In 2018, the Town and the East Coast Trail Association entered into a memorandum of understanding with the purpose of allowing the association to have input into the Municipal Plan review process and any amendment which impact the trail, preserving access to the shoreline and protecting the natural landscape and views along the trail, maintaining a coastal conservation buffer at the top of the cliffs, ensuring a buffer to preserve natural landscape and views along the trail, and encouraging landowners to respect and protect the trail.

## 2.4 Demographic Trends

The following discussion of selected demographic indicators is based upon data available from Statistics Canada, Census Profile - 2021 Census. Information about demographic trends is also available from the Department of Finance, Community Accounts. Selected demographic indicators for Bauline are compared to provincial trends.

### 2.4.1 Population Characteristics

According to the 2021 Census, the population of Bauline is 412. This represents a decline in population of 40 (or -8.8 percent) since 2016. As shown in Table 2.3, the population of Bauline grew between 2006 and 2016.

The population of the Province of Newfoundland Labrador increased by +1.0 percent in the five-year period between 2016 and 2021.

**Table 2.3 Bauline Population Change: 1996–2021**

Year	Population	Change	% Change
1996	380		
2001	364	-16	-4.2%
2006	379	15	4.1%
2011	397	18	4.7%
2016	452	55	13.9%

2021	412	40	-8.8%
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Source: Statistics Canada 2021 Census

### 2.4.2 Age Characteristics

Tables 2.4 and 2.5 compare age group characteristics for the province and the municipality. The 2021 population of Bauline is almost evenly split between males and females with 215 males and 200 females. In the province, females outnumber males.

Almost 64 percent of the population in Bauline is within the 15-64 age category while 66 percent of the population of the province is within this age category. Bauline has a slightly higher proportion of population between 0 and 15 than the province. The average age of the population of Bauline residents is 43.2 years which is almost even with than that of the province at 43.7 years.

### 2.4.3 Household and Family Characteristics

In Bauline, there are 135 census families in private households. Of these, there are 80 two-person private households and 50 three and four-person private households. The average size of a census family is 2.7. The average number of children in a census family with children is 1.6.

**Table 2.4 Age Group Characteristics: Bauline vs. Province**

Age characteristics	Bauline			Province of NL		
	Total	male	female	Total	male	female
<b>Total age groups</b>	415	215	200	519,715	253,930	265,790
0 to 14 years	65	35	35	74,440	38,200	36,240
15 to 64 years	265	140	125	344,245	168,555	175,695
65 years and over	80	40	45	101,025	47,170	53,855
85 years and over	5	0	0	9,360	3,245	6,125
100 years and over	0	0	0	60	20	75

Source: Statistics Canada 2021 Census

**Table 2.5 Population Distribution: Bauline vs. Province**

% Population Distribution	Bauline			Province of NL		
	Total	male	female	Total	male	female
0 to 14 years	15.7	16.3	17.5	14.3	15.0	13.6

15 to 64 years	63.9	65.1	62.5	66.2	66.4	66.1
65 years and over	19.3	18.6	22.5	19.4	18.6	20.3
85 & over	1.2	0	0	1.8	1.3	2.3
Avg age population	43.2	43.0	43.6	43.7	42.9	44.4
Source: Statistics Canada 2021 Census						

#### 2.4.4 Household Income 2020

According to the 2021 Census, the median total income in 2020 for the population aged 15 years and over in private households is \$42,000 and the median after-tax income is \$37,600. The average total income of household in 2020 is \$108,000. This is higher than the average total income of household for the province, which is \$91,100.

#### 2.4.6 Education 2016

The residents of Bauline are well educated. According to the 2021 Census, 280 individuals in the population aged 15 years and over in private households have achieved a secondary school diploma or equivalency and 180 have achieved a postsecondary diploma certificate, diploma, or degree. There are 10 individuals who achieved a master's degree.

### 2.5 Municipal Finance and Services

On December 5, 2022, the Town Council of Bauline adopted its Annual Operating Budget for 2023. The budget proposes that all rates and fees for 2023 shall remain unchanged for the coming year. Council's Balanced Operating Budget for 2023 with total Revenues of \$550,699 and Expenses totaling \$549,839. This budget shows a small surplus.

The Town of Bauline provides an array of municipal services including buildings, parks, fields, equipment, roads and stormwater infrastructure, and a water distribution system. Additional services provided to residents including fire protection, waste management, snow clearing, street lighting and recreation programs. The water distribution system consists of a water supply well, a pump house, 547 metres of water mains and 7 fire hydrants. This system serves the 37 residential units and one commercial unit located in the community core. While most development fronts onto a provincial highway (Bauline Line, Pouch Cove Line and Bauline Line



Extension), there are 6 asphalt local roads and 1 gravel road that the Town maintains along with asphalt and gravel parking lots. Within these roads are storm water culverts, a bridge and curb, gutter, and swales.

Council is responsible for the maintenance and upgrading of this municipal infrastructure and, in 2023, received Asset Maintenance Plans prepared by a professional engineering company, which outline responsibilities for maintenance and record keeping as well as a maintenance program for each asset. The Asset Management Plans also identify climate change risks and a financial plan so municipal assets can be renewed over a 25-year period. Council is encouraged to establish priorities for asset management so that Council can assess its financial position and current funding opportunities.

## 2.6 Summary

According to the 2021 census data, Bauline has experienced a decrease in population since 2016. Residents are well-educated and have household incomes slightly higher than the province as a whole. Residents are committed to the community and there is no pattern of individuals moving into or out of the community.

Bauline has seen little growth in recent year and this pattern is likely to continue. The steep cliffs and high elevations mean that there is little suitable land available for development. The Town does not offer municipal water or sewer services except for the community core which has a small water distribution system which means that development must occur on larger lots. The age of the housing stock means that most construction will be for the renovation, repair, or replacement of older buildings.

Council is committed to managing the community efficiently and with respect to the residents. The town hall and community centre provide a community focus and allows for a range of programs. Council has received Asset Management Plans which will ensure that the Town's buildings, parks, roads, and water distribution system are maintained, and that the Town can plan

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for infrastructure renewal. Council is also partnering with the Wildlife Division, Department of Fisheries, Forestry and Agriculture to protect wildlife habitat and with the East Coast Trail Association to foster the walking trails that extend through the municipal planning area.

## **2.7 A Strategy for Growth and Change - Municipal Plan**

The development strategy for the Bauline Municipal Plan 2023 is to respect current land use patterns and will allow for the re-construction, expansion and repair of existing dwellings. Opportunities for commercial and industrial services will be provided. In addition, the Bauline Municipal Plan 2023 will protect of wildlife habitat, significant landscape features and lands, and the East Coast Trail, while providing for tourism and recreation opportunities.

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### 3.0 VISION, GOALS AND OBJECTIVES

This section outlines the Town's planning vision, goals, and objectives that will be pursued in the 10-year planning period. The vision statement establishes a broad picture of the community's future – a future that Council will endeavour to achieve through the implementation of the policies and proposals outlined in the Municipal Plan. A goal is a desired state that reflects the long-range desires of Council. A goal is concrete, realistic, action-oriented, and attainable. The realization of an objective should move the goal closer to reality.

#### 3.1 Bauline Vision Statement

##### ***ICSP Vision Statement***

The Town of Bauline completed an Integrated Community Sustainability Plan (ICSP) as a collaborative project with the adjoining Towns of Pouch Cove and Flatrock. The ICSP included a vision statement for Bauline.

##### **VISION STATEMENT:**

*A prosperous, family-oriented and involved community, striking a balance between development and environmental sustainability while maintaining and enhancing its unique rural community character and natural environment.*

The ICSP included the following guiding principles.

##### ***Guiding Principals:***

- *Focus on those activities that best support the long-term vision of the community and benefit the maximum number of community residents.*
  - *Any activity must be reflective of citizens' wishes and be cost-effective, financially sustainable and consider the long-term implications.*
  - *Any activity must have a positive environmental impact and support the community's heritage and quality of life.*
  - *Any activity must not impact on the existing well and septic systems.*
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To achieve this vision through the Bauline Municipal Plan 2023, community goals and objectives have been identified to provide the foundation for specific objectives and land use policies. These community goals and objectives are intended to guide Council's decisions over the 10-year planning period.

## 3.2 Community Goals

### Goal A: Physical Structure

**A1.** To encourage development which reflects current land use patterns and is compatible with existing development.

#### Objectives:

1. To allow development that is compatible with current development patterns, does not negatively impact surrounding uses, and does not create a demand for municipal infrastructure and services.
2. Allow for the re-development and expansion of existing dwellings.
3. To provide for economic development opportunities.

### Goal B: Environment

**B1.** To protect the natural environment and scenic landscape.

#### Objectives:

1. To ensure that drainage courses, rocky cliffs, rugged shorelines, steep slopes, and higher elevations are protected from development to preserve the scenic landscape and rural character of the Town.
2. To protect wildlife habitat areas.
3. To mitigate the risks resulting from climate change.

### Goal C: Municipal Services

**C1.** To provide an appropriate range of municipal infrastructure and services.

#### Objectives:

1. To ensure that on-site sewerage systems meet the standards of the Government Service Centre, Department of Digital Government and Service NL.
2. To protect the water supply wellhead.
3. To maintain municipal infrastructure.

### Goal D: Community Partnerships

**D1:** To build community partnerships to enhance wildlife habitats and community amenities.

#### Objectives:

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1. To work with the Wildlife Division, Department of Fisheries, Forestry and Agriculture, to implement the Habitat Conservation Plan and to protect sensitive wildlife habitat from development.
2. To work with the East Coast Trail Association to protect and enhance the trails in the community.

**Goal E: Culture, Recreation and Open Space**

- E1.** To provide a range of leisure and recreation facilities that address the needs of all residents of Bauline.

**Objectives:**

1. To develop and maintain facilities and natural areas to accommodate a range of active and passive recreational opportunities.
  2. To support the provision of services and facilities that enhance the personal and physical well-being of residents.
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## 4.0 THE LAND USE PLAN

### 4.1 General Land Use Policies

The following policies are general in scope and shall be applied throughout the Bauline municipal planning area.

#### GLU-1 Municipal Plan

It is the policy of Council that this Municipal Plan shall provide for the development of the Bauline for a 10-year planning period extending from 2023 to 2033.

#### GLU-2 Interpretation

The boundaries between land use designations set out on the Generalized Future Land Use Map are general and are not intended to define exact limits except in the case of streets or other prominent physical features, such as bodies of water or other physical features, where they are intended to define exact limits. Council may use its discretion to interpret future land use designation or zone boundaries. It is intended that no amendment of this Plan shall be required to accommodate minor adjustments to these boundaries.

#### GLU-3 Discretionary Authority

Council may use its discretion to:

- a) Evaluated applications to assess impact on the surrounding area, availability of infrastructure and utilities as well as street capacity, public safety, amenity, convenience and other considerations that Council considers important.
  - b) Interpret use classifications in the Development Regulations.
  - c) Impose conditions on a permit or approval in principle.
  - d) Refuse a development application when, in Council's opinion, the development may have an undesirable impact on adjacent properties, the surrounding area, or where municipal services or infrastructure are inadequate or uneconomical to provide and maintain.
  - e) Determine whether a development is premature because of lack of access to a public street, provision of water and sewerage disposal or power, drainage or is beyond the extend of development and requiring the developer to construct the required services at their cost.
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**GLU-4 Community Structure**

- (1) It is Council's policy to respect current low-density development patterns. Land will be allocated on the Generalized Future Land Use Map along Pouch Cove Line, Bauline Line and Bauline Line Extension and on local roads to accommodate existing and new development while reflecting the steep topography, the coastline and wildlife habitat.
- (2) Council seeks to consolidate development in areas along provincial highways and local streets.
- (3) Council recognizes that that new development will be serviced with on-site wells and septic systems and that this will result in a low-density development pattern and may impact opportunities for new development.
- (3) Development shall front onto a public street unless otherwise specified in this Municipal Plan. A new access to a provincial highway requires approval from the Department of Transportation and Infrastructure and must meet departmental specifications.
- (4) Development shall only be permitted on lands having soil and drainage conditions which are suitable for the proposed uses.
- (5) Council shall require a buffer between any commercial or industrial development and a residential zone, a dwelling, or is separated from a residential zone by a street only, in order to minimize impacts such as noise, dust and other nuisances.

**GLU-5 Climate Change**

- (1) Council recognizes that Bauline is vulnerable to the impacts of climate change such as sea level rise, storm surges and more extreme precipitation events. These climate change impacts may cause flooding and geological hazards such as erosion, landslides, and rock falls. As a precaution, Council will limit development in areas that are vulnerable to climate change impacts by designating and zoning the steep slopes and cliffs along the shoreline of Conception Bay and along Bauline Line "Restricted". Significant water bodies and water courses will be designated "Open Space" and zoned "Open Space Conservation". While protecting development from the hazards associated with climate change, Council recognizes that the Open Space Conservation zone also provides
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a wildlife corridor for various species.

- (2) Development, except for uses associated with the marine environment, shall be prevented below the 4-metre contour in areas where no development has occurred. Where there is an existing development pattern or land uses in areas below the 4.0 metre contour, Council may allow new development, or repair and extension of existing development, provided appropriate mitigation measures are applied. Mitigation may include coastal protection, or enhanced construction or engineering standards.

#### **GLU-7 Wildlife Habitat**

Council is committed to the protection of wildlife habitat. Council, in partnership with the Wildlife Division, Department of Fisheries, Forestry and Agriculture and the Stewardship Association of Municipalities Inc., is working to preserve and enhance sensitive wildlife habitats within the Eastern Habitat Joint Venture framework. As part of this framework, Council has entered into a habitat stewardship agreement. In keeping with the intent of that agreement, wetland and wildlife habitat is conserved by identifying Habitat Conservation Areas on the Generalized Future Land Use and Zoning Maps. Within these Habitat Conservation Areas, all development applications shall be referred to the Wildlife Division, Department of Fisheries, Forestry and Agriculture for review and comment.

#### **GLU-8 Environmental Protection**

- (1) Council is a steward of the environment. Along with protecting wildlife habitat, Council aspires to protect the natural landscape by preserving trees, preventing development in scenic or vulnerable areas, and ensuring that development does not adversely affect the environment including bodies of water, wetlands, and Conception Bay.
  - (2) It is the policy of Council that development shall only occur on suitable land. Council shall review development applications and consider whether the site is hazardous due to steep or unstable slopes, poor drainage, high water table, wetland, erosion, or may be subject to flooding.
  - (3) Council shall review development proposals that alter the natural topography through site grading, deposit and/or removal of fill, ditching or substantial landscaping, and may
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require the submission of a plan showing the proposed work. Council may impose conditions to minimize off-site impacts. Alterations which adversely affect adjacent land shall not be permitted and the removal of topsoil or sods is not permitted without Council approval.

- (5) Council shall not permit development on lots with slopes exceeding 15 percent, on unstable land, or in areas subject to erosion or flooding unless a study prepared by a qualified individual is submitted outlining the issues and proposing mitigative measures. Upon receipt of the study, Council may refuse the application or may issue a permit or an approval in principle with conditions intended to mitigate the hazards and any impacts on adjacent land or municipal infrastructure.
- (6) Development close to ponds, wetlands and watercourses affects ecology, hydrology, may negatively impact viewsapes and other aesthetic values, and may contribute to flooding and erosion. Around water bodies, along water courses, and around wetlands, Council shall establish a 15-metre buffer which shall be maintained in a natural state. Only those used associated with fishing, wharves, boathouses, slipways, docks, marinas, public roads, utilities, and infrastructure, shall be permitted.

#### **GLU-9 Storm Water Management**

- (1) Managing stormwater runoff is increasingly challenging because of the incidence of more intense storms. In Bauline, there are areas where receiving water courses are flooding because of storm run-off. Council recognizes the impacts of storm run-off and wishes to protect its infrastructure as well as minimize damage to private property. Council shall encourage development to manage storm water on-site through installation of measures to decrease water run-off.
- (2) Development must be designed so that run-off does not negatively impact adjacent properties.
- (3) Alternations to the natural drainage pattern shall be minimized.

#### **GLU-10 Building Line Setback**

Buildings shall be set back from the street reservation in accordance with the Development Regulations recognizing the character of the surrounding area. The building line setback shall be sufficient to allow front yard landscaping, and safe access and movement of vehicles.

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**GLU-11 Subdivision and Major Development**

- (1) Council shall review all subdivision developments or major developments to ensure efficient use of land and that the development is located and designed so not to interfere with optimal future use of adjacent lands.
- (2) Council may require a developer to enter into a development agreement.

**GLU-12 Non-conforming Uses**

In accordance with Section 108 of the *Urban and Rural Planning Act, 2000*, any development or land use that legally exists on the day that this Municipal Plan is registered may continue in a manner that does not conform to this Municipal Plan or Development Regulations. Provisions with respect to legal non-conforming uses are outlined in the Development Regulations.

**GLU-13 East Coast Trail**

- (1) Council supports the efforts of the East Coast Trail Association to develop and maintain a system of pedestrian only paths in the municipal planning area. Council shall work in partnership with the East Coast Trail Association to enhance and preserve these paths and to provide amenities such as safe parking areas, trail head signage, and connecting community trails. It is the policy of Council to identify the East Coast Trail on the Generalized Future Land Use and Zoning Maps.
- (2) Council will ensure that development proposals near the East Coast Trail shall not impede the trail and shall preserve the view along the coastline. Visual impact of new development shall be minimized by retaining natural and native tree cover where possible and by siting new buildings in harmony with the natural landscape and topography.
- (3) Steep slopes and rocky outcrops visible from the East Coast Trail shall remain undeveloped.
- (4) Where new development occurs, Council shall work with the property owner and the East Coast Trail Association to legally secure the trail and the right of pedestrians to use the trail. Council may impose conditions on a permit or approval in principle to ensure that the trail remains accessible to the public.

**GLU-16 Backlot Development**

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Topography consisting of steep cliffs, rocky outcrops, wetlands, and the existing development pattern reduces land suitable for development. To encourage the use of suitable land, Council may permit single dwellings on backlots where vacant land exists which does not have sufficient width to meet frontage requirements. In the Community Core and Residential designations, backlot development may be permitted for single dwellings subject to the following conditions:

- a) On-site water supply and sewage disposal must be approved by the Department of Digital Government and Service NL,
- b) The development of a backlot shall not prejudice the use and future development of adjoining land,
- c) A backlot shall not reduce the frontage, area, or setbacks of a legally existing lot,
- d) A backlot shall front on a publicly maintained road dwelling and the frontage requirements shall be specified in the Development Regulations,
- e) Access and driveway shall not be shared by any other use,
- f) The lot and dwelling placement shall meet standards set out in the Development Regulations to ensure public safety and emergency access.

Where there is potential for future development of adjoining land, the access shall have sufficient width to meet Town road standards. If there is no potential for the future development, the access shall be for a driveway and the driveway shall be used by a single dwelling only.

#### **GLU-17 Urban Agriculture**

Food security is a growing concern. Individuals and families are struggling to provide affordable, nutritious, and culturally appropriate food. Council has been fighting food insecurity experienced by its residents with its bulk buy food program. Council believes that opportunities for residents to grow food through community gardens and on their own land, and to raise poultry and livestock for personal use, will help reduce food security challenges. Community gardens shall be permitted throughout Bauline. Urban agriculture, in the form of home gardens, shall be allowed on all residential lots. Council may allow the raising on poultry or livestock on a residential lot on a case-by-case basis and may prohibit or impose conditions with respect to the number of poultry or livestock. The Development Regulations shall contain standards for poultry coops and barns.

#### **GLU-18 Uses in All Designations**

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- (1) Low intensity conservation related to trails and habitat management, community gardens, recreational open space in the form of parks, playgrounds and trails, antenna, streets, services, and utilities shall be permitted in all future land use designations and zones.
- (2) Mineral exploration may be permitted, as a discretionary use, in all future land use designations and zones provided the activities have limited impact on the landscape and surrounding uses. Site restoration will be required. In some cases, the exploration activities proposed will only involve prospecting, geo-chemistry, or ground-based or airborne surveys which do not meet the definition of development in the *Urban and Rural Planning Act, 2000* and no approval from Council is required. All mineral exploration activities are subject to a permit from the Mines Branch, Department of Industry, Energy and Technology. The Town shall be given a copy of this permit before any work takes place.

#### **GLU-19 Home Occupations**

Home-based businesses shall be permitted in the Community Core and Residential designations in the form of professional, medical, and personal services, business offices, childcare, studios and light industry uses. Council shall be satisfied that the home-based business does not alter the residential character of the lot nor detract from the character of the surrounding area. The Development Regulations shall establish standards for home-base businesses.

## **4.2 Provincial Interests**

### **PI-1 Archaeological Sites**

- (1) The known archaeological site shall be protected and the Town shall consult the Provincial Archaeology Office, Department of Tourism, Culture, Arts and Recreational about any development that involves land or ground disturbance near this site.
- (2) If an archeological site is accidentally discovered, the Town shall immediately contact the Provincial Archaeology Office and ensure that work ceases immediately.

### **PI-2 Domestic Cutting Area**

It is the policy of Council to identify the domestic cutting area on the Generalized Future Land Use and Zoning Maps. Within the domestic cutting area, Council shall refer any applications for non-forestry related uses to the Forestry Branch, Department of Fisheries, Forestry and Agriculture.

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**PI-3 Marine Drive Provincial Park Buffer**

It is the policy of Council to recognize a 50-metre buffer from the boundary of the Marine Drive Provincial Park. Development shall not occur within this buffer to protect this provincial resource and related conservation interests.

**PI-4 Survey Control Markers**

It is the policy of Council to report development that has the potential of disturbing a survey control marker to the GIS and Mapping Division, Department of Fisheries, Forestry and Agriculture.

**PI-5 Digital Government and Service NL**

It is the policy of Council that permits from the Government Service Centre, Department of Digital Government and Service NL be provided to the Town. Specifically, Council shall require submission of certificate of approval for an on-site septic system before issuing a building permit.

**PI-6 Water Resources Permits**

It is the policy of Council that approval under the *Water Resources Act, 2002* be provided to the Town for:

- Work in any body of water, including a wetland.
- Any infilling within 15 metres of a body of water, including a wetland.
- Any non-domestic water uses from any water source for any purpose.
- Installation of any water or sewer main.

**PI-7 Shore Water Zone**

It is the policy of Council that no development shall be permitted in a Shore Water Zone, which is land that is intermittently occupied by water due to fluctuating surface water of either a fresh or saltwater body, without a permit from the Water Resources Management Division, Department of Environment and Climate Change.

**PI-8 National Building Code of Canada**

Council shall direct developers to the latest edition of the National Building Code of Canada to ensure that new energy efficiency requirements are followed for all new development. Energy efficient buildings support the reduction in greenhouse gas emissions.

**PI-9 Highway Sign Regulations, 1999**

Council shall refer applications for signs within 100 metres of the centreline of Bauline Line, Pouch Cove Line and Bauline Line Extension to the Government Service Centre, Department of Digital Government and Service NL under the *Highway Sign Regulations, 1999*.

#### **PI-10 Groundwater Assessment**

In accordance with *Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells*, any subdivision or development consisting of five or more unserviced lots, or the addition of unserviced lots to an existing unserviced subdivision shall be prepared and submitted to the Water Resources Management Division, Department of Environment and Climate Change. Groundwater assessment shall determine whether there is an acceptable quality and quantity of potable water to service the dwellings. Council shall not issue a permit until the groundwater assessment has been approved by the Water Resources Management Division, Department of Environment and Climate Change.

### **4.3 Land Use Designations**

The Municipal Plan divides the Bauline municipal planning area into future land use designations as shown on the Generalized Future Land Use Map. Section 4.3 outlines land uses and provisions for each future land use designation. Each future land use designation will be implemented through zones, conditions, and standards in the Development Regulations. In addition to the future land use designation, overlays are shown on the Generalized Future Land Use map. In general terms, the Municipal Plan specifies government departments or agencies that must be consulted for any development application within the area identified in the overlay or outlines restrictions or conditions for development within the overlay area.

#### **LUD-1 Generalized Future Land Use Map**

The Generalized Future Land Use Map establish the pattern of development by dividing the Bauline Municipal Planning Area into the following future land use designations:

- Community Core
  - Residential
  - Industrial Commercial
  - Open Space
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- Restricted
- Public Protected Water Supply Area
- Watershed
- Rural

### LUD-2 Overlays

The Generalized Future Land Use Map also shows the following overlays:

- #1 Brook Path Wellhead Buffer
- 50 metre Park Buffer
- Domestic Cutting Area
- Habitat Conservation Area

#### 4.3.1 Community Core Designation

Dwellings, the United Church, and a cemetery are located on roads leading toward the harbour, wharf, and slipway. An attractive area with a traditional, compact development pattern, it is the historical community core of Bauline. The Community Core designation protects this traditional character while encouraging a range of housing, services, and community amenities especially those uses related to marine and tourism activities. The protection of the community core is key to maintaining Bauline's distinct character and vibrancy.

#### Policies:

- CC-1 Within the area designated Community Core on the Generalized Future Land Use Map, Council's priority shall be to protect the traditional character and the connections between land and sea. Compatible development in the form of dwellings, commercial and community services, and transportation uses, are encouraged, especially those uses focusing on marine and tourism activities.
- CC-2 Within the Community Core designation, the intent is to preserve, where possible, older buildings and features of the original community and enhance the traditional character and landscape. Council shall endeavour to:
- a) Preserve buildings and structures of architectural or historic interest,
  - b) Maintain the traditional community form,

- c) Ensure the appearance, design, scale, siting and use of new buildings and the expansion and renovations of existing buildings reflect the character of the area,
  - d) Encourage the restoration and reuse of buildings, structures, and sites provided that the design and use is compatible with the area,
  - e) Recognize the visual landscape of Bauline Harbour, and
  - f) Preserve scenic views, public rights-of-way, and historic uses.
- CC-2 Land designated Community Core shall be categorized on the Zoning Map as Community Core (CC). The detailed requirements of the Community Core zone are outlined in Schedule C of the Bauline Development Regulations. Council may require buffers between incompatible uses and will impose conditions with respect to outdoor storage.
- CC-3 Single dwellings, double dwellings, small-scale retail uses, a range of assembly uses including place of worship, lodge, child-care, cultural and civic, and studio uses, are permitted in the Community Core zone.
- CC-4 Tourism uses are encouraged as permitted uses in the form of short-term tourism accommodation and catering.
- CC-5 Council recognizes the traditional use of the wharf by commercial fishers and for the launching of boats for the recreational food fishery. Permitted uses shall be those associated with the fishing industry and transportation uses requiring ocean frontage, including the storage of boats and fishing equipment. Council wishes to encourage other marine-related uses at the wharf such as marine recreation and ecotourism in the form of boat tours and related activities such as tourism venues. Council will ensure that adequate provision is made for safe vehicular access and parking and that marine recreation, ecotourism and associated used do not impact access to the wharf, slipway, and harbour by fishing related uses.
- CC-6 The existing cemetery shall be recognized as a permitted use.
- CC-8 Take-out food services in the form of food trucks shall be allowed at the discretion of Council. Location, garbage collection arrangements, and provision of amenities such as picnic tables will be considered by Council when evaluating applications for such uses. Council shall review each application to ensure that the impact on the surrounding area
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from traffic, access, parking, noise, and disturbance is minimal. Council may impose conditions and issue a temporary permit.

#### **4.3.2 Residential Designation**

Dwellings are the major land use in Bauline. The purpose of the Residential designation is to allow additional dwellings to be built along Pouch Cove Line, Bauline Line and Bauline Line Extension recognizing that the Town does not provide municipal services such as water and sewer. This has resulted in a low-density development pattern which will continue through infill development.

Within the Residential designation, Council will strive to ensure that new development takes place in a manner that is consistent with the existing development.

Council recognizes that the only form of housing in Bauline is single dwellings. Housing affordability, changing family structures and an aging population may create demands for smaller units and housing types such as row dwellings or small apartment buildings. Provided that on-site sewer and water systems are approved by the Department of Government Services and Service NL, Council will consider applications for such uses provided the appearance, scale, and siting reflect the character of the area.

Given the age of the housing stock in Bauline, Council shall encourage the re-development, expansion and repair of existing dwellings in the Residential designation.

#### **Policies:**

RES-1: Within the area designated Residential on the Generalized Future Land Use Map, Council's priority shall be to encourage all forms of housing along Pouch Cove Line, Bauline Line and Bauline Line Extension. Council will encourage and support a mix of housing types and densities to meet the challenges of affordability, changing family structures and aging population in the community.

RES-2: Land designated Residential shall be categorized on the Zoning Map as Residential Infill (CC). The detailed requirements of the Residential zone are outlined in Schedule C of the Bauline Development Regulations.

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RES-3: Development in the Residential designation shall only be permitted on lots fronting onto a public street with the exception of antenna and recreational open space uses. Extension of a public street to accommodate new development shall meet Town standards and shall be conveyed to the Town as a public street at no cost once constructed to the Town's satisfaction.

RES-4: Single dwellings, double dwellings, short-term tourism accommodation, small-scale retail uses, child care, studios, and open spaces providing active recreational activities, such as sports fields, are permitted in the Residential designation.

RES-5: Convenience stores which serve local needs, and studios and associated galleries or stores, shall be permitted within the Residential designation provided:

- a) Adequate parking is provided,
- b) The building is designed to be compatible with adjacent residential dwellings, and
- c) The lot is landscaped and screened to Council's satisfaction.

RES-6: Row dwellings, small-scale apartment buildings and care facilities are permitted in the Residential designation provided that:

- a) Approval from the Department of Digital Government and Service NL is received,
- b) The building is compatible in appearance, scale, and siting to the surrounding area and adjacent residential uses,
- c) Adequate parking is provided, and
- d) The development is fully landscaped.

Council may impose conditions to address storm water management, landscaping, screening, and other matters it considers to be material.

RES-7: Council encourages the re-development, re-use, intensification, expansion, and repair of existing buildings in the Residential designation provided that:

- a) The appearance and scale is compatible with surrounding use, and
- b) Any off-site impacts such as storm water are mitigated so adjacent development is not impacted.

### 4.3.3 Commercial – Industrial Designation

There are few opportunities for larger commercial or industrial businesses to locate in Bauline.

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To attract business development, Council has established a Commercial – Industrial designation on Pouch Cove Line and on Bauline Line Extension at the Portugal Cove-St. Philips boundary. Land in the Commercial – Industrial designation shall be used for larger commercial and assembly uses, and light and general industry.

**Policies:**

- CI-1: Land designated as Industrial-Commercial on the Generalized Future Land Use Map are to provide economic development opportunities. In areas designated Industrial-Commercial, Council will encourage larger scale commercial developments and light and general industry uses. Other assembly, office, and personal service uses that require larger lots shall be accommodated.
- CI-2: Land categorized as Industrial-Commercial shall be zoned as Industrial Commercial (IC) on the Land Use Zoning Map. The detailed requirements for the Industrial Commercial zone are outlined in the Schedule C of the Development Regulations.
- CI-3: Commercial developments with a larger footprint such as vehicle sales, showrooms, and indoor markets are permitted in the Industrial Commercial (IC) zone. Other uses that require larger lots such as general assembly, funeral home, place of worship, childcare, office building, indoor assembly, outdoor assembly, animal, veterinary uses shall be accommodated. Educational uses providing training shall also be permitted. Open space uses require large sites for active recreational activities shall be permitted.
- CI-4: General industry uses such as general garages, warehouses, workshops, and contractor yards are permitted in the Industrial Commercial (IC) zone.
- CI-5: Light industry uses such as indoor storage, workshops and storage units are permitted in the Industrial Commercial (IC) zone.
- CI-6: Council shall ensure that all development in the Industrial Commercial (IC) zone provides:
- a) Appropriate landscaping or screening,
  - b) Adequate parking, and
  - c) Garbage and waste collection containers.
- CI-7: Uses that Council determine to be intrusive shall:
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- a) Minimize land use conflict by providing a separation buffer or screening to Council's satisfaction,
- b) Protect surrounding land uses from noise, dust, and other nuisance factors, and
- c) Protect the natural environment by ensuring that nothing is discharged into water bodies, water courses or wetlands, and minimizing impacts on wildlife and habitat.

C1-8: Council may impose conditions to control outdoor storage and mitigate impacts of a general industry and light industry.

#### 4.3.4 Open Space

The Open Space designation recognizes that open space can encompass active recreation areas, natural areas around water bodies, along water courses or wetlands as well as wildlife habitat. The Open Space designation shall provide recreational opportunities in the Open Space Recreation (OSR) zone. The recreation facility and Duck Pond are designated Open Space and zoned Open Space Recreation (OSR). To protect sensitive natural areas and provide buffers along water bodies, water courses and wetlands, part of the land designated Open Space shall be zoned Open Space Conservation (OSC). This zone shall capture land surrounding ponds, along major streams, Bakeapple Marsh and the cemetery off Pouch Cove Line.

##### **Policies:**

OS-1: Council shall designate land Open Space for two purposes:

- a) Provide active recreational opportunities, and
- b) Protect waterbodies, watercourses, major wetlands and the cemetery located on the west side of Pouch Cove Line.

OS-2: Land surrounding the Bauline community centre and at Duck Pond shall be zoned Open Space Recreation (OSR). In this zone, land will be reserved for community buildings, active recreational uses including playing fields, sports grounds, parks, and playgrounds. Structures and small-scale buildings that enhance the outdoor recreation use may also be allowed.

OS-3: In the Open Space Recreation (OSR) zone, Council may permit facilities to be used of accessory purposes such as catering and take-out food services on an occasional or temporary basis.

OS-4: Land around waterbodies, along water courses, and significant wetlands shall be zoned Open Space Conservation (OSC) to protect these lands from development. Council recognizes land

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within the Open Space Conservation (OSC) zone to be sensitive, vulnerable, or ecologically significant, or have natural values that are intrinsic to the character and values of the community. The cemetery on the east side of Pouch Cove Line shall also be zoned Open Space Conservation (OSC).

- OS-5: Council shall permit conservation uses and cemeteries in the Open Space Conservation (OSC) zone. Approval of new cemeteries will be contingent on access to an existing public road, and a layout that facilitates public access through the provision of adequate parking and pedestrian pathways.
- OS-6: No permanent buildings or structures shall be permitted on lands zoned Open Space Conservation (OSC) uses except for accessory buildings necessary for the operation of a cemetery.
- OS-7: Uses in the Open Space designation need not front onto a public street provided that Council is satisfied that emergency services can be provided.

#### 4.3.5 Protected Water Supply Designation

Three distinct areas as included in the Protected Water Supply designation. Buildings in the community core are serviced with water from a well located at Brook Path. The Water Resources Management Division, Department of Environment and Climate Change, has established a wellhead buffer around the Brook Path well and is in the process of establishing an extended protected water supply area. The North Three Island Pond Protected Public Water Supply for Pouch Cove extends into the Bauline municipal planning area along Bauline Line. Any development in the wellhead buffer and proposed protected public water supply area associated with Brook Path well, and the North Three Island Pond Protected Public Water Supply Area must be referred to the Water Resources Management Division, Department of Environment and Climate Change for approval.

The St. John's Urban Region Regional Plan designates land around Rogers Tilt Pond as "Protected Watershed". Although this watershed is not protected under the *Water Resources Act, 2002*, Council wishes to protect it from development as a potential water supply.

#### **Policies:**

PWS-1: The Protected Water Supply designation applies to:

- a) The Brook Path well and associated water supply area to ensure that the well is not
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contaminated,

- b) Rogers Tilt Pond to protected it as a future water supply, and
- c) North Three Island Pond Protected Public Water Supply Area for Pouch Cove. ‘

PWS-2: Land classified as Protected Water Supply shall be zoned Protected Water Supply (PWS). The detailed requirements for the Industrial Commercial zone are outlined in the Schedule C of the Development Regulations.

PWS-3: The #1 Brook Path Wellhead Buffer is shown on the Generalized Future Land Use and Zoning Maps. All applications within this buffer shall be referred to the Water Resources Management Division, Department of Environment and Climate Change. No development shall proceed until written approval has been granted in accordance with the *Water Resources Act, 2002*. Council shall not allow activities which may impair water quality within the Protected Water Supply zone.

PWS-4: All applications for development within the Protected Water Supply designation and zone for Brook Path and North Tree Island Pond Public Protected Water Supply area shall be referred to the Water Resources Management Division, Department of Environment and Climate Change and no development shall proceed until written approval has been granted under the *Water Resources Act, 2002*.

PWS-5: The continuation and limited extension of existing uses shall be permitted. No permanent structures shall be permitted other than those:

- a) Associated with the water supply, or
- b) Required by a public utility or government department or agency.

New agricultural uses may be permitted, except for new buildings for the use of livestock or activities that may impair water quality. Forestry uses may be permitted. Natural vegetation is to be maintained from the highway water mark of water bodies and water courses.

PWS-6: Access to agriculture, forestry, intake structures, pumphouses or water transmission lines can be provided by a driveway or service road. These uses need not front on a public street.

#### 4.3.6 Restricted Designation

Bauline has an abundance of natural features including magnificent shorelines, steep hills, and wetlands. The steep shoreline, cliffs, rocky outcrops and wetlands are the defining physical features of Bauline. Council values the visual impact of these features and wishes to protect these natural landscape features

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from development. Council also considers these areas to be hazardous, unstable, and may be subject to the impacts of extreme weather events and climate change. The intent of the Restricted designation and zone is to protect areas that are sensitive, vulnerable, ecologically significant or have natural or recreational values.

**Policies:**

- R-1: The Restricted designation applies to land is vulnerable, sensitive, ecologically significant, has natural value or is an important landscape feature. The intent of the Restricted designation is to protect and conserve these important lands. Council shall manage lands designated Restricted to ensure that the limited development opportunities are site appropriate and shall not create any hazards or off-site effects.
- R-2: Land designed as Restricted shall be zoned Restricted (R) on the Land Use Zoning Map. The detailed requirements for the Restricted (R) zone are outlined in the Schedule C of the Development Regulations.
- R-3: Conservation and recreational open space, in the form of walking trails and associated structures only, shall be permitted provided that the development does not alter the intrinsic values of the area nor create a hazard. No permanent buildings shall be permitted. No placing or removing of fill shall be permitted in areas subject to flooding or where the lot has physical limitations such as steep or unstable slopes.
- R-4: All uses are exempt from the requirement that development front on a public street. Access may be provided by a driveway or service road built to a standard acceptable to Council. Council may require the driveway or service road to be barred after hours or seasonally.

#### 4.3.7 Rural Designation

The Rural designation captures areas used primarily for rural resource activities. Land within the Rural designation shall retain the current rural character. Uses associated with agriculture, forestry, mineral workings, and open space recreation shall be allowed.

**Policies:**

- RU-1: Land shall be designated Rural on the Generalized Future Land Use Map to retain Bauline's rural character and to allow resource activities.
- RU-2: Uses such as agriculture, forestry, and cemetery shall be permitted.
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RU-3: Mineral working may be permitted at the discretion of Council. Mineral working may include the extraction, processing or storage of gravel, sand, rock or any other mined material, concrete and asphalt making, rock crushing, quarrying, and sand and gravel pits and other types of mining in general. Council shall restrict development of any new mineral working where such uses would create a negative impact on the viewscape from Pouch Cove Line, Bauline Line or Bauline Line Extension or the East Coast Trail. No mineral working shall be permitted:

- a) if there is any risk to groundwater or wildlife habitat,
- b) if it may create an inconvenience or endanger residents, or
- c) create unsightliness.

The adverse effects of mining, quarrying and mineral exploration such as dust, noise, and visual impact shall be minimized through adequate separation from adjacent land uses. Derelict lands are to be rehabilitated by the operator prior to abandonment.

Mineral workings shall be subject to conditions outlined in the Bauline Development Regulations and shall only be permitted with the approval of a quarry permit from the Mineral Lands Division, Department of Industry, Energy and Technology.

RU-4: Council may permit veterinary, outdoor market, indoor market, general industry, and light industry as discretionary uses subject to terms and conditions outlined in Schedule C of the Development Regulations. General industry and light industry shall be restricted to uses related to forestry, agriculture and other natural resource uses and shall have a minimal impact on the surrounding area.

RU-5: In the Rural designation and zone, agriculture, forestry, cemetery, light industry, general industry, and mineral workings need not front onto a public street. Access may be provided by a driveway or service road built to a standard acceptable to Council. The driveway or service road must be capable of being barred after hours or during shut down. The driveway or service road to a mineral working use shall not pass through the Residential Infill zone.

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## 5.0 Implementation

The Municipal Plan will be implemented over the next ten years through decisions of Council.

Implementation of the Bauline Municipal Plan involves:

- a) Effective administration of the Plan,
- b) The adoption of Development Regulations,
- c) Amendments to the Municipal Plan to accommodate new development or change in policy direction,
- d) Amendments to the Development Regulations,
- e) Building partnerships with residents and organizations to achieve collective goals, and
- f) Capital Works Plan.

### 5.1 Administration of the Plan

No proposed development can occur within the Bauline municipal planning area unless it conforms to the policies of this Municipal Plan and the zoning, standards and conditions contained in the Development Regulations. In general terms, development is defined in the *Urban and Rural Planning Act, 2000* and includes building, engineering, mining as well as other operations in, on, over or under land. Development also includes making the material change in a use, such as changing a use to another use, or making a change in the intensity of land, building or premises, such as building an extension or expanding a business. Applications for development must be approved by Council. Council should ensure that development proposals are comprehensively reviewed.

Anyone wishing to develop land must apply to Council for permission. Council may refuse or approve applications, with or without conditions. Council may refuse an application if it does not conform with the Municipal Plan or Development Regulations. The decision to refuse an application can also be if, in Council's opinion, the development may have an undesirable impact on adjacent properties, the surrounding area, or where municipal services or infrastructure are inadequate or uneconomical to provide and maintain. Council must provide reasons for its decision to refuse an application in writing.

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Council decisions regarding an application or order may be appealed to an adjudicator as outlined in the *Urban and Rural Planning Act, 2000*. The adjudicator's role is to determine whether a decision of Council was in accordance with legislation and the Municipal Plan and Development Regulations. By making decisions in accordance with the Bauline Municipal Plan and Development Regulations, Council will be able to defend itself before the adjudicator.

Government agencies such as the Departments of Environment and Climate Change, Municipal and Provincial Affairs, Transportation and Infrastructure, Digital Government and Service NL and Fisheries, Forestry and Agriculture have responsibility for various aspects of development that affect the Town. The Town may require approvals from these departments before a development proceeds or the Town may refer an application to government departments to obtain input or direction.

Council may seek professional advice to assist in evaluating development applications.

For the purposes of administering the Plan, the Generalized Future Land Use map applies broad land use designations to the Bauline municipal planning area. The Land Use Zoning map may further divide these broad designations into specific zones. The Generalized Future Land Use map must be used in conjunction with the goals, objectives and policies outlined in the Bauline Municipal Plan. The boundaries of land use designations shown on the Generalized Future Land Use Map are general, except where they coincide with roads or other prominent physical features, where they are intended to define the exact limits. Council may interpret the boundary of a land use designation.

The Municipal Plan is Council's policy blueprint and provides direction to assist in Council's decision making. Council's decisions should reflect the best long-term interests of its citizens. Where Council considers it necessary, or where required by the *Urban and Rural Planning Act, 2000*, Council shall seek input from residents.

Nothing in this Plan shall affect the continuance of land uses that are lawfully established on the date that the Plan comes into effect.

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## 5.2 Development Regulations

Along with the Bauline Municipal Plan, Council will adopt Development Regulations. The Development Regulations contain regulatory provisions for:

- a) Submission of applications and supporting documents,
- b) Process for issuing approval in principle and permits,
- c) Process for advertising and considering application for variances, change of non-conforming uses and discretionary uses,
- d) Council's discretionary authority,
- e) Conditions that apply throughout the municipal planning area,
- f) Subdivision standards,
- g) Zone tables that specify uses, standards and conditions, and
- h) Land Use Zoning Map.

The Development Regulations implement the goals, objectives and policies in the Municipal Plan.

## 5.3 Municipal Plan Amendments

A Municipal Plan and Development Regulations are living documents. During the 10-year planning period, conditions in the Town may change or an application for a development is submitted that Council considers to be desirable. Council may amend the Municipal Plan and Development Regulations when:

- a) A change in policy direction is required to meet changing circumstances,
- b) A development application is receiving merits a change to the Municipal Plan and/or Development Regulations,
- c) A study makes recommendations which should be included in the Municipal Plan,
- d) A change in the St. John's Urban Region Regional Plan is made that requires a change to the Municipal Plan.

Council shall ensure that sufficient information is provided to support the request to amend the Municipal Plan. Such amendments must be prepared by a professional planner who is a member of the Canadian Institute of Planners (MCIP).

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In some cases, a corresponding amendment to the St. John's Urban Region Regional Plan may be required. Such an amendment requires permission from the Minister of the Department of Municipal and Provincial Affairs, involves a more substantial public consultation process including refers to all municipalities within the urban region, and must be adopted and approved by the Minister prior to registration.

In accordance with Section 27 of the Act, Council can charge a proportion of the cost of carrying out an amendment to the person who requests the change. The proportion to be charged must be set by Council as part of its annual budget process. The costs may include, but are not limited to, research, and preparation of amendments, public notice and consultation, administrative processing costs, and the costs associated with a Public Hearing. Any such amendment will be read with and form part of this Plan.

Council shall review the Municipal Plan every five years and revise it if necessary. Any revision should take account of development that can be foreseen during the following ten years. Amendment and review of the Municipal Plan shall be carried out in accordance with the process in the *Urban and Rural Planning Act, 2000*.

## 5.5 Development Regulations Amendments

Development Regulations can be amended to reflect changing standards. In some cases, an amendment to the Development Regulations is required to implement a change to the Municipal Plan and/or the St. John's Urban Region Regional Plan. Such an amendment to the Development Regulations will be included in the process used to amend the Municipal Plan.

In other cases, a stand-alone amendment to the Development Regulations may be required. For example, a text amendment can add or change conditions or change a definition or a map amendment can change the zoning applied to a property or area. The process for making a change of the Development Regulations only requires public notice of the proposed change.

When considering proposals for developments that necessitate an amendment to the Development Regulations, Council shall give regard to the goals, objectives, and land use policies outlined in this

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Municipal Plan, and whether or not the proposal is in conformance with the intent of the Municipal Plan, Development Regulations and other Town policies and regulations.

## 5.6 Municipal Capital Works Plan

The adoption of a municipal capital works plan is one means of implementing the goals and objectives of the Municipal Plan. The proposed capital works plan for 2023 is intended to maintain existing municipal infrastructure in the community and provide the same level of services to residents.

Council's ability to undertake major public works during the 10-year planning period will depend largely on its financial management program. Overall, the objective will be to minimize the increase in municipal debt load and to economize on project costs where possible.

## 5.7 Community Partnerships

The Bauline Town Council has already formed strong partnerships with the East Coast Trail Association and the Wildlife Division, Department of Fisheries, Forestry and Agriculture. This Municipal Plan supports those partnerships. Council is encouraged to recognize the East Coast Trail and associated local trails when making decisions that may impact the trail or associated amenities such as the natural landscape and views in the vicinity of the trail route. Council must refer development applications within the Habitat Conservation Areas shown on the Generalized Future Land Use and Land Use Zoning maps to the Wildlife Division, Department of Fisheries, Forestry and Agriculture. Council is also encouraged to participate in the Stewardship Association of Municipalities (SAM) Inc.

Overtime, Council may also form partnerships with citizens or local organizations to further the goals, objectives and policies of the Municipal Plan.

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