

**TOWN OF KIPPENS  
MUNICIPAL PLAN 2011**

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## **Acknowledgements**

The preparation of this municipal plan followed the completion of the Kippens Integrated Community Sustainability Plan (March 2010) prepared by Keystone Sustainable Community Solutions of Corner Brook. This municipal plan incorporates portions of this integrated community sustainability plan (ICSP), including material from pages 4, 5 and 6 of the ICSP and the Points of Pride and Vision Statements.

Other key sources of information and guidance included the Town of Kippens elected and appointed officials, the Long Range Economic Development Board and various provincial departments and agencies.

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF KIPPENS MUNICIPAL PLAN 2011**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Kippens adopts the Kippens Municipal Plan 2011.

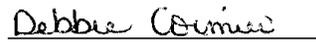
Adopted by the Town Council of Kippens on the 14<sup>th</sup> day of May, 2012.

Signed and sealed this 26 day of June, 2012.

Mayor:

  
Cator Best

Clerk:

  
Debbie Cormier

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

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

MCIP:



**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE  
TOWN OF KIPPENS  
MUNICIPAL PLAN 2011**

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

- a) adopted the Kippens Municipal Plan 2011 on the 14<sup>th</sup> day of May, 2012.
- b) gave notice of the adoption of the Kippens Municipal Plan 2011 by advertisement inserted on the 21<sup>st</sup> day of May, 2012 and the 28<sup>th</sup> day of May, 2012 in the Georgian newspaper.
- c) set the 6<sup>th</sup> day of June, 2012 at 7:30 p.m. at the Kippens Community Centre for the holding of a public hearing to consider objections and submissions.

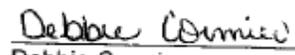
Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Kippens on the 14<sup>th</sup> day of June, 2012 approves the Kippens Municipal Plan 2011.

SIGNED AND SEALED this 26 day of June, 2012

Mayor:

  
Cator Best

Clerk:

  
Debbie Cormier

Municipal Plan/Amendment	
<b>REGISTERED</b>	
Number	<u>2615-2012-008</u>
Date	<u>September 6, 2012</u>
Signature	<u>Cator</u>



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## **1 INTRODUCTION**

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

This Kippens Municipal Plan 2011, replaces the Kippens Municipal Plan 1999 – 2009 which had been approved in early 2000. Prepared pursuant to the Urban and Rural Planning Act 2000, the Kippens Municipal Plan contains policy statements and maps approved by Council and registered by the Minister of Municipal Affairs to guide community growth and development for the next 10 years within the Kippens Municipal Planning Area ('Planning Area'), the area set out under the Urban and Rural Planning Act 2000 for planning and regulatory purposes.

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

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

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

Development schemes (amendment to the Municipal Plan), design concepts, comprehensive plans, subdivision agreements and concept plans, further implement the Municipal Plan and Development Regulations with more

detailed designs, design strategies and policies for roads and other facilities and development.

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

Sections 2, 3 and 4 of the municipal plan set out the Vision, Goals. General Policies and Designations Policies which determine how development is to take place in accordance with the provisions of the Urban and Rural Planning Act 2000.

## **1.2 *Kippens and the Municipal Planning Area***

The area included within the Town's municipal boundary is slightly more than 14 square kilometres. The area encompassed by the Planning Area is approximately 18 square kilometres and it extends north towards Whale Back Ridge. The planning area beyond the municipal boundary is rural in character.

### **1.2.1 Context**

The Town of Kippens is an attractive, primarily residential community of roughly 1,800 persons located in the scenic Bay St George area. Kippens lies about 50 kilometres west off the Trans Canada Highway along Highway 460 and it is bounded by Stephenville, the region's main service centre, on the east – approximately 6,600 people (2006), and Port Au Port East – approximately 660 people, on the west.

Residents of Kippens have access to a wide range of services and facilities. The Town provides a high standard of municipal services including fire protection, water, roads, snow-clearing for town owned roads and recreation facilities. Services such as convenience stores, specialist retail outlets and a bar/ restaurant are also available locally. Stephenville is the regional service and transportation centre with an airport and port, medical, educational and recreational facilities, regional library, churches and large and small retail and other businesses.

A member of the Long Range Economic Development Board, the Town of Kippens is active in partnering with other local municipalities for service delivery. Kippens currently contracts out waste management to the Town of

Stephenville as well as contributing for use of recreation facilities such as the Stephenville Dome and Aquatic Centre. The town has a very competent and active Volunteer Fire Department which also acts as a backup service for the fire departments of other local municipalities.

The Town is a member of the South West Coast Joint Council and is involved in delivery of joint projects such as regional waste management.

## **1.2.2 History and Heritage Sites**

The Town was first settled in the mid 1800s and remained a small community of approximately 100 residents until the 1940s with residents dependent on fishing, agriculture and forestry. Many of the original families in the Town were French Acadians from Nova Scotia. Current residents come from diverse cultural backgrounds including British, Irish, French and Mi'kmaq ancestry.

The development of the US Air Force base in Stephenville in the 1940s caused the population of the Town to increase dramatically as employment opportunities became available both with construction of the base and the associated service industry. With this increase in population came a need for more formalized governance in the Town and in December, 1968, it became a municipality.

Despite this rich history, there are no historic buildings in the Town, but, there is at least one significant graveyard – the Mi'kmaq burial ground next to St. George's Bay, some 300 metres east of Seaside Drive next to a stream. This site is protected under this plan with a 100 metre buffer under the Historic Resources Act of Newfoundland and Labrador. Also noted is a nearby root cellar (not shown on the map but in documentation supplied by the Provincial Archaeology Office).

## **1.2.3 Geographic Description**

Bounded on the south by St. George's Bay, the Town of Kippens extends approximately 5.6 kilometres along Highway 460 (Kippens Road) from Stephenville at Gaudon's Brook to Port Aux Port East at Romaine's Brook. The bulk of the development occurs within about one kilometre of Kippens Road. A Newfoundland Power Line corridor runs along the back of the Town, roughly 1.3 to 1.4 kilometres north of Kippens Road.

Kippens is located on a series of terraces overlooking St. George's Bay. Most of the development in the community has occurred on relatively flat land either on the top or side slopes of these terraces. A prominent ridge running northeast to southwest occupies the northwest part of the planning area. All land slopes generally to the south towards St. Georges Bay. Extensive tracts

# KIPPENS MUNICIPAL PLAN 2011

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of forests mark the northern boundary and within the western part of the community north of Kippens Road.

There is large gypsum deposit next to Romaine's Brook which has been periodically mined.. Otherwise, glaciofluvial (glacial outwash) terrace deposits of sand and gravel are predominant in the community. South of the highway, there is an abundance of sand, salt, and clay. The shoreline is marked by escarpments ranging in height from 6 to 12 metres.

The sandy beach along St. George's Bay extends from Gaudon's Brook to Romaine's Brook. This beach fortunately belongs to the provincial Crown and is therefore open to the public with ready access to the escarpment trails and beaches.

Ponds, Long Pond, Island Pond Ducette's Pond, White's Brook and other brooks, ponds and wetlands north and south of Kippens Road form a major part of the Town within and next to the built-up areas of the community.

Along with their role in maintaining the eco-system of the area and managing water flows, these freshwater water-bodies, together with the marine coastline are a very important amenity that adds significantly to the quality of life in Kippens.

A review of 1984 and 2009 aerial photography indicates that shoreline erosion appears to have been relatively moderate. However, some undercutting is occurring where there is water coming off the land and heavy trail use in the western part of the Town. Certain events, including accelerated sea-level rise and increased numbers of storm surges could increase erosion rates.

These areas and the shoreline of Bay St. George are protected under the Environmental Protection designation of this plan, and through provincial legislation.

## **1.2.4 Municipal Services**

Municipal water is supplied from a well-field located in Stephenville next to the well-field that supplies the Town of Stephenville. The Well Head Protected Water Supply Area for the Kippens' wells extends about a kilometre into the Kippens Municipal Planning Area.

The Town as yet does not have a sewer and sewage waste disposal system, but there is one under discussion.

Since there is only a municipal water system, the current minimum residential lot size is 1,400 m<sup>2</sup> which contributes to the spacious feel of the town.

Installation of a municipal sewer system would enable the town to increase residential densities if it so chooses.

## **1.2.5 Roads and Access – Highway 460, Internal Road System**

Linking the Trans Canada Highway, Stephenville, Kippens and the Port Au Port Peninsula, Highway 460 (Kippens Road) is an urban arterial road which combines through traffic with access to developments that front on the highway and developments accessed by roads that intersect the highway.

This highway is maintained by the Department of Transportation and Works. The right-of-way for Highway 460 is 20.12 metres (66 feet).

There have been recurrent safety concerns with this road due to poor sight-lines, narrowness, hills, sharp curves, and excessive speeds. The lack of adequate shoulders makes it inconvenient and potentially dangerous for pedestrians.

The resource potential of the Port Au Port Peninsula led the Province to plan for a by-pass road that would extend through a part of Stephenville, through Kippens, cutting across Highway 460 to the south and crossing Romaine's Brook to Port Au Port East – thereby avoiding the congestion along Kippens Road and eliminating the sharp turn and steep grade to the bridge.

This by-pass road as indicated on the previous plan was effectively removed by the Province several years ago. However, there is the possibility that the Province could revisit the by-pass road concept.

By-pass road or not it is still essential to upgrade Highway 460 so that it can function as a proper urban arterial. It is also essential that new accesses to Highway 460 be controlled and minimized where ever possible and that the internal road system of the Town connects subdivisions and developments without having to use the highway.

When and if Highway 460 is upgraded to provide for a centre turning lane and sidewalks and storm drainage along either side, the developed surface of the right of way will be approximately 17.5 metres.

These improvements to Kippens Road (Highway 460) will improve the appearance, safety and functionality of the Town.

Subdivisions are required to set aside land for access to adjacent properties and subdivisions so that as the town develops persons are able to readily

access the town centre and other parts of the town without having to use the highway. Recreational trails are also part of this access system.

A Kippens Collector Roads Concept Plan shall be adopted for the north and south sides of Kippens Road to ensure that all development has adequate access, occurs in an orderly fashion and that wherever feasible services are looped to prevent water main dead-ends.

### **1.2.6 Emergency Access – Gaudon’s Lane**

A major storm in 2005 seriously weakened the Gaudon’s Brook bridge which connects Kippens and Stephenville and the Port Au Port Peninsula. In order to prevent a complete cut-off should the bridge be taken out in a major storm the Town is proposing that Gaudon’s Lane be upgraded to provide an emergency access to Stephenville and the provincial road network.

### **1.2.7 Population**

According to the Town, the population of Kippens has increased to approximately 1900 residents since the 2006 census (ICSP). The population of Kippens decreased from 1887 to 1740 residents during the period 1996 to 2006 (latest three census year results).

Between 2001 and 2006, the population of the Town decreased by 3.4% (from 1,802 to 1,740). This decrease is greater than the Newfoundland average of 1.5% for the same period, but considerably less than the decline experienced by many other Newfoundland communities. A significant contributor to this population decrease was the closure of the Stephenville newsprint mill in 2005.

As shown in the 2006 census data, there has been considerable change in the population structure. Between 2001 and 2006, all age-groups between ages 5 and 54 showed decreases and the age groups from 55 and older showed increases. This reflects the general Newfoundland trend towards an aging population; however within Kippens, these changes are more pronounced. Age-groups which saw dramatic changes include the 15 to19 age-group, which had a decrease of 37.5%, and the 55 to 64 age group, which showed an increase of 59.5%. This change in population structure may provide significant challenges in meeting future needs for the supply of services to seniors according to the Town’s Integrated Community Sustainability Plan.

## 1.2.8 Economy

The majority of residents of Kippens work in the regional service centre of Stephenville, with its associated service businesses, industry, education, health-care and government offices. There is also a variety of small service, tourism and home-based businesses located in Kippens which employ local residents. In previous years, more residents would have been employed in the resource sector, however, the area has experienced a decline in forest industry jobs with the closure of the Stephenville mill in 2005.

According to the 2006 census figures, Kippens has an employment rate of 46.3% and this aligns with the provincial average of 47.9%. The corresponding unemployment rate is 18.2% which closely matches the Newfoundland average of 18.6% for 2006.

Median income levels within the Town exceeded median provincial income levels in 2006.

The Long Range Regional Economic Development Board completed an economic analysis in March 2009, Called the 'Zone 9 Economic Analysis' this document states (Introduction pages 1 and 2) that despite the economic impact of the closure of the Abitibi-Consolidate Paper mill in 2005:

“. . . [A]t the time of mill closure, and since the closure, the Stephenville area showed promising signs of economic resilience; these signs included the following:

- Expansion of various retail operations, including car dealerships;
- Increased property values, as indicated by assessed values;
- Strong demand for new housing;
- Expansion of the College of the North Atlantic (CONA);
- Opening of two call centres;
- Exploration activity for oil and gas as well as other minerals; and
- Significant expansion and upgrading of the Dolomite quarry at Lower Cove.”

Kippens is clearly one of those communities that has benefited from these developments. Another factor that seemed to have helped the Kippens housing market was the disastrous storm of September 27, 2005 which in the short term at least, triggered a demand for replacement housing in the region. This storm flooded a large area around Blanche Brook in Stephenville, but caused relatively little damage in Kippens.

## 1.2.9 Housing and Development

The total number of dwellings in 2006 was approximately 650, of which 85.4% were single dwellings. Over a third of the housing stock was constructed between 1986 and 2006 (Statistics Canada).

As implied in a previous section, Kippens is a residential community and a rapidly developing one if the number of permits for new residential construction is any indicator. The number of new home permits issued rose from 7 (worth \$720,000) in 2006, to 16 (\$2,257,500) in 2007, 17 (\$2,885,000) in 2008, and 19 (\$3,747,000) in 2009. Despite a hiccup in 2010, the town expects residential permits to pick up again in 2011 when subdivisions currently being developed are ready for housing construction.

The bulk of this new housing has occurred in subdivisions constructed north of Kippens Road between Gaudon's Brook and Long Pond.

The number of permits issued for new businesses was minimal, three permits from January 1, 2006 to the end of October 2010.

Kippens' housing development trends have been similar to Stephenville's. The number of permits issued for single dwellings in Stephenville rose from 15 in 2006 to 34 in 2009. Not included in these Stephenville permits are the permits that Stephenville issued for multiple dwellings in this time period.

There is a light mixture of commercial, industrial, services and residential development along Kippens Road (Highway 460) which has been accommodated under the Town's municipal plan. However, even along the main road, the predominant land use is by far residential. However, development in the west is interrupted by a major wetland and pond (Doucette's Pond).

Located on Oceanview Road and Juniper Avenue, the Town Office, works depot, fire hall and recreational complex is located about 250 metres north of Kippens Road, and 1.7 kilometres west of Gaudon's Brook in what is emerging as the town centre. A community centre proposal is in the discussion stages that will include major civic and recreational facilities.

## 1.3 Sustainability

Sustainability is woven into the fabric of this Municipal Plan and the implementing Development Regulations.

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Section 13 of the Urban and Rural Planning Act 2000 includes sustainability issues in the catalogue of requirements for a sound municipal plan.

Kippens engages sustainability by:

- Having adopted an Integrated Community Sustainability Plan in 2010, which set out as its vision (page 15 of the ICSP) “Kippens will be a growing, residential community where residents demonstrate high community spirit and enjoy access to excellent facilities and services, good standards of living and a beautiful and healthy environment.”
- Municipal Plan Vision and Objectives, General Policies and Designations Policies which are designed to foster prudent and environmentally sustainable development.

**MUNICIPAL PLAN  
VISION AND OBJECTIVES  
GENERAL POLICIES AND DESIGNATIONS POLICIES  
SECTIONS 2, 3 AND 4**

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## 2 VISION AND OBJECTIVES

The Kippens Integrated Community Sustainability Plan makes two statements – Points of Pride and Vision – that set the stage for the Plan’s Objectives and Policies.

### POINTS OF PRIDE

“The Town is proud of being able to offer its residents a rural lifestyle, including large lots and easy access to outdoor recreation, within an urban setting. It also offers low taxes in exchange for good service provision. Another point of pride is the strong community spirit among residents which is reflected by the excellent support for community events and activities. The general outlook for the Town is one of increased residential growth while still retaining an attractive setting and vibrant community spirit.”

### VISION

“Kippens will be a growing, residential community where residents demonstrate high community spirit and enjoy access to excellent facilities and services, good standards of living and a beautiful and healthy environment.”

### OBJECTIVES

The objectives of the Municipal Plan are to:

- Ensure financially sound and prudent, primarily residential, development;
- Provide adequate scope for businesses which are compatible with the overall residential character of the community;
- Develop recreational trails along water bodies and throughout the community;
- Develop and improve recreational and community facilities, including a community centre;
- Protect the environment of the municipal planning area (marine coastline, waterways and wetlands);
- Reduce and manage the impacts of natural hazards(flooding and shoreline erosion) on the built and natural environment;
- Protect the Town’s well water supply and ensure that water quality meets provincial standards for drinking water throughout the community.

All development within the Kippens Planning Area shall be managed in accordance with the general land use policies and designations set out in the

ensuing sections. These designations are shown on the Future Land Use Maps.

## **3 GENERAL POLICIES**

### **3.1 *Future Land Use Designations***

To identify land for the future development needs of Kippens, the following land use designations are established in the Plan under Section 4 and designated on Future Land Use Maps:

Residential  
Residential Planned  
Mixed Development  
Public  
Recreation  
Rural  
Environmental Protection  
Designated Floodway  
Wellhead Protected Water Supply Area.

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

### **3.2 *General Development Policies***

#### **3.2.1 Development Review**

- (1) Development proposals, including subdivisions, shall be reviewed to ensure that:
  - Unless they are deemed to be rural or recreational in nature the developments are, or can be, provided with municipal water and sewer services;
  - Water mains are looped to maintain water quality standards;
  - Off Highway 460 internal road systems and trails are provided to link existing and new developments, facilitate access to the community centre and other parts of the town and to minimize the need to use Highway 460 as the access to other parts of the town;
  - Highway 460 is able to function as a safe urban arterial road;

- Environmental hazards and impacts are minimized.

### 3.2.2 Services and Access

- (1) In approving all building permits, the Town shall give due consideration to the effect of development on adjoining lands, roads and the need to extend services and access.
- (2) The Town shall ensure that new development makes efficient use of existing roads and infrastructure. The Town shall further ensure that new development will not create unreasonable servicing demands or costs.
- (3) The road system in any area shall be designed to minimize the number of direct accesses to Highway 460 through a network of local and collector roads that is developed in accordance with a roads plan or other scheme that has been adopted by the Town. Access to Highway 460 shall be approved by the Department of Transportation and Works before a permit is issued by the Town.
- (4) Within the municipal servicing limits, development shall be connected to municipal water services. If and when a sewer system is installed, then where feasible or deemed necessary by the Town development within the municipal servicing limits shall be connected to the Town's sewer system as well as the water system. If deemed feasible by the Town, development adjacent serviced areas may be connected to the Kippens municipal services provided that there is sufficient capacity in the existing systems and provided that the developer agrees to pay for the cost of the extension of the services.
- (5) The cost of installing water services and streets in any private residential or other development shall be borne completely by the developer, who may also be required to post a cash or cash equivalent deposit with the Town to guarantee the completion of any proposed development. The Town shall also require that such development follow an approved plan of subdivision and be inspected by a professional engineer and municipal staff, in order to ensure conformity with acceptable construction standards. By following such procedures, the Town can avoid unwarranted costs of upgrading or completing private development projects.
- (6) Water and sewer installations that become necessary for unserviced development shall be charged back to the property owners by the Town as a local improvement charge.

- (7) Unless otherwise required by the Town, development outside the servicing limits does not have to be connected to municipal water and sewer services.
- (8) Development lacking either municipal water and/or municipal sewer services shall be approved by the Service NL before a permit is issued by the Town. See also Section 3.9 – Groundwater Assessment Plan.
- (9) In addition to any other considerations under this Municipal Plan, the Town may refuse permission for a development where in its opinion services are inadequate or it is uneconomical to provide and maintain these services.

### **3.2.3 Coordination of Development and Collector Roads Concept Plan**

In order to ensure that development occurs in an orderly manner and that appropriate development opportunities are maximized, subdivisions and other major developments shall be co-ordinated with other existing and proposed developments and the Planning Area's road system and services. If deemed necessary by the Town these developments shall be required to provide for public access to adjacent undeveloped lands.

Furthermore, the Town may require that a comprehensive plan of development for an entire area be prepared and adopted before any development is permitted for any portion of that area.

To facilitate the coordination of development in the undeveloped and developing areas of Kippens and to minimize the number of accesses to Highway 460, the Town has adopted or will adopt the Kippens Collector Roads Concept Plan which establishes the collector road system that where relevant is to be incorporated into any plan of development and/or subdivision.

Implementation of the Concept Plan is set out in the adopted Concept Plan and in accordance with the requirements set out in the Concept Plan and the other relevant policies and regulations of the Town and Province.

In order to ensure that the Roads Concept Plan is properly implemented the Town may require that development occurs in such a way that elements of the collector road and local road systems are constructed and connected as development proceeds.

## **3.2.4 Site Conditions and Impacts**

- (1) When reviewing a development proposal, including roads, the Town shall consider the suitability of a site in terms of steepness of slopes, soils and geology, potential for coast-line erosion, location of waterways and wetlands along with other matters and shall, when considering approval, ensure, to the best of its ability, that the development has minimal or no negative effects on other properties and bodies of water or that the development itself will not be negatively affected.
- (2) If the Town is of the opinion that development of a site may create negative impacts on nearby properties and water bodies, and/or raises concerns about short or long term the safety of the development itself, the Town can require the submission of a review of the development proposal by a certified engineer, geoscientist, landscape architect or similar professional.

## **3.2.5 Compatibility of Uses, Buffers and Screening**

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

## **3.3 Agriculture**

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

## **3.4 Archaeological Sites**

Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Also, if any major development is proposed, the Provincial Archaeology Office shall be advised before an approval is granted

by the Town. This is to ensure that the necessary research is carried out before construction begins.

### **3.5 *Comprehensive Development***

In order to achieve a higher quality of development than would otherwise be achieved under the standard requirements and/or that would allow for the development of a property which has unusual site constraints – such as steep slopes, rock outcrops and wetlands, the Town of Kippens can permit a fully serviced comprehensive development on a large parcel of land that except for overall density and use classes does not otherwise comply with the lot size, frontage, and minimum front, rear and side yard requirements of the zone in which it is located. The development should provide a higher quantity and quality of open space and environmental protection than is otherwise achievable under the standard requirements and, the Town can use this provision to protect heritage sites and culturally significant landscapes.

The development must be compatible with adjacent development.

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

### **3.6 *Discretionary Powers of the Town***

In addition to any other discretionary powers and considerations in the issuance of a permit, the Town in its discretion may refuse to issue an approval principle or permit or issue it subject to conditions where:

- (a) The development is deemed to lack adequate access and services;
- (b) The development could or would create a nuisance to nearby properties in the form of noise, odour, traffic or pollution;
- (c) It is necessary to ensure that the development conforms to a scheme or plan adopted or approved by the Town;
- (d) It is necessary to ensure that the development conforms to applicable provincial and/or federal policies and guidelines.

### **3.7 *Environment***

In reviewing an application for a permit, the impact of a development on the land, marine and air environment of the Planning Area shall be considered and Provincial policies on the environment adhered to.

## **3.8 Forest Resources and Trees**

Forestry activities are regulated by the Department of Natural Resources, Forestry Division, and the Town. The Town also has the authority under the Act to protect existing trees and tree stands insofar tree-cutting is classed as “development” under the Act.

Tree cover is important in that it helps to smooth out water flows, reduce siltation and pollution of water bodies, maintain water quality and fish habitat, provide wild-life habitat and opportunities for recreation. And good tree cover enhances the appearance of a community.

It is therefore the Town’s policy to protect the existing tree cover insofar possible through:

- (a) Regulations regarding site development so that when a property or subdivision is developed the loss of trees is minimized or that when it is necessary to remove trees, new trees are planted;
- (b) Planning and development of public spaces, including street and trail corridors, that ensures landscaping which includes trees and other plants;
- (c) Ongoing liaison between Forest Resources and the Town to ensure that timber cutting does not occur in sensitive areas.

## **3.9 Groundwater Assessment – Subdivisions**

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

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

## **3.10 Highway 460 – Building Near Highways Regulation**

Development along Highway 460 is subject to the Building Near Highways Regulation under the Transportation and Works Act.

## **3.11 Mineral Exploration**

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

## **3.12 Mineral Workings**

The Town may provide for mineral workings in areas where there are known aggregate supplies and where there is less likely to be conflict between mineral workings and other uses. Mineral workings can be accommodated in the rural portions of the Planning Area, subject to controls that will minimize environmental damage and conflict with other land uses.

### **3.13 Non-Conforming Uses**

In accordance with the Urban and Rural Planning Act 2000 non-conforming uses legally present at the time of the gazetting of the Municipal Plan and Development Regulations shall be allowed to continue within any designation under the Plan or zone under the Development Regulations. Specific provisions concerning legal non-conforming uses shall be set out in the Development Regulations.

### **3.14 Recreational Trails and Walkways**

It is the policy of the Town to encourage the development of recreational trails and walkways through measures which identify and protect existing and future trails.

The Town may require that any development within a specified distance of a significant well-established and clearly demarcated trail to be reviewed to ensure that development does not negatively impact such trail. Where deemed necessary, the Town may require that a buffer be provided by the developer. Wherever possible, this buffer shall extend at least 15 metres from either side of the trail for a corridor width of 30 metres.

### **3.15 Uses Allowed In All Designations**

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

Accessory uses include but are not limited to:

- a) facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, museum, marina, or hotel ('commercial – residential' under Schedule B);
- b) vehicle repair facilities within a shop, such as a major retail outlet, or automobile dealership;
- c) a gift or souvenir shop in a museum, hotel or other establishment;
- d) office and/or a small convenience store or catering establishment in a campground;
- e) a dock or wharf or stage associated with a permitted or discretionary use;
- f) an accessory dwelling or accessory dwelling unit, such as a caretaker's dwelling or dwelling unit;
- g) a subsidiary apartment in a single dwelling;
- h) a business conducted in a dwelling or a building accessory to a dwelling conducted by a resident of a dwelling and compatible with the primary

- residential use of the property (home business);
- i) a solar panel, satellite dish or similar device attached to a building.

These accessory uses shall be clearly subsidiary to and controlled so as to be compatible with the primary use and the use of nearby properties.

### **3.16 Utilities – Alternate Energy Sources**

Within the Planning Area there may be opportunities for public and private groups and individuals to develop alternate energy sources and to reduce demands on the Province's public utility based electrical system.

Wind mills, wind turbines, wind farms and other energy forms, including major solar based and small hydro generating facilities – "Utilities" in Schedule B – and associated facilities and services are subject to the approval of the Town and the conditions set out below.

Utilities are subject to the approval of or exemption by relevant provincial and federal departments and agencies and public utilities, including the Mines and Energy Branches of the Department of Natural Resources, NALCOR and Transport Canada. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Planning Area, along with other matters that the Town may deem to be significant. Wind mills and turbine utilities within the built-up areas are limited to single wind mills or wind turbines designed to serve particular properties.

To prevent damage to persons and properties due to the failure of a windmill or any of its components or the shedding of ice, the Town shall ensure that there is adequate separation distance between the windmill and nearby structures and properties.

Unless specifically exempted by the relevant agencies, the design, construction and location of a utility shall be certified by a professional engineer who has consulted with the required agencies.

### **3.17 Waterways and Wetlands**

Sound environmental and engineering practice and protection of the Town's amenities make it the general policy of the Town to protect the waterways and wetlands of the Kippens Municipal Planning Area.

A protective buffer of undisturbed soil and vegetation shall be preserved along the shoreline of all waterways and wetlands, except very minor ones.

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The buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat.

- (1) Subject to the appropriate approvals and reviews, the only uses that can be permitted in the buffer area of a waterway are fences, roads, driveways, public utilities, recreational open space and trails and uses requiring direct access to a body of water, such as wharves and docks and other marine related uses.
- (2) The matter of historical, adequate and/or usable legal public access to the waterway shall be used as a consideration in the review of an application for a structure within a buffer and/or waterway.
- (3) Any activity that has the potential to affect fish habitat shall be forwarded to Fisheries and Oceans Canada for review.
- (4) The minimum buffer for freshwater water bodies and wetlands shall be 15 metres. The minimum buffer for the marine coast-line shall be 30 metres. If the embankment is steep, then the buffer is measured from the top of the embankment.
- (5) However, where a water body is designated Environmental Protection, then the water body buffer shall be the Environmental Protection Designation or the minimum buffer under Clause (4) of this Section, whichever is greater.
- (6) If a waterway or wetland is deemed to be minor, such as a drainage course or intermittent stream without a history of flooding, wherever possible such waterways and wetlands shall remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.

## **4 DESIGNATIONS POLICIES**

### **4.1 Residential**

- (1) Permitted Uses – Including those set out under Section 3.15, permitted uses in the Residential designation are mini-home and single dwelling.
- (2) Discretionary Uses – Discretionary uses are antenna, bed and breakfast and boarding house and child care.
- (3) Municipal Services – All development in this designation shall be connected to the Town's water system, and when it is installed – the sewer system.

### **4.2 Mixed Development**

- (1) Permitted Uses – Including those set out under Section 3.15, permitted uses in the Mixed Development designation are mini-home and single dwelling.
- (2) Discretionary Uses – Discretionary uses are agriculture, amusement, antenna, apartment attached to a business, apartment building, boarding house residential and bed and breakfast, catering, child care, club and lodge, commercial – residential, communications, convenience store, cultural and civic, double dwelling, educational, funeral home, general assembly, general industry, general service, indoor market, light industry, medical and professional, office, medical treatment and special care, outdoor market, passenger assembly, personal service, place of worship, police station, row dwelling, seniors' housing and personal care facilities, shop, shopping centre, take-out food service, taxi stand, theatre, transportation and veterinary.
- (3) Agricultural uses are limited to greenhouses and horticultural operations.
- (4) General industrial uses are limited to contractor's yards and general garages.
- (5) Municipal Services – All development in this designation shall be connected to the Town's water system, and when it is installed – the sewer system.

### **4.3 Public**

- (1) Permitted Uses – Including those set out under Section 3.15, permitted uses in the Public designation are child care, cultural and civic,

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educational, general assembly, indoor assembly, medical treatment and special care, office, outdoor assembly, place of worship and seniors' housing and personal care facilities.

- (2) Discretionary Uses – Discretionary uses are antenna, cemetery, club and lodge and collective residential.
- (3) Municipal Services – All development in this designation shall be connected to the Town's water system, and when it is installed – the sewer system.

## **4.4 Recreation**

- (1) Permitted Uses – Including those set out under Section 3.15 permitted uses in the Recreation designation are antenna, conservation, club and lodge, cultural and civic, general assembly, indoor assembly, outdoor assembly, place of worship, recreational open space and theatre.
- (2) Municipal Services – As determined by the Town.

## **4.5 Rural**

The Rural Designation is applied to rural areas which are appropriate for resource based uses and certain uses which are not desired in a built-up urban area.

- (1) Permitted Uses – Including those set out under Section 3.15 permitted uses in the Rural designation are agriculture, antenna, conservation, forestry and mineral exploration.
- (2) Discretionary Uses – Discretionary uses are animal, campground, catering, cemetery, commercial residential, communication, general industry, mineral working, mining, outdoor assembly, single dwelling necessary to support a permitted use, transportation, utilities and veterinary.
- (3) Municipal Services – Except where deemed necessary by the Town, no development in this designation shall be connected to the Town's water and sewer system.

## **4.6 Environmental Protection**

The Environmental Protection designation is applied to areas where it is desirable to protect the natural features of an area from development. These

features can include certain streams, wetlands, and treed areas and the marine coast-line.

- (1) Permitted Uses – Of the Section 3.15 uses, only conservation is a permitted use in this designation.
- (2) Discretionary Uses – Including the balance of the Section 3.15 uses, Discretionary uses are antenna, mineral exploration, and transportation uses limited to uses requiring access to a body of water.
- (3) Municipal Services – Connection to the Town’s municipal services is not required.
- (4) All development in this designation is subject to the approval of the Department of Environment and Conservation and other relevant agencies before a permit is issued by the Town.

### **4.7 Designated Floodway**

The Designated Floodway appears on the Flood Information Map 1997 for Gaudon’s Brook and Cold Brook Areas. Gaudon’s Brook had experienced flooding during the September 2005 storm which had severely damaged the Highway 460 bridge at Gaudon’s Brook and briefly cut off access to the town.

The Designated Floodway designation limits development to conservation and hydraulic structures, public utilities and roads and recreation and other uses not likely to be affected by flooding. Antenna and recreational open space are discretionary uses.

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

### **4.8 Well-Head Protected Water Supply Area**

The Town of Kippens obtains its municipal water supply from a well field located in Stephenville. The boundary of the Wellhead Protected Water Supply Area overlaps into the Kippens Municipal Planning Area.

The public water supplies are also designated and protected under the Water Resources Act administered by the Department of Environment and Conservation.

- (1) Permitted Uses – Only conservation is a permitted use class in this designation.

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- (2) Discretionary Uses – Discretionary uses are antenna, mineral exploration, recreational open space and utilities.
- (3) All development within the Wellhead Protected Water Supply Area must be approved by the Minister of Environment and Conservation in accordance with the Department's policies.

### **Wellhead Protected Area**

No development or other activity shall be permitted within 200 metres of the well head except for maintenance and operation of the water supply system.