



CITY PLAN 2010

Mount Pearl Municipal Plan 2010

GAZETTED – DECEMBER 23, 2011

Revised – November 4, 2016 – As a Result of Amendment No. 17, 2016

Please Note: This is not the official copy of the aforementioned Municipal Plan, but rather a consolidated copy to include amendments. The Municipal Plan is subject to periodic amendments. Please contact the City of Mount Pearl Planning and Development Department for information relating to recent amendments.

CITY OF MOUNT PEARL

Planning and Development Department
3 Centennial Street
Mount Pearl, NL
A1N 1G4

THE URBAN AND RURAL PLANNING ACT 2000

RESOLUTION TO APPROVE

CITY OF MOUNT PEARL MUNICIPAL PLAN 2010

(City Plan 2010)

Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act 2000*, the City Council of Mount Pearl:

- a. Adopted the Mount Pearl Municipal Plan 2010 on the 19th day of April, 2011.
- b. Gave notice of the adoption of the Mount Pearl Municipal Plan 2010 by advertisement inserted on the 25th day of April, 2011, the 30th day of April, 2011, and the 7th day of May, 2011, in The Telegram newspaper, and by posting on the City of Mount Pearl website.
- c. Set the 11th day of May, 2011 at 7:00 p.m. at Mount Pearl City Hall for the holding of a public hearing to consider objections and submissions.
- d. Within the time stipulated in the notice of public hearing, the Mount Pearl City office received two written objections, and two representations.
- e. The public hearing was held on the 11th day of May, 2011.
- f. On the 23rd day of August, 2011, the City Council accepted Commissioner Jodi Saunders' report of July 11th, 2011 and proceeded to give notice of a subsequent public hearing on the matter of the redesignation of 22 and 24 Glendale Avenue.
- g. Gave notice of the proposed amendment by advertisement inserted on the 27th day of August, 2011, and the 3rd day of September, 2011, in The Telegram newspaper, and by posting on the City of Mount Pearl website.
- h. Set the 15th day of September, 2011, at 7:00 p.m., at Mount Pearl City Hall for the holding of a public hearing to consider objections and submissions.
- i. Within the time stipulated in the notice of public hearing, the Mount Pearl City Hall office received one written objection and one representation.
- j. The subsequent public hearing was held on the 15th day of September, 2011.
- k. On the 18th day of October, 2011, the City Council accepted Commissioner George D. Trainor's report of October 1st, 2011.

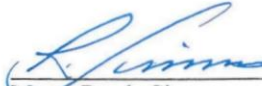
Now, under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the City Council of Mount Pearl approves the Mount Pearl Municipal Plan 2010 as amended as follows:

- (a) an amendment to the text of Section 6.2.15(xii), Open Space policy of the Mount Pearl Municipal Plan as follows:
 - “(xii) During the life of this plan, the City shall undertake a review of lands designated as ‘Open Space’ on the Future Land Use Map to identify those lands that are in private ownership and not intended for public open space purposes and such lands shall be redesignated to a more appropriate land use designation”; and
- (b) an amendment to the Future Land Use Map of the Municipal Plan by redesignating the rear of 22 and 24 Glendale Avenue from ‘Conservation’ to ‘Rural’.

APPROVED AS AMENDED by the City Council of Mount Pearl on the 18th day of October, 2011.

SIGNED AND SEALED this 25th day of October, 2011.

Mayor:


Mayor Randy Simms

Chief Administrative Officer:


Michele Peach, CA

PROVINCIAL REGISTRATION

Municipal Plan/Amendment	
REGISTERED	
Number	<u>3345-2011-037</u>
Date	<u>December 9, 2011</u>
Signature	<u>COMM</u>

THE URBAN AND RURAL PLANNING ACT 2000

RESOLUTION TO ADOPT

MOUNT PEARL MUNICIPAL PLAN 2010

(City Plan 2010)


Under the authority of Section 16 of the Urban and Rural Planning Act 2000, the City Council of Mount Pearl adopts the Mount Pearl Municipal Plan 2010.

The Mount Pearl Municipal Plan 1988 as amended is repealed and replaced upon the coming into effect of the Mount Pearl Municipal Plan 2010.

ADOPTED by the City Council of Mount Pearl on the 19th day of April, 2011.

SIGNED AND SEALED this 25 day of Oct, 2011.

Mayor:


Mayor Randy Simms

Chief Administrative Officer:


Michele Peach, CA

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Mount Pearl Municipal Plan, 2010 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.

FCIP:


Stephen B. Jewczyk, FCIP

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Note: For this consolidated version of the Municipal Plan, a list of Amendments is included at the end of the document.

1. INTRODUCTION

1.1 MUNICIPAL PLANNING IN THE CITY OF MOUNT PEARL

In Newfoundland and Labrador, municipalities undertake municipal planning in accordance with the provisions of *The Urban and Rural Planning Act, 2000*. The Act provides a Municipal Council with the authority to prepare and adopt a Municipal Plan. The Municipal Plan provides policies for the growth and overall development of the municipality for a ten-year period. The Plan allows Council to express its goals, objectives, and policies thus providing leadership and direction as to how the municipality should grow and look over the planning period. Once a Council's Plan has been registered by the Minister, the Act requires Council to follow the policies of its Plan.

The Plan reduces uncertainties regarding types of land uses that can be permitted, and the location and timing of future development. The Municipal Plan is a basis for the Development Regulations which, in turn, implement and enforce the policies of the Plan. The Municipal Plan also forms the legal basis for land use development schemes and development control regulations. As such, it provides a measure of consistency and a rationale for the administration of these regulations. Citizen participation in development decisions is encouraged through the policies in the Municipal Plan. The Plan seeks to ensure that public participation will continue to be a major part of the urban development process.

Municipal planning in Mount Pearl began in 1955 upon the incorporation of the Town of Mount Pearl Park-Glendale. This Municipal Plan is the sixth Municipal Plan prepared for the community since its incorporation. This Plan, like all previous Plans, directs Council in its day-to-day decision-making on development proposals and provides the public with the information on the Council's views and intentions towards future growth.

The Municipal Plan is a dynamic document that responds to opportunities and unforeseen changes through the preparation of Plan Amendments and Development Schemes (detailed secondary plans). In addition, the Act requires and outlines the process by which the Municipal Plan is to be reviewed every five years – to update, and where necessary, modify the Plan and the Development Regulations to reflect the current and anticipated realities.

Municipal plans are reviewed and prepared in two major phases. The first phase is the preparation of a background document. The Background Report concentrates on the past and future development of the City of Mount Pearl. The report provides a history of the City, and discussions of the trends and potential future conditions relevant for the ten-year planning horizon. The document is intended to show where Mount Pearl has been, and where it may be headed.

The second phase is the preparation of the Mount Pearl Municipal Plan, which evolves from the background information and analysis of phase one. The Municipal Plan includes the goals, objectives, policy statements, and future land use map. Concurrent with the preparation of the Municipal Plan, the Development Regulations and Zoning Map are prepared to bring into regulatory effect the policies and land use designations of the Municipal Plan.

The previous Municipal Plan was prepared in 1988 and adopted in 1989. Although there was no formal five-year review of that Plan, at the time of writing, the 1988 Plan has been amended on 78 occasions to respond to specific initiatives and, to complement these changes and to respond to specific circumstances, the Development Regulations have been amended 202 times. Five Comprehensive Development

Schemes have also been prepared and adopted to guide land use and development in a detailed manner in specific areas within Mount Pearl. The previous Plan and accompanying Development Regulations were, therefore, reviewed on a continuing basis since 1988. The City's circumstances and assumptions from the 1988 Plan have changed significantly since that time. In 1989, the City had significant areas that were undeveloped. In 2010, the major portion of lands within the City have been developed. These changes indicate the need to prepare a new Municipal Plan rather than review the previous Plan.

While this Plan is considered a new Municipal Plan for the next ten years, the goals, objectives and policies of the 1988 Plan that are still relevant for the current planning period have been included where appropriate in this Plan. New sections have been added to meet the changing needs of the residents of Mount Pearl and the City Council.

1.2 PURPOSE OF THE MUNICIPAL PLAN

The Municipal Plan is a document setting out the policies of the Council concerning the general development of the municipal planning area for the next ten years. The aim is to coordinate Council's policies and undertakings in order to promote the well-being of the entire community and to efficiently use the municipality's financial resources and the material resources, especially land, of the planning area.

The Mount Pearl Municipal Plan 2010 or "City Plan 2010" is Council's City-wide land use policy document for the management of urban growth within the City of Mount Pearl for the ten-year planning period. It is a legal document which expresses Council's policies toward the future development of the City using text, maps, and illustrations. City Plan 2010 repeals and replaces the Mount Pearl Municipal Plan 1988. This Plan conforms to all requirements of the Newfoundland and Labrador *Urban and Rural Planning Act, 2000*.

The purpose of City Plan 2010 is to establish guidelines for the future physical development of the municipality by setting out a strategy for land use over the next ten-year period. The aim is to prescribe the location of future potential developments in such a way that private property owners are afforded the right to private enjoyment of a property, without restricting the rights and needs of citizens of the entire municipality. The land use plan will direct developments in order to reduce nuisance and health concerns. Council intends to use the policies of land use to direct the Development Regulations. The Plan and Development Regulations together provide Council with the ability to administer all development and subdivision permits, and will then induce the kinds of developments that the City of Mount Pearl will benefit from during a 10 year planning horizon. By creating an environment of compatible and organized land uses, Council intends this Plan to generate a healthy, safe and high quality urban environment where residents enjoy and are proud of where they live and opportunities for growth in business and employment are nurtured.

1.3 LEGAL BASIS AND AUTHORITY OF THE MUNICIPAL PLAN

The City of Mount Pearl is granted the authority to prepare a Municipal Plan from *The Urban and Rural Planning Act, 2000* (See Figure 1.1). Section 10 (1) of the *Act* states that:

"A Council may, by resolution, propose to prepare a Municipal Plan in accordance with this Act".

Section 13 (2) of the Act, then states that the Plan shall:

- a) *include a statement of the objectives of the plan;*
- b) *indicate the policies to be implemented under the plan;*
- c) *divide land into land use classes and the use that may be made in each class and shall include prohibited uses of land;*
- d) *include proposals for land use zoning regulations;*
- e) *include proposals for the implementation of the plan;*
- f) *provide provisions with respect to non-conforming uses; and*
- g) *provide for the development of the planning area for a 10-year period.*

Section 13 (3) of the Act states that a plan may:

- a) *describe and determine the physical, economic and social environment;*
- b) *describe existing and proposed transportation networks and proposed networks of streets;*
- c) *establish areas for comprehensive development;*
- d) *propose the phasing in of development;*
- e) *establish a program of public works;*
- f) *provide for the protection, use and development of environmentally sensitive lands;*
- g) *provide for storm water control and erosion control;*
- h) *provide for the protection, use and development of natural resources and for the prevention of natural resource development with incompatible negative impacts;*
- i) *provide for the excavation, filling in or reclamation of land;*
- j) *provide for the non-removal of trees and vegetation and for other environmental matters including requiring that environmental studies be carried out prior to undertaking specified developments;*
- k) *provide for the height and siting of developments;*
- l) *provide for the use and conservation of energy;*
- m) *provide for and recommend the attraction, location, development and diversification of economic activity;*
- n) *provide for garden suites and back lot development;*
- o) *establish locations, provisions for and policies with respect to housing and facilities for senior citizens; and*
- p) *make other proposals that, in the opinion of the Council or regional authority, are necessary'.*

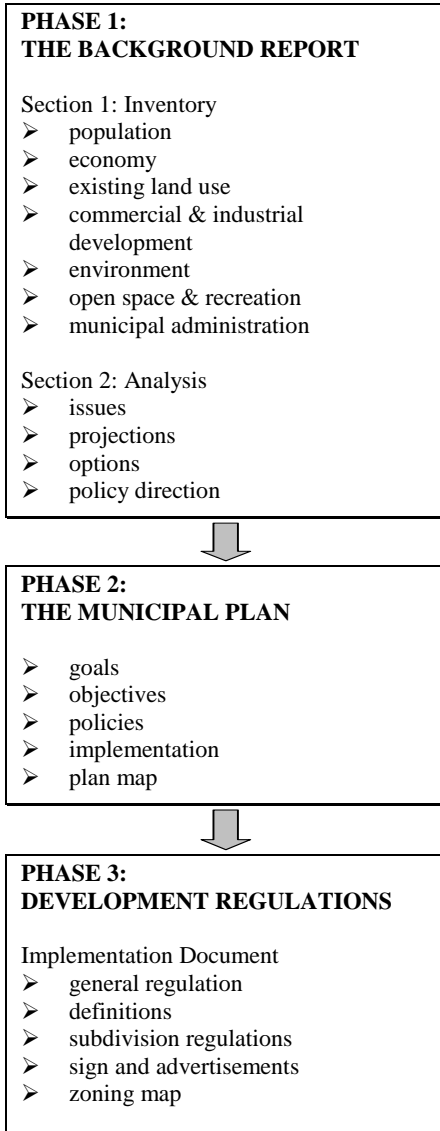


FIGURE 1.1: THE RELATIONSHIP BETWEEN THE BACKGROUND REPORT, THE MUNICIPAL PLAN, AND THE DEVELOPMENT REGULATIONS.

According to Section 15(6) of *The Urban and Rural Planning Act*, the Municipal Plan is subject to review by the Department of Municipal and Provincial Affairs, Government of Newfoundland and Labrador.

The Department may then “*recommend a change and amendment to a proposed plan and development regulations*”. Following this review, City Council, by a majority vote, may:

- (a) adopt the proposed plan and development regulations; or
- (b) where the department has recommended a change under subsection 15(6), adopt the proposed plan and development regulations amended in accordance with that recommendation.

1.4 PLANNING AREA OF THE MUNICIPAL PLAN

The Urban and Rural Planning Act further requires that the plan must designate the boundaries of the area to be included as the legal jurisdiction of the municipal plan. For City Plan 2010, the planning area boundary is the Mount Pearl Municipal Planning Area as published in *the Newfoundland and Labrador Gazette* on June 21, 1996, Consolidated Newfoundland Regulation 889/96.

1.5 MUNICIPAL PLAN REVIEW PROCESS

City Plan 2010 is a multi-phased process that includes the Background Report, the Municipal Plan, and the Development Regulations. The Municipal Plan document itself is, therefore, only one part of a larger process. The Municipal Plan is the visionary document that sets a course for Council for the next ten years on the basis of goals, objectives, and policies, and a future Land Use Plan map.

City Plan 2010 has been conceived as an innovative, community-based process to review and update the Mount Pearl Municipal Plan. City Council has a firm commitment to having an open process, and believes that such a process can lead to an increased public awareness of planning issues and the production of a new Municipal Plan that reflects the citizens’ views and aspirations for the future, and is better understood by residents and businesses. One of the aims of City Plan 2010 is to solicit public input early and throughout the process.

The Plan review process is designed with an emphasis on public consultation, which is in keeping with the provincial legislation governing municipal planning. *The Urban and Rural Planning Act, 2000* requires that municipal plans encompass a combination of technical review, analysis of policy, and regulatory formulation, as well as a thorough public participation process. The current Municipal Plan Review process goes well beyond that which is required under the Act (see Figure 1.2). This public participation process was titled “Advancing the Vision” and the public participation components of the process will form a companion document to the Municipal Plan and Development Regulations.

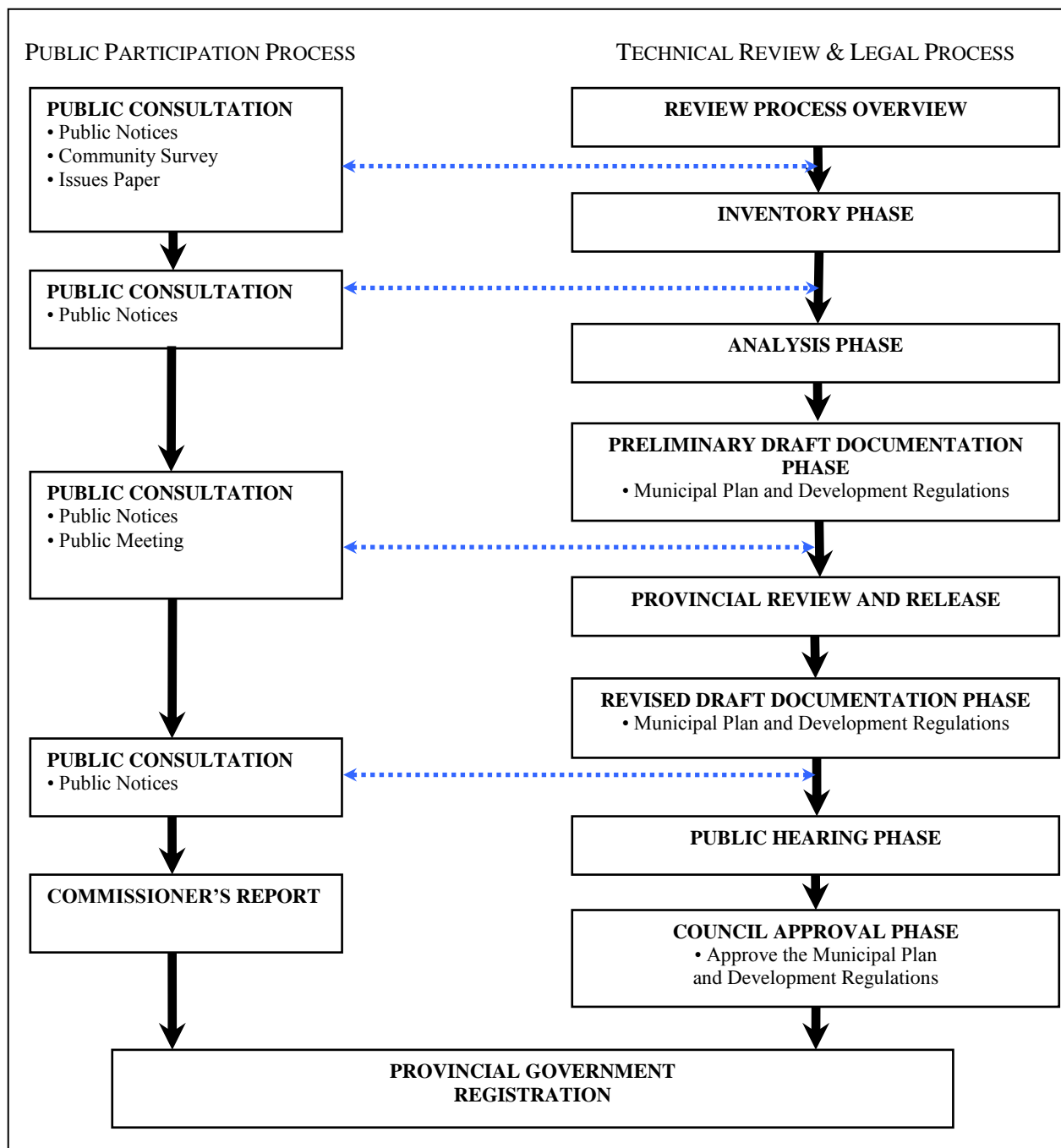


FIGURE 1.2: MUNICIPAL PLAN REVIEW PROCESS FLOW CHART

1.6 ADOPTION AND APPROVAL OF THE MUNICIPAL PLAN

Once the Municipal Plan document is completed and Council is satisfied that its public consultation process has given the citizens of Mount Pearl an opportunity to review and comment on the Plan, the Municipal Plan is formally adopted by a resolution under Section 16 (1) of the *Act*. Council then gives notice of a public hearing on the Municipal Plan and appoints a Commissioner to conduct the public hearing. At the public hearing, the Commissioner will hear objections and representations, then write a report to Council and will include copies of all submissions received and comments made at the hearing.

Upon receipt of the Commissioner's report, Council considers the recommendations and may approve the Plan as submitted, or approve the Plan with changes recommended by the Commissioner. Council then submits the Municipal Plan and accompanying Development Regulations to the Minister of Municipal Affairs to be registered in a planning registry in the Department. The Plan comes into effect on the date notice of its registration is published in *the Newfoundland and Labrador Gazette*.

1.7 THE LEGAL EFFECT OF THE MUNICIPAL PLAN

Once the Plan comes into effect it is binding on Council and on all other persons, corporations, or organizations. All development in the municipal planning area must conform to the policies set out in the Plan. The Plan may be amended from time to time, following the same steps above. The Plan shall be reviewed in five years from the date the Plan comes into effect and shall be revised to take account of trends and developments that can be foreseen during the next ten-year period.

1.8 THE DEVELOPMENT REGULATIONS

Council is required to prepare regulations for the control of the use of land in strict conformity with the Municipal Plan in the form of Development Regulations. Section 35 of the Act outlines what is to be included in the Development Regulations. The Development Regulations are prepared at the same time as the Municipal Plan and, like the Plan, may be amended at any time and may include new land uses and specific regulations.

Day-to-day administration of the Municipal Plan and Development Regulations is conducted by staff members authorized by Council, who issue permits for developments that are permitted and meet the development standards and conditions of the Development Regulations or are approved by Council. Staff also make recommendations to Council on matters pertaining to development in accordance with the Municipal Plan, and enforce the Regulations.

1.9 OTHER PLANS, DEVELOPMENT SCHEMES, AND STUDIES

The Plan has been drafted following a comprehensive review of the Mount Pearl Municipal Plan (1988) and all other planning documents pertaining to Mount Pearl, including:

- The St. John's Urban Region Regional Plan 1976;
- Mount Pearl Recreation Master Plan 1983; the City of Mount Pearl Parks & Recreation Master Plan 2005;
- Mount Pearl Federal/Provincial Lands Development Scheme 1985;

- Comprehensive Development Schemes for Topsail Road & Mount Carson Avenue Areas, 1985; Wilcox Place, 1997; Desbarats Property, 2000; Centennial Square Development Scheme, 2000; Kenmount Hill Infill 2007; Moffatt Road West 2008; Blackmarsh Road North 2008;
- The Mayor's Task Force on Economic Development 1995;
- The Centennial Square Study 1997;
- Waterford Valley Trunk Sewer Study 1999;
- Centennial Square Traffic and Transportation Study 2003;
- Centennial Square Marketing Study 2003;
- Centennial Square Urban Design & Beautification Study 2005;
- The City of Mount Pearl Historic Places Initiative (Inventory of Built Heritage Resources) 2005;
- Mount Pearl Integrated Sustainability Plan 2010
- Engineering Department Annual Construction Reports;
- Several Municipal Servicing Schemes for Mount Pearl.

In most cases, Development Schemes are outdated, have been fully implemented, or are being discontinued as they have been incorporated into the City Plan 2010. Please refer to Section 9.3, Development Schemes for clarification.

1.10 PLAN ORGANIZATION

City Plan 2010 consists of the following chapters:

Chapter 1	Introduction
Chapter 2	Summary of Background Report
Chapter 3	The Vision
Chapter 4	Community Goals and Objectives
Chapter 5	General Policies
Chapter 6	Specific Land Use Policies
Chapter 7	Transportation Policies
Chapter 8	Municipal Infrastructure and Services Policies
Chapter 9	Implementation of the Municipal Plan
Chapter 10	Glossary of Terms

Map 1 Future Land Use Plan

Map 2 Road Network

NOTE: Text that is referred in ***bold and italics*** means the Section in question has been amended, and the date referenced means the date the amendment came into legal effect.

2. SUMMARY OF THE BACKGROUND REPORT

2.1 HISTORY OF DEVELOPMENT AND PLANNING IN MOUNT PEARL

Mount Pearl was incorporated as the Town of Mount Pearl Park-Glendale in 1955. At the time of its incorporation, a development pattern had been established on the basis of a plan prepared in 1928 by Rudolph Cochius for the Mount Pearl Park Company as a summer home development area, in the area east of Commonwealth Avenue and south of the Waterford River. To the west of Commonwealth Avenue, Roland Morris had developed the Glendale Subdivision on the basis of a regular grid system of streets. By 1955, both permanent and seasonal residents requested the Provincial Government to incorporate the area due to the lack of proper development control and health concerns regarding substandard on-site well and septic tank disposal systems.

In 1958, the Town adopted its first Municipal Plan. At the time, the Town had an approximate population of 2,000 people. The focus of the first Municipal Plan was on laying out an appropriate pattern of land use and streets and providing municipal water and sewer services. The Town's municipal planning area was three times larger than the municipal boundary and encompassed the land that was later developed as Donovans Industrial Park (now Donovans Business Park) and a large part of the Octagon Pond Industrial Area in the Town of Paradise.

In 1965, Mount Pearl's Council adopted the Town's second Municipal Plan, prepared by Project Planning Associates Ltd. The Plan acknowledged that Mount Pearl was a suburb of St. John's and lacked an independent economy. Its focus was to ensure that Mount Pearl retained its identity as a separate community. By then, the population was 2,785 people. The land use pattern was more developed and, by this time, most dwellings had municipal water and sewer services.

In 1967, the municipal planning area was extended to include land on both sides of Topsail Road and Blackmarsh Road as far as the City of St. John's municipal boundary. However, two years later, the lands west and south of Mount Pearl (the present-day Donovans Business Park, part of Newtown, and part of the Octagon Pond Industrial Area) were removed from Mount Pearl's municipal planning area.

In 1976, the St. John's Urban Region Regional Plan came into effect. All municipal plans in the Region, which encompasses the Northeast Avalon Peninsula from Cape St. Francis in the north to Holyrood in the southwest to Witless Bay in the southeast, must conform to this Regional Plan. The Regional Plan identifies St. John's and Mount Pearl as the regional centre in which the full range of residential, commercial, institutional, cultural, and other activities commonly associated with a metropolitan centre are to be focused. The detailed development of the regional centre shall be carried out through the preparation and adoption of primary and secondary plans (that is, municipal plans and development schemes) which shall conform to the basic structure established in the Regional Plan. The municipal plans and development schemes shall define detailed development policies for different types of land use and may define areas within the regional centre that should not be developed for one reason or another, such as environmentally sensitive or hazardous areas.

In 1979, the Town of Mount Pearl adopted its third Municipal Plan, prepared by Planners Atlantic Ltd. The population had grown to 12,600 by 1976. Only 9.4% of the land within the municipal jurisdiction of the Town of Mount Pearl was undeveloped in 1979. The Plan focused on consolidating finances and preparing for a potential boundary expansion.

In the early 1980's, the province appointed the Powell Commission to examine municipal boundary changes in the St. John's Urban Region. Based on the Commission's recommendations, Mount Pearl's municipal jurisdiction tripled in size. The Town expanded north to include Kenmount Park and the Topsail Road/Kenmount Park area; west to take in Donovans Industrial Park (now known as Donovans Business Park); and south to take in the Newtown residential area, the rest of the Federal/Provincial Land Assembly, as well as the future Southlands development area. The inclusion of Donovans gave the Town a solid financial base.

In 1982, the Town adopted its fourth Municipal Plan, prepared by MacLaren Plansearch Ltd. The population at that time was 17,487 people. The Plan focused on coordinating growth between the established areas of the Town and the newly annexed lands. The large areas of land adjacent to the built-up areas were designated as comprehensive development areas (CDA's) where development schemes were to be prepared to direct future development.

In recognition of Mount Pearl's continuing growth and maturity as a significant urban centre within the Province, the Government of Newfoundland and Labrador granted Mount Pearl "City" status in 1988. This was the third urban centre in the Province granted City status.

The City's fifth Municipal Plan, which was adopted by Council in 1988 and approved by the Minister of Municipal Affairs in 1989, was prepared by Newplan Consultants Ltd. and Fiander-Good Associates Ltd. According to this Plan, the population reached 20,293 people. The 1988 Municipal Plan consolidated the policies of several schemes and planning studies for the continued growth and expansion of the City.

The 1988 Plan foresaw the completion of the Land Assembly at Power's Pond, Parson's Meadow and Admiralty Wood; development in the Topsail Road/Mount Carson Avenue Residential CDA (Pearlview and Brookhaven); and future residential development in the Southlands area. It also sought to halt the spread of commercial strip development along Commonwealth Avenue.

Based on the recommendation of the 1989 Municipal Plan, a planning department was created later that same year with the hiring of the first City Planner. The Department became immediately involved in the preparation of a Development Scheme for Southlands, an area of 359 hectares on the south side of Pitts Memorial Drive and owned by the Newfoundland and Labrador Housing Corporation (NLHC). The plans called for a community with appropriate commercial and public services, eventually housing 15,000 people. This was Mount Pearl's future expansion area and would be the single largest development project in the St. John's Urban Region.

The Provincial Government's municipal consolidation program started in 1989 was underway at the same time, however, and one of the aims of this program was to reduce the number of municipalities in the province. In the St. John's Urban Region, there was extensive debate and a series of public hearings on proposed amalgamations. In 1991, the Province changed Mount Pearl's boundary to exclude the Southlands. This reduced the City's area from 25.56 to 15.50 square kilometres and significantly affected the City's growth potential. Many of the 1988 Municipal Plan policies were no longer relevant as the growth assumptions could no longer be obtained through the reduction of the City's area in 1991.

Work commenced on the current Review of the Municipal Plan in 1995. Budgetary considerations and renewed uncertainty about Mount Pearl's Municipal Boundary in 1996 necessitated that the process be recessed until those issues were addressed. In late 1997, The Southlands Feasibility Study Commission excluded Southlands from Mount Pearl and confirmed Mount Pearl's existing boundary. Based on this decision, Council directed that a new Municipal Plan be prepared to reflect the new realities facing Mount

Pearl. Given the significance of the changes it was decided that, rather than undertake a review of the previous Plan, a new Plan would be prepared to meet the opportunities and challenges of the 21st century.

2.2 CHANGES TO THE MUNICIPAL PLAN

One of the major assumptions of the 1988 Municipal Plan was the ongoing outward growth of the City mainly towards the south and into the Southlands area. Based on the growth scenario of the 1988 Background Report, Mount Pearl was expected to reach a population of 23,540 by 1991 and 27,306 by 1996. It was projected that population growth would reach 36,743 by the year 2006. The 1996 projection was optimistic as the 1996 population reached 25,519 people according to the 1996 Census. The Plan projections were also based on a larger municipal boundary, which included Southlands as the primary expansion area of the City. With the removal of the Southlands in 1997, the City's area was reduced by approximately 40 %, which was primarily undeveloped residential land with great development potential. Due to changing growth rates and development limitations, the population projections from the 1988 Plan have proven unrealistic. The anticipated population of Mount Pearl in 2006 may have been in the range of 31,517 and 36,743 according to projections of the 1988 Plan. The two subsequent census periods 2001 and 2006 have indicated a population decline for Mount Pearl. The 1996 population was 25,519 and this has declined to 24,964 in 2001 and 24,671 in 2006. The last five-year census experienced a one point two percent (1.2%) population decline. This decline reflects the reduced area of the municipality and the change in household formation. Thus the population projection needs to be revisited and revised during the planning period.

In terms of general growth throughout the City, the Plan provided for the ongoing urbanization of the lands below the 190-metre contour, which is the regional servicing limit based on regional water supply and sewer accommodation. The area above the 190-metre contour was to remain undeveloped and be used for rural and open space recreational uses. During the period of this plan, there was one designation change in the lands above the 190-metre contour and it affected the lands between the Masonic Park, Kenmount Park, Mount Carson Terrace and Pearlview residential subdivisions. This area was surrounded by development and had both municipal and road services surrounding and into the area. In 2004, the Kenmount Hill Infill Amendment was approved and the detailed development of this area was subject to the Kenmount Hill Infill Comprehensive Development Scheme which was approved in 2007. The remaining lands above the 190-metre contour have remained in the Restricted Development designation and to this end, the Plan's objectives have been met.

Based on the province's indications that it is prepared to consider municipal plan amendments to permit the urbanization of lands above the 190-metre contour and servicing studies that indicate that there is servicing capacity in the regional water and sewer systems to accommodate development above the 190-metre servicing contour, municipal plan amendments are proposed to permit the urbanization of these lands provided sufficient municipal water and sewer services are available.

(2015-08-21)

Residentially, the major focus of development since 1988 has occurred in the southern portion of Mount Pearl as part of the Federal-Provincial Land Assembly. In more recent years, there has been an interest in residential development north of Topsail Road. The recently-approved Moffatt Road West Comprehensive Development Scheme and Blackmarsh Road North Comprehensive Development Scheme have increased the amount of land available for residential development north of Topsail Road. It is estimated that there are approximately 1,000 dwelling units that can be developed over a ten-year period based on current annual new dwelling growth rates. The new Municipal Plan will need to determine measures to provide a supply of housing to meet the future needs of Mount Pearl.

The 1988 Plan also recognized the significance of the Waterford River floodplains as a constraint to development. Council has maintained both a prohibition and restriction on development in the floodplains. It should be noted that recent events supported by research indicated that the designated floodplain did not adequately identify the floodplain in Mount Pearl, and revisions to the designated floodplain and mapping were subsequently carried out.

Another major assumption was that a shift would occur in the City's commercial/civic focus from the Centennial Square and Commonwealth Avenue area to the Pearlgate Centre area. Since the adoption of the 1988 Plan, the Pearlgate Centre has been completed. The pre-existing retail development, and more recent and on-going retail developments in the area, contribute significantly to the commercialization of the Pearlgate Centre area. Much of the commercial development is "big box" retailing, which retains a different quality and experience than that which is offered in other commercial districts, and differs particularly from the Centennial Square and Commonwealth Avenue areas.

Contrary to the direction suggested in the 1988 Plan, City Hall has retained its location in Centennial Square and has undergone a significant expansion to take in all municipal departments with the exception of the Department of Infrastructure and Public Works, which is located in Donovans Business Park. Further growth has occurred and will continue into the future for this historic centre of Mount Pearl, as outlined under the Centennial Square Revitalization Scheme 2000.

While Commonwealth Avenue has indeed been developing, the pace of commercial development has been slower than expected. The Plan recommended that no further re-zonings of the Commonwealth Avenue strip take place, thereby encouraging infilling in existing commercial areas. As part of the Plan, Council also decided to expand the Commonwealth Avenue commercial strip to Smallwood Drive. This area continues to be in transition from residential to commercial development, and infilling in this general area has not occurred in the fashion anticipated by the Plan. It is anticipated that the Commonwealth Avenue strip will benefit from enhanced commercial development in conjunction with the revitalization scheme for Centennial Square.

The Plan also acknowledged Mount Pearl Square as a shopping centre with an array of retail and service uses. Over the past five years, the nature and function of Mount Pearl Square has changed from retail to office uses. The interior of the building has undergone substantial renovation and now accommodates Bell Aliant and Eastern Health. This is a change that was not foreseen by the plan.

Industrially, the Plan encouraged the industrial development of the Topsail Road/Kenmount Road triangle, dependent upon the provision of sewer services along Topsail Road and the Waterford River. The industrial lands south of Topsail Road in Donovans Business Park (formerly Donovans Industrial Park), and Donovans Industrial Estates, have all been developed in accordance with the Plan. Since the adoption of the 1988 Plan, the Donovans Business Park and Estates have developed into an offshore oil campus.

Lands to the north of Topsail Road and bounded by Kenmount Road/Topsail Road overpass to the west, Kenmount Road to the north, and the Anglican Cemetery to the east are now the focus of industrial development. The privately-developed Kenmount Business Park and Beclin Industrial Park are currently under development and it is anticipated that these parks will be fully developed within the next five-year period.

Any changes to industrial policies in this Plan need to provide further opportunities for growth and intensification within the business parks.

Any changes to this Plan need to be more reflective of this wider range of uses.

The Plan noted that neighbourhood institutional sites were identified in the Federal-Provincial Land Assembly Area and encouraged a similar approach be taken for the lands in the Topsail Road/ Kenmount Park area of the City. Considerable residential development has occurred in the Topsail Road/ Kenmount Park area since the adoption of the Plan, but the school board, Eastern District, has not seen the need for a new school in this area. Given the changing household size and the demographic shift, Eastern District is continuing to use schools more centrally located in Mount Pearl to accommodate school-aged children not only from Mount Pearl but also from the surrounding municipalities of St. John's and Paradise. During this Plan, Park Avenue School has closed and the building has been demolished. The school site continues to be vacant but the Eastern District School Board has indicated that this site will be used for an institutional use in the future. Council did recognize that there was an institutional deficit in the residential area north of Topsail Road. As a result, the Kenmount Park Neighbourhood Centre was constructed in 1993 and responds to many of the neighbourhood and social needs of Kenmount Park.

The 1988 Plan noted the significance of recreation and leisure activities and pursuits of Mount Pearl residents. The Plan provided direction for the location of new parks, walkways, and recreational facilities. This was supplemented by the 2005 Mount Pearl Parks and Recreation Master Plan, which made a number of recommendations, including new recreational facilities and the change in functions of a number of open space areas.

Since 1988, there have been a number of changes to the road system within and surrounding Mount Pearl. The Trans Canada Highway was reconfigured as the Outer Ring Road was completed and the Robert E. Howlett Memorial Drive (formerly known as the Goulds By Pass Road) linking the southern limit of the City to Bay Bulls and the Southern Shore was developed and this has improved traffic flow around Mount Pearl. However, the Robert E. Howlett Memorial Drive brings considerable traffic through Mount Pearl along the Commonwealth Avenue and Mount Carson Avenue corridor that was unanticipated in the 1988 Plan. The completion of the Team Gushue Highway (formerly known as the East West Arterial) from Kenmount Road to the Robert E. Howlett Memorial Drive, and the realignment and upgrading of the Mount Carson Avenue over the next several years, should alleviate traffic congestion; however, the completion of these roadway projects will impact the City's street network. The 1988 Plan also did not anticipate the growth of signalized intersections within the City. Transportation needs of the City for the next ten-year period need to be examined and measures put in place to ensure an efficient, effective, and consistent transportation system.

Many changes have occurred during the life of the 1988 Plan. While the Plan provided direction, many of these changes were unforeseen. As discussed, the Plan and Development Regulations have been amended many times to respond to changes that were largely site-specific circumstances that resulted in re-zonings or adjustments to the Plan policies and future land use map. These amendments, which were adopted by Council and registered by the Minister of Municipal Affairs, are official components of the 1988 Municipal Plan and Development Regulations and are thus incorporated into this new Municipal Plan and Development Regulations.

Generally, the 1988 Municipal Plan was a plan for ongoing outward physical growth and development. As Mount Pearl nears its 'build out' stage during the planning period of City Plan 2010, the emphasis of

the Plan will change from a physical growth plan to a plan that emphasizes improved quality of life, sustainable development principles, greening of the community, and ongoing sound fiscal management.

3. THE VISION

Advancing the Vision is the name given to the public participation process that formed part of the Municipal Plan Review process. This title is in recognition of the original vision that the residents and property owners had in creating the Town of Mount Pearl in 1955. A Vision statement describes a community's values and how the community views its desired future based on these values. The Vision provides the framework within which the overall goals, specific objectives and land use policies of the Municipal Plan have been developed. A vision statement was initially prepared and was then adopted based on the Visioning exercise that was initiated as recommended in the 2010 Integrated Community Sustainability Plan.

The Vision Statement that was produced was as follows:

Mount Pearl is a vibrant, independent, progressive and age friendly city, which values the family, a clean environment, sustainable commercial growth balanced with well planned residential neighbourhoods, and is a City that prides itself on being inclusive and encourages participation of residents of all ages to produce an exceptional quality of community life.

During 2010, Council embarked on a strategic planning exercise which culminated in the "City of Mount Pearl Corporate Strategic Plan 2010-2015". This undertaking updated and provided further clarification on the vision, mission, mandate, and values of the City Council of Mount Pearl. These are as follows:

Vision:

A progressive independent city with a strong sense of home.

Mission:

Leading the way as an independent, progressive and family oriented City, providing outstanding municipal services and community programs.

Mandate:

To provide a range of municipal programs and services, in accordance with the requirements established by the City of Mount Pearl Act, aimed at enhancing the lifestyle of our citizens.

Values:

Fairness and Respect – We recognize that our success as a community depends on the talent, skills and expertise of our people and our ability to function as a cohesive team. We appreciate our diversity and believe that respect for our employees, citizens, colleagues, partners and all those with whom we interact is an essential element of all positive and productive business relationships within which the City engages.

Innovation and Creativity – We encourage innovative and creative approaches in pursuit of enhancing the quality of life of our citizens.

Flexibility and Adaptability – We believe in listening to the ideas of others and showing flexibility in making decisions that serve the best interests of our citizens and city. We believe our "can do" spirit delivers top performance.

Accountability – Our decision making processes and operations are transparent and open to the people to whom we are accountable.

These visions, along with the more recent mission, mandate, and values statements, support and provide direction to the Municipal Plan on the basis of the management of land uses and development. In order to achieve this, the Municipal Plan outlines a number of Community Goals and Objectives which provide the foundation on which specific policies are based.

4. COMMUNITY GOALS AND OBJECTIVES

4.1 RELATIONSHIP BETWEEN GOALS, OBJECTIVES AND POLICIES

Using the Vision as the guiding principle for the Municipal Plan, goals, objectives, and policies are prepared in the Plan to achieve this Vision.

A goal is a desired end or state that reflects a long-term purpose of Council in achieving its Vision. Goals are used to indicate a long-term aim that one wishes to attain or sustain within or beyond the ten-year planning horizon. With respect to the Municipal Plan, a goal acts as a desirable urban condition. Community goals guide the direction of municipal objectives and policies.

An objective is something that the municipality would work toward or aspire to achieve. In the context of this Plan, an objective is a medium-term step toward achieving the community goals within the ten-year planning period. They are actions that can be either verified and can act as a civic milestone in the development of the city towards achieving each related goal.

A policy is a plan of action to reach a desired outcome. A policy is a specific direct action that is to be taken within the ten-year planning period and is directed towards achieving the goals and objectives of the Municipal Plan. Policies indicate Council's intentions to follow a particular course of action or to encourage a particular set of outcomes.

This section, Section 4 of the document, will outline the goals and objectives to guide the City, and is followed by Section 5, which defines the policies of how the City will go about achieving its goals and objectives and realizing its vision. In the Municipal Plan, the planning horizon encompasses a ten-year period, with a Plan review scheduled at the five-year milestone to ensure that the Plan is consistent with and reflective of any major change to the municipality's goals, objectives, and policies.

4.2 GOALS AND OBJECTIVES 2010 – 2020

Council's Goals and Objectives for the next ten years have been grouped thematically and each of the ten thematic categories is addressed as a separate sub-section outlining detailed goals and objectives.

- Community Structure
- Urban Design and Community Amenity
- Economic Development
- Commercial and Industrial Development
- Housing
- Parks and Community Services
- The Environment
- Municipal Services
- Transportation
- Local Governance

4.2.1 COMMUNITY STRUCTURE

GOALS:

- **To enhance Mount Pearl's stature as a mature and independent city with attractive, closely connected neighbourhoods, expanding employment opportunities, high caliber integrated recreational programs and facilities that meet the needs of all citizens.**
- **To encourage the continued development of Mount Pearl in an orderly and sustainable manner which recognizes the value of the natural environment in the economical use of land and in the efficient use of municipal services.**
- **To encourage a compact urban form through the intensification of densities and mixed use developments throughout the city, where appropriate, thereby optimizing the use of municipal roads and services and creating ongoing sustainable growth.**

OBJECTIVES:

- To guide new development in a manner that is sensitive to and compatible with surrounding development and land uses.
- To introduce sustainable community planning principles and green infrastructure initiatives that will enhance livability and quality of life for the citizens of Mount Pearl.
- To support new development or redevelopment initiatives that intensify the use of land where existing services and roads exist.
- To encourage mixed land use and mixed use developments throughout the City where appropriate.
- To reinforce Centennial Square's role as the traditional civic and commercial centre of the City, and to revitalize the area by attracting new development in and around the Square, such as: retail services, offices, government services, high density residential, and possibly a hotel.
- To protect environmentally important or sensitive areas such as the steep slope of Kenmount Hill, the Waterford River Valley and its tributaries, ponds, streams, wetlands, and associated forested areas.
- To pursue initiatives to further enhance the integration of the areas north and south of the Waterford River.
- To identify and support heritage landscapes, properties, structures, and uses to enhance the pride in the community and sense of place for present and future generations.

4.2.2 URBAN DESIGN AND COMMUNITY AMENITY

GOALS:

- **To create a unique presence and identity for the City through the use of urban design principles and sensitive landscape design initiatives.**

- **To enhance quality of life and aesthetics in the City and to encourage and celebrate excellence in urban design and development.**
- **To ensure sensitivity of new and traditional housing forms and neighbourhood patterns through appropriate scale design.**

OBJECTIVES:

- To prepare urban design standards which provide direction to the community and developers with respect to the way that Mount Pearl should look and feel.
- To encourage landscape plans as an integral part of all development projects.
- To promote high standards of development and land use on the principles of architectural merit, sustainability, ecological stewardship, resource conservation, and functional appropriateness.
- To promote quality urban design in Mount Pearl through the organization of programs and events, such as an Urban Design Awards Program and annual World Town Planning Day events.

4.2.3 ECONOMIC DEVELOPMENT

GOALS:

- **To build on Mount Pearl's economic strengths as a major commercial and industrial hub within the region, while also seeking to diversify and enhance the City's service, cultural and leisure economies.**
- **To encourage economic and employment growth through the fostering and support of existing businesses and through the pursuit of new business opportunities and allied commercial and industrial development based on the regional competitive advantages offered by the City.**
- **To ensure that the Municipal Plan and the Development Regulations support business retention and expansion.**
- **To enhance the City as a place of regional significance for recreation, leisure, and visitor services and to ensure the City remains a 'great place to live, work and play'.**

OBJECTIVES:

- To endeavour to provide an economic climate which enhances economic development and employment opportunities for the City.
- To promote and market Mount Pearl's commercial and industrial areas to the business community as an excellent place to locate, with particular emphasis on Centennial Square, Commonwealth Avenue, Pearlgate Centre, Donovans Business Park, Kenmount Business Park and Topsail Road and their strategic location with respect to major highways and required infrastructure.
- To encourage mixed use buildings within a framework of appropriate urban design standards.

- To deepen the range of business services including the provision of an appropriate scale of commercial accommodation (hotels, motels) to service a range of traveler markets, as well as meeting room/conference and food and beverage establishments catering to business and family traveler markets.
- To develop the office market within the City and to contribute significant growth in gross floor area through higher density commercial development.
- To promote economic development in the Centennial Square City Centre area by encouraging existing property owners to expand and diversify their business operations and premises in cooperation with each other and the City.
- To support redevelopment in the City Centre area where appropriate for a range of land uses which together will create a critical mass of employment, retail, and residential activity to support additional services and ensure the long-term sustainability of downtown Mount Pearl.
- To seek the support and cooperation of Federal and Provincial Government departments and other economic organizations in providing economic opportunities for Mount Pearl and the region.
- To proactively target business development and retention efforts resulting from the Business Retention and Expansion program undertaken by the City.

4.2.4 COMMERCIAL AND INDUSTRIAL DEVELOPMENT

GOALS:

- **To encourage the development of an appropriate mix of retail, office and service facilities to serve the citizens of Mount Pearl and the region.**
- **To encourage commercial and industrial development to locate in appropriately designated areas.**
- **To encourage the intensification of commercial and industrial development projects through the promotion of high-quality mixed use development concepts.**

OBJECTIVES:

- To allocate commercial and industrial lands so that there is an adequate supply of such lands to attract new businesses.
- To ensure that an appropriate mix of commercial uses are encouraged along those portions of Topsail Road that back on to residential neighbourhoods.
- To accommodate the growth of home based businesses through exploration of innovative approaches while maintaining the amenities of residential neighbourhoods.
- To recognize existing local commercial uses and personal service uses which exist within the older residential neighbourhoods of Mount Pearl.

- To create development standards that allow for the mixed use and intensification of land use and development in the designated commercial and industrial areas of the City.

4.2.5 HOUSING

GOALS:

- **To ensure high-quality residential development and neighbourhoods through appropriate planning, site standards, architectural and landscape design standards, and municipal services.**
- **To provide for a diverse mix of housing forms within the City to ensure a variety of choice and affordable housing. The City's housing options should therefore seek to evolve with changes in market demand, and the opportunities for housing which is supportive of an age-friendly community.**
- **To encourage residential densities which optimize efficiency of municipal infrastructure and the provision of feasible public transit.**
- **To identify opportunities for residential intensification through the development and redevelopment of new housing units in existing neighbourhoods and buildings, the development of new subdivisions at higher than traditional densities, and the addition of extra living space to existing homes.**
- **To encourage energy efficient and environmentally friendly housing.**

OBJECTIVES:

- To consider a range of affordable housing options including single family detached, semi-detached, triplex, quadplex, row housing, apartments, and high-end condominium developments.
- To encourage, where appropriate, the development of varied affordable housing types in Mount Pearl through increased density of units as suited to changing demographics. This includes the provision of housing suitable to a range of seniors housing markets.
- To examine innovative housing designs that support affordability, intensification and increased density to reflect changes in family structure, demographics, and social needs.
- To permit residential development in areas as natural extensions or contiguous to existing areas to minimize development costs and to take advantage of excess capacity in facilities or services in existing neighbourhoods.
- To encourage the redevelopment of the older neighbourhoods through mixed use projects and residential intensification.
- To examine the introduction of universal design elements to residential projects to further encourage accessible housing design.

4.2.6 PARKS AND COMMUNITY SERVICES

GOAL:

- **To provide a range of community places and recreational uses and facilities in Mount Pearl to meet the needs of its residents and to promote an active and healthy lifestyle.**

OBJECTIVES:

- To provide convenient, functional, and well-maintained and operated community and recreational facilities which meet the leisure needs of all ages.
- To ensure that all municipal community and recreational facilities are available and designed to age-friendly standards to facilitate easy access and mobility for all citizens, including those with disabilities.
- To provide a variety of social, recreational, and cultural places and activities for residents.
- To continue to foster the strong volunteer base and civic spirit which exists in Mount Pearl.
- To encourage the development of multi-functional and multi-use facilities.

4.2.7 ENVIRONMENT

GOALS:

- **To provide a pleasant and safe living and working environment in Mount Pearl.**
- **To promote land use patterns, development practices, transportation systems, and activities that will consider ways to address climate change and reduce green house gas emissions.**
- **To maintain and protect the natural resources of the Mount Pearl Planning Area (for example: natural habitats, rivers, streams).**
- **To maintain and protect the features which contribute to the character of the City (for example: natural landscape features).**

OBJECTIVES:

- To provide for the health, safety and welfare of the general public.
- To promote environmentally sustainable development practices.
- To implement green infrastructure initiatives that reduce green house gases.
- To encourage wise and/or efficient water use practices.
- To encourage alternate modes of transportation to reduce the reliance on the automobile and reduce green house gas emissions, such as public transit or active transportation.

- To encourage and facilitate the recycling of waste materials to reduce the waste stream and associated disposal costs.
- To prohibit development within the Floodway of the Waterford River and to restrict uses to those of a public purpose within the Floodway Fringe.
- To reserve a buffer consisting of a minimum of 15 metres of land from the limits of the Waterford River Floodway Fringe and the high water mark of ponds, streams, and wetlands, and to maintain it in its natural state unless required for a public purpose.
- To direct storm water management practices that reduce the impact of storm water entering the Waterford River system during peak rain events.
- To preserve, where practical and appropriate, large trees and wooded areas where they exist throughout the City, and to re-plant or re-vegetate to an appropriate standard where new development or redevelopment occurs.
- To promote environmental stewardship through the recognition of individual and group efforts to preserve and enhance the environment of the community and through the City's participation in environmental programs.
- To encourage participation in environmental awareness and educational programs to enhance and improve attitudes towards protecting the environment.
- To promote municipal services and practices which are environmentally friendly and aim towards a reduction of green house gas emissions; for example, in the selection of municipal fleet vehicles, in the construction/ renovation of municipal facilities, and in consideration of new concepts for industrial and business parks.

4.2.8 MUNICIPAL SERVICES

GOALS:

- **To provide municipal services in the most efficient and environmentally friendly manner possible.**
- **To continue to participate in the regional service delivery models provided and to continue to support other regional efforts that improve services, reduce costs, and respect municipal autonomy.**
- **Where services can be most efficiently provided by a regional structure, co-operate with neighbouring municipalities in providing improved regional services through meaningful cooperation and governance.**

OBJECTIVES:

- To promote higher densities where appropriate in areas serviced by municipal water and sewer systems.

- To implement green infrastructure initiatives throughout the City.
- To ensure the provision of fire protection to all residences and businesses by ensuring adequate water flows for fire fighting purposes.
- To upgrade existing municipal infrastructure where it is inadequate to meet demands.
- To expand municipal services where necessary to meet the changing needs of the community.
- To participate in the appropriate regional committees or structures where regional services are purchased by the City.

4.2.9 TRANSPORTATION

GOALS:

- **To provide a safe and efficient transportation network to serve Mount Pearl.**
- **To encourage energy-efficient and environmentally friendly modes of transportation that will help eliminate our dependence on fossil fuels and reduce our carbon footprint.**

OBJECTIVES:

- To provide a hierarchy of roads designed to acceptable standards, which allows for the efficient movement of people and goods within the City and connecting to the regional road network.
- To increase the safety and efficiency of roads through road widening, intersection improvements, and appropriate directional signs where required.
- To undertake improvements to the municipal road system through a regular maintenance program.
- To encourage alternative transportation means to the automobile, in keeping with the principles of a healthy, sustainable, and energy-efficient community.
- To encourage integration and expansion of the linear trail system to support walking and non-motorized use of our trail system.
- To ensure pedestrian safety by providing sidewalks along arterial and collector roads and other areas of high pedestrian usage, improving intersections and by providing crosswalks in appropriate places.
- To support an effective and efficient public transit system that meets the needs of Mount Pearl both within the City limits and externally within the region.
- To ensure that significant new developments can be accommodated by the transportation network and, where required, undertake necessary improvements.

4.2.10 LOCAL GOVERNANCE

GOALS:

- **To ensure that Council undertakes a decision making process that is both strategic in nature and is in tune with the needs and priorities of the City's residents and businesses.**
- **To ensure the financial sustainability of the municipality.**
- **To ensure Council's ability to address the needs of residents and businesses.**
- **To ensure a transparent and accountable municipal government and encourage public involvement in civic affairs.**
- **To seek opportunities and mechanisms that create a user-friendly communication environment that informs and engages the citizens and businesses of Mount Pearl.**
- **To encourage and embrace new technologies designed to facilitate transparency and accountability and to encourage the active involvement of its residents and businesses.**

OBJECTIVES:

- To manage municipal expenditures and revenues so as to provide necessary municipal services within a framework of long-term financial stability.
- To set municipal taxes at an appropriate level, balancing the municipality's need to maintain municipal infrastructure and services, and to provide an affordable taxation level for residents and businesses.
- To ensure an effective management structure that effectively responds to the needs of the residents and businesses of Mount Pearl.
- To promote the different types of information and resources which the City can provide to residents and businesses through the use of the media, information technology, and publications.
- To continue to encourage participation in local government initiatives in the region.
- To collaborate with other public sectors, as well as the private sector and the non-profit sector, in striving to meet Mount Pearl's needs.
- To provide regular, ongoing opportunities for the public to comment on and participate in the affairs of the City.

5. GENERAL POLICIES

5.1 GENERAL APPLICATION

The Goals, Objectives, and Policies in this document, together with the accompanying Future Land Use Plans, Maps 1 and 2, form City Plan 2010. The policies have been prepared in light of and support of Council's long-term goals and medium-term objectives as set out in Chapter 4.

The land use policies set out in this Chapter are general in nature and apply throughout the City regardless of the specific land use designation and specific land use policies that apply to the areas identified on the Future Land Use Maps of this Plan. The following policies shall apply to land uses and development throughout the City.

5.2 OVERALL GROWTH STRATEGY

POLICIES:

- (i) It is the general policy of this Plan to support development that contributes to the compact and orderly form of the City. Intensification and mixed use developments are supported in areas that are deemed appropriate by Council.
- (ii) The City shall encourage the development and redevelopment of areas where existing municipal services exist and may permit intensification in these areas provided there is appropriate capacity in the municipal services and roads system to accommodate the development.
- (iii) All land uses, development and redevelopment proposals within the City shall meet the requirements of the Mount Pearl Development Regulations.

5.3 URBAN DESIGN AND NEIGHBOURHOOD AMENITY

Mount Pearl has developed as a well-planned city with attractive neighbourhoods, parks, streets and open spaces. The public and private investment contributes to the creation of a quality environment for the residents and businesses in Mount Pearl. Development in new areas and existing areas should maintain this high standard of urban living. Further development and redevelopment should strive towards a signature appearance that would create a unique identity for Mount Pearl.

POLICIES:

- (i) No proposed development shall be permitted where Council reasonably expects that it will detract from the quality of amenity of a neighbourhood or area, generate an excessive amount of traffic, or cause a hazard or nuisance to neighbouring uses.
- (ii) Council shall encourage development that combines elements of high urban design standards. An evaluation of design elements shall comprise part of the review of development proposals, and shall include but not be limited to:
 - a. The layout, setback, height, and bulk of buildings.

- b. The relationship of the proposed buildings to one another and to existing developments in the area.
 - c. The effect of the proposed development on the future development of nearby undeveloped lands.
 - d. Parking and vehicular access.
 - e. The exterior appearance of proposed buildings, including exterior finish, material palette, colour, and texture.
 - f. Outdoor lighting.
 - g. Signs and advertisements.
 - h. Open space around the proposed buildings, including landscaping, buffering, and dedicated pedestrian walkways, where required by Council.
- (iii) To ensure a high quality and aesthetically pleasing urban environment, the City shall require all development and uses of land to meet minimum landscaping standards and requirements as determined by the City.
 - (iv) Where it is determined appropriate by Council, development proposals will be required to be accompanied by a landscape plan prepared by a professional landscaped architect licensed to practice in the Province of Newfoundland and Labrador.
 - (v) Council shall initiate an Urban Design Guideline Study to outline Council's expectations with respect to design standards and elements and the design review process for the benefit of developers and the public. Where it is deemed necessary, the recommendations from this Study will amend the policies of the Municipal Plan and form a part of the Development Regulations.
 - (vi) Where adjacent uses may create a conflict, or where development may detract from the visual beauty and enjoyment of adjacent uses, Council may require an appropriate buffer. The buffer will consist of a minimum separation distance, a fence, a berm, landscaping, the planting of trees or shrubs, or other measures as determined by Council.
 - (vii) Council shall encourage initiatives that support the original concept of the community developing in a park-like setting and promote programs that advance the "City in a Park" concept. In this regard, Council will require development proposals to identify the retention, replacement, and enhancement of natural vegetation, in both public and private domains.
 - (viii) Council shall consider undertaking an Urban Forestry Master Plan, which would include an inventory of existing public trees, an assessment of the strengths, weaknesses, opportunities, and threats of the existing tree population (such as species diversity, climate challenges, pests and diseases, and unique vegetation features), current practices for maintenance as well as long-term urban forestry management plan. Where it is deemed necessary, the

recommendations from this project will amend the policies of the Municipal Plan and form a part of the Development Regulations.

- (ix) Where the development of land is discontinued or occurs over a significant period of time, undeveloped land must not be left in an unsightly state to detract from the visual quality of a neighbourhood or area. In such cases, the property shall be rehabilitated and landscaped to an appropriate standard as determined by Council.
- (x) Non-commercial parks, playgrounds, and conservation areas shall be permitted in all land use designations. Small recreational related buildings and structures necessary for recreation use shall be permitted. Larger buildings and structures may be permitted by Council.
- (xi) Where intensification occurs, special attention is to be given to ensure that intensification projects are sensitive and compatible with surrounding uses.

5.4 SEASONAL CONSIDERATIONS

Seasonal considerations are important in administering City services, and in the development process. Winter, in particular, can pose greater challenges as well as opportunities for living and working in a city that experiences a winter climate several months of each year as is the case in Mount Pearl. It is Council's aim to improve the liveability of Mount Pearl, especially as a winter city.

POLICIES:

- (i) To maximize success and ensure user-friendliness, development proposals shall be evaluated with respect to the following:
 - a. on-site snow clearing and storage which does not negatively impact onto adjacent properties or the public road network;
 - b. phasing of construction and landscaping appropriate to seasonal constraints;
 - c. site and building design that considers weather conditions, such as:
 - i. snow and wind loading considerations for the building;
 - ii. appropriate placement and orientation of the building on the site;
 - iii. vehicular and pedestrian infrastructure;
 - iv. vegetation and landscaping;
 - v. building design features to maximize solar gain and provide protection from the elements (for example: fenestration, awnings, and wind breaks) where appropriate; and
 - vi. landscaping enhancements that respect the need for snow clearing operations.
- (ii) Streets and sidewalks shall be designed to minimize grades where possible so as to reduce the danger of accidents in icy and snowy conditions.
- (iii) Streets and sidewalks shall be designed to consider the location of vertical infrastructure and street furniture to minimize obstruction of snow clearing/removal operations.

- (iv) When retrofitting of street infrastructure (such as utility poles, fire hydrants, and signage poles) is undertaken, location of such infrastructure shall take into account service implications due to weather conditions, such as snow removal/storage considerations.

5.5 LAND USE ASSESSMENT REPORT

Where the compatibility of a proposal or use cannot be adequately evaluated, the City may require the preparation of a Land Use Assessment Report.

A Land Use Assessment Report is any report prepared by suitably qualified persons to assess any significant impacts a use or development may have on the urban environment and/or surrounding lands or neighbourhood. Council shall determine the matters that would require assessment, which could include but are not limited to:

- Impacts on the natural environment
- Land use impacts on the community
- Impacts on the quality of life of the citizens of Mount Pearl (i.e. noise, outdoor lighting, etc.)
- Any other land use, architectural, traffic, and environmental analyses pertinent to this Plan.

The Terms of Reference shall be approved by Council prior to its preparation and shall become an integral part of the report itself. The report and any supporting documentation shall be prepared at the expense of the developer unless otherwise determined by Council. The report shall identify significant impacts, evaluate their importance and recommend measures of control or mitigation where appropriate.

POLICIES:

- (i) Where determined by Council, Land Use Assessment Report(s) will be required as part of the development application review process.
- (ii) Where determined by Council, Land Use Assessment Report(s) may require a public review.

5.6 RESIDENTIAL INTENSIFICATION

Council recognizes the value of residential intensification as a means of improving the affordability and choice of housing available to its residents. Intensification is also a means to make more effective and efficient use of existing municipal infrastructure and services and to help alleviate the decreasing availability of land for new residential development.

POLICIES:

- (i) It is the policy of this Plan to encourage appropriately designed residential intensification projects in serviced areas of the City at the discretion of Council. Such development will be permitted to the extent that it is suitable to the physical conditions, municipal servicing and road capacity of the area, and is compatible with the existing neighbourhood character.
- (ii) Residential intensification includes but is not restricted to the following: infill on vacant or underdeveloped lots; redevelopment of an area by replacing existing structures with new dwelling units; permitting higher residential densities in existing and new subdivisions; mixing of residential and commercial uses in appropriate buildings; conversion within

existing dwelling units to create additional living space or additional self-contained dwelling units; in-law suites and multi-family housing scenarios; encouraging higher density and multi-level residential condominium projects and personal care homes; and adaptive re-use by converting non-residential buildings to full or partial residential use.

- (iii) The residential development patterns may include reduced-lot, zero lot line, or cluster housing.
- (iv) The housing forms for the various types of intensification may include single detached, semi-detached, duplex, triplex, quadplex, row, and apartment dwellings.
- (v) Residential intensification projects will be promoted in suitable locations within the Residential, City Centre, General Commercial, and Highway Commercial designations, thereby creating density nodes. Approval of particular projects will be subject to their suitability and compatibility within the existing neighbourhood. Factors such as traffic impact, water and sewer capacity, and the proposed housing form, character, and density in relation to the neighbourhood will be important considerations. In granting approvals, the City may consider certain deviations from established zoning standards such as minimum lot areas, frontages, setbacks, side yards and rear yards and maximum lot coverage and building height, as outlined in the Mount Pearl Development Regulations.
- (vi) When dealing with new development concepts, every effort should be undertaken to approach residential intensification initiatives in a more comprehensive and systematic way.

5.7 SUBDIVISION OF LAND

Council acknowledges the importance of subdivision design principles in the orderly development of land throughout the City. Care must be taken to ensure creativity in the subdivision of land and sensitivity and compatibility to surrounding existing uses.

POLICIES:

- (i) The proposed subdivision development of land will be subject to evaluation and must conform with the goals, objectives, and policies of this Plan and shall be in accordance with the requirements of the Development Regulations.
- (ii) All proposed subdivision developments will be subject to a comprehensive evaluation by Council. The content of this evaluation will be detailed in the Development Regulations and will include:
 - a. An investigation of the physical features of the site and the opportunities and constraints to development that they represent. Where possible, the layout of the roads should conform to the topography;
 - b. The submission of comprehensive subdivision and engineering plans, including cost estimates for the engineering works;

- c. A demonstration of how the proposed subdivision will mesh with existing development and roads and services on adjacent lands and provide for future access to undeveloped lands in the area;
- d. An investigation to ensure compatibility between the subdivision and surrounding land uses, both existing and future;
- e. Every effort shall be made to ensure that subdivision of land does not adversely affect existing development; and,
- f. The impact of the development on municipal finances.

5.8 DEVELOPMENT AGREEMENTS

POLICIES:

- (i) As a condition of development approval or permit, Council may require developers of subdivision and/or consolidation of lands for development to enter into a development agreement. Such agreement will be negotiated between the developer and the City for the financing and development of all services (private and/or public) provided to the site, including roads and piped services constructed to municipal standards, and public purpose lands, uses and structures. Such construction and/or development shall adhere to municipal standards and shall be consistent with the policies of this Plan and the Development Regulations.
- (ii) Subdivisions of five or less lots which do not involve the construction of public services or those which are required to provide public purpose uses or structures shall be exempt from the signing of a development agreement unless otherwise determined by Council.
- (iii) Where it is determined by Council to be in the public interest, developers of land shall be required to enter into development agreements with Council.

5.9 DEVELOPMENT GUARANTEES

POLICIES:

- (i) Development guarantees shall be required as a condition of development and may form a condition of a development agreement, where Council has determined that such a guarantee is required for:
 - a. Ensuring compliance to municipal standards of public services and roads, public purpose uses and structures;
 - b. The payment of service levies;
 - c. Ensuring landscaping and site reinstatement; and,
 - d. To enforce any other condition attached to a permit or license.

- (ii) The form(s) of development guarantees shall be determined by Council and may be comprised of several forms of financial provision depending on the type and scale of development under consideration by Council.

5.10 OPEN SPACE DEDICATION

POLICIES:

- (i) A minimum of ten percent (10%) of the land developed for the subdivision shall be dedicated to Council as useable parkland. Where it is determined by Council that the land is of an insufficient size, inappropriate location or in an unusable state, in lieu of land, Council may accept a sum of money equal to the value of the land that would otherwise be required.
- (ii) Preference will be given to the location of open space dedication that enhances public open space area, existing and designated, and allow for the integration, expansion, and increased quality of the City's linear parkway system in such a way that the open spaces are integral to the neighbourhood to which they relate.
- (iii) Wherever possible, connect and integrate the linear open space system into other non-residential areas and create nodes of interest throughout the open space system.
- (iv) Where Council determines that open space land is required and is to be dedicated to the City, the open space area will be prepared and developed as required by the Council at the commencement of the development to ensure that adequate open space and recreational facilities are provided for the new families of the subdivision development.

5.11 BUFFER

Where required by Council, a buffer shall be provided in the form of a separation distance between adjacent land uses that are incompatible and may create conflicts, such as industrial development adjacent to residential uses. Where a buffer is required by Council, the depth of the screening, landscaping, and noise attenuation features shall be determined by Council. The property owner/developer of the heavier land use, i.e. the industrial use, may assume the responsibility to provide the buffer within the property bounds. The buffer area can also form part of the City's linear walkway system.

POLICIES:

- (i) The natural vegetation of the land, especially trees and shrubs, shall be maintained by the property owner. Council may require a fence, berm, wall, landscaping, or combination of these, depending on the type of use or development proposed.
- (ii) Wherever possible, low maintenance vegetation landscapes will be utilized in development, resulting in low water and resource consumption through the use of drought tolerant and native plant species

5.12 RESERVATION OF LAND FOR PUBLIC USE

POLICY:

- (i) Wherever private land is reserved under this Plan for public use, it shall be Council's intent to acquire the public use of this land by purchase, by public dedication of land, or by negotiation and agreement with the owner of the land. In the interim, the land shall be protected for its long-term intended use as specified in this Plan.

5.13 WATERWAYS, WATERBODIES, AND WETLANDS

POLICIES:

- (i) Notwithstanding the policies of this Plan, all alterations to bodies of water, waterways and wetlands require the written approval of the Department of Environment and Conservation.
- (ii) An environmental buffer with a minimum width of fifteen metres (15 m) shall be established and/or maintained along the high water mark of all bodies of water, including streams, ponds, and wetlands. In the case of flood risk areas, the high water mark is considered to be the 1:100 year flood level boundary. Any development, including fording, within this buffer shall be approved under Section 48 of the Water Resources Act.
- (iii) Development and activities associated with development and the use of land shall not be permitted to impact the quality, quantity, and flow of bodies of water, waterways, and wetlands unless such development or activity receives the approval and meets the conditions of the federal and/or provincial authorities who have jurisdiction over bodies of water, waterways, and wetlands and a permit from the City.
- (iv) Development that proposes to divert or use water from any surface water or ground water source shall require the approval of the provincial Department of Environment and Conservation and shall require a license under the Water Resources Act prior to such development commencing.

5.14 FLOOD RISK AREAS

The City is situated within the Waterford River Watershed. The Waterford River and its tributaries are prone to flooding. Over the years, flooding in the Waterford River has caused substantial damage to property.

Consistent with provincial land use policy, Council intends to prohibit or restrict development along the Waterford River and its tributaries in areas subject to flooding, in order to: reduce future flood damage to property and threat to life; to protect areas presently within the flood risk area from greater flood risk resulting from further development; and to limit alterations to the floodplain that may exacerbate flood risks.

In 1989, flood risk mapping was developed under the Canada-Newfoundland Flood Damage Reduction Program and subsequently revised by the Department of Environment and Conservation in conjunction with the City. Future Land Use Map 1 identifies the boundaries of the flood risk areas, as mapped under

the program, that have been subject to flooding along with the associated fifteen metre (15 m) buffer in an effort to reduce future flood damage.

Within the boundaries of the flood risk area, two levels of flood risk have been identified along with a fifteen metre (15 m) buffer: a floodway and a floodway fringe.

The floodway is the inner portion of a flood risk area where the risk of flood is greatest, on average once in twenty years, and where the flood depths and water velocities are greatest.

The floodway fringe is the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years, and flood waters are shallower and slower.

POLICIES:

- (i) Within a floodway,
 - a. new development is restricted to non-building uses such as roads and associated structures, agriculture, open space and recreation, service corridors and to minor structures related to utilities and marine activities; and
 - b. the placement of imported fill is prohibited unless it is specifically required as a flood proofing measure or for public infrastructure provided that appropriate studies are carried out and show that these structures will not be damaged by flooding, impede water flows or contribute to an increase in flood risk.
- (ii) Within a floodway fringe,
 - a. new buildings and structures, provided they are floodproofed, may be permitted, except for
 - i. residential institutions such as hospitals, senior citizen homes, homes for special care and any other use where flooding could pose a significant threat to the safety of residents if evacuation becomes necessary,
 - ii. police stations, fire stations and other facilities that may provide emergency services during a flood including government offices,
 - iii. schools, and
 - iv. uses associated with the storage, warehousing or the production of hazardous materials including gas stations.
 - b. the placement of imported fill shall be limited to that required for floodproofing, flood risk management or for public infrastructure provided that appropriate studies are carried out and show that these structures will not be damaged by flooding, impede water flows or contribute to an increase in flood risk.
- (iii) Within the floodway, existing buildings or structures damaged beyond economic repair shall not be replaced unless:
 - a. the replacement building or structure has no greater floor area than the original building or structure at or below the defined flood proofing elevation;

- b. the replacement building or structure is flood proofed; and
 - c. the replacement building or structure does not impede water flows or contribute to an increase in flood risk.
- (iv) Within the floodway, existing uses, such as residential, commercial, industrial and institutional buildings, are encouraged to undertake flood proofing measures to reduce the risk of flood damage or relocate.
 - (v) Any expansion of existing buildings and structures must be balanced against the risks to human safety and property and the possibility of exacerbating upstream and downstream flooding. Any expansion of existing buildings and structures in the floodway must not increase the area of the structure at or below the defined flood proof elevation.
 - (vi) Development in the floodway, floodway fringe and in a fifteen metre (15 m) buffer around these zones as well as any area known to be subject to flooding must obtain prior written approval of the Minister of Environment and Conservation in accordance with section 48 of the Water Resources Act prior to the issuance of a Development Permit by Council.
 - (vii) Where practical, lands within the fifteen metre (15 m) buffer shall not be developed, except as provided for in the preceding paragraphs. Any approvals for development within the buffer shall reserve as large a setback as possible from the floodway and floodway fringe. Where practical, lands within the buffer shall be encouraged to retain their natural vegetation.

5.15 DEVELOPMENT STANDARDS, SERVICES, AND BUILDING CODES

POLICIES:

- (i) The development and redevelopment of land shall only be permitted in planned serviced areas and must be in accordance with provincial health, sanitation, environment, and transportation requirements as well as standards established in the Mount Pearl Development Regulations.
- (ii) Development must meet the development standards and conditions of the Mount Pearl Development Regulations. Buildings and structures that form part of these developments must meet the appropriate building, plumbing, electrical, life safety, fire, and accessibility codes and standards as approved by Council.

5.16 TELECOMMUNICATIONS

Telecommunications are within federal jurisdiction. Prior to a municipal permit being issued, a telecommunications structure must first be approved by the federal government (Industry Canada). The municipal government in the City of Mount Pearl differentiates between telecommunications structures that are significant and those that are insignificant, and observes the following policies.

POLICIES:

- (i) Insignificant structures are less than fifteen metres (15 m) in height and may be integrated into another structure such as on a utility pole, on an existing tower, or on a rooftop or architectural element of a building. Insignificant structures may be permitted in all zones, provided that there is no negative impact on adjacent lands or uses.
- (ii) Significant structures are fifteen metres (15 m) or more in height. Significant structures shall be permitted at the discretion of Council in *Industrial* and *Rural* designations. Where significant structures are permitted in a land use designation, the following policy shall apply:
 - a. Applications for significant telecommunications structures are subject to a discretionary use public notification process.

5.17 WATER & SEWER SERVICES

POLICIES:

- (i) New development or redevelopment will only be permitted on the basis of full water and sewer services unless otherwise specified in this Plan.
- (ii) Where land is to be redeveloped for urban purposes and is currently serviced by on site water and sewer services but the land is capable of being connected to municipal water and sewer services, the redevelopment of the land shall only proceed on the basis that the new development is connected to municipal water and sewer services.
- (iii) On-site services (water, sanitary and storm) shall be designed and constructed in accordance with the requirements and standards of the Department of Infrastructure and Public Works.
- (iv) Development shall occur in such a manner that run-off from the development does not negatively impact adjoining properties, and that all surface drainage shall be captured on site.
- (v) Unless otherwise approved by Council, Council will require land to be developed on the basis of ‘zero net runoff’ unless otherwise approved by Council. Where post-development storm water calculations exceed pre-development storm water calculations, the developer shall be required to implement on-site storm detention measures which are acceptable to and approved by the City.

5.18 MUNICIPAL AND PUBLIC UTILITY WORKS AND EASEMENTS

POLICIES:

- (i) Municipal and public utility works such as electrical power, telephone, water treatment, and pollution control facilities may be permitted in all land use designations provided that any adverse effect of such works on adjacent land uses or the environment is minimized. Buffering and screening, where required by Council, shall be provided in the form of a suitably landscaped area between any such work and adjacent land uses.
- (ii) Where land is required for utility easements or emergency access, such land may be obtained for the appropriate utility or agency (for example: Newfoundland Power, Canada Post), in the

course of approving subdivision or development agreements. The location of utility easements shall receive municipal approval prior to the creation of the legal easement.

- (iii) Wherever possible, the location of public utilities and associated easements shall have due consideration for the reasonable development of the property and shall be so located as to minimize the impact on the usability and aesthetics of the land.
- (iv) Unless written consent is provided to the City by the public utility, no development shall be permitted to occur or encroach upon the public utility easement.
- (v) There shall be no grade change or alteration to the land in the area of a utility easement unless written approval is received from the public utility responsible for the easement.
- (vi) Council shall encourage innovative practices that minimize the allocation of land for easement purposes and that enhance the quality of design and aesthetics in our urban environment.

5.19 SOIL AND DRAINAGE

POLICIES:

- (i) Development shall only be permitted on lands having soil and drainage conditions which are suitable to permit the proper siting and development of the proposed uses.
- (ii) Council shall encourage site development that has sufficient paving and hard surface treatment to meet the development standards while maximizing areas on the site that allow rain and groundwater to penetrate and permeate the soil naturally.

5.20 EXTRACTION AND REMOVAL OF QUARRY MATERIAL

While the City has been advised by the Department of Natural Resources that there are no current mineral or quarry materials resource interests within the City's planning area and that there is no space for the development of significant quarrying operations, extraction and removal of quarry material may be associated with development projects.

POLICIES:

- (i) Mineral workings may be permitted at the discretion of Council and shall only be an activity associated with a development project approved by Council and a Development Permit shall be required prior to the quarrying activity commencing.
- (ii) Where quarry materials are redistributed on site as part of an approved development, a permit is not required from the provincial Department of Natural Resources.
- (iii) If the quarry materials are to be transported away from the site of the approved development, royalties are due to the province and the developer shall be required to obtain the approval and permit from the provincial Department of Natural Resources.

5.21 BUILDING SETBACKS

POLICIES:

- (i) Building setbacks from property boundaries shall be provided in accordance with the Development Regulations and shall be sufficient to allow appropriate landscaping, snow clearing and the off-street parking of vehicles.
- (ii) Infill development will be sited to adhere to the established building line setback where applicable. Development within established streetscapes shall be respectful of existing street lines; however, allowances may be made for varied building lines on existing streets.
- (iii) Where it is determined necessary to undertake future road improvements, Council may establish building line setbacks on the basis of an approved road upgrading plan.
- (iv) Required landscaped front yards shall not be used for the display of equipment or materials unless such display is permitted in the Development Regulations.
- (v) Fenced outside storage areas shall not extend beyond the established building line for the lot. In the case of corner lots, an outside storage area may be permitted if the area is screened by means of a berm, fence, or other landscaping measure as determined by Council.

5.22 ACCESS TO A PUBLIC STREET

POLICIES:

- (i) All development shall have direct frontage on a publicly owned and maintained street unless otherwise specified in a written agreement between the developer and Council regarding access to or within the development.
- (ii) Wherever possible, Council will encourage a reduction in the number of accesses onto a public street through mechanisms such as joint access agreements and shared internal parking arrangements.
- (iii) Flag lot development may be permitted at the discretion of Council where it is determined by Council that this is an efficient and effective manner of developing land, that the access to the development will not hinder the efficiency or convenience of the existing and future road network and that such development will not prejudice the future development of the surrounding lands.

5.23 NON-CONFORMING USES

POLICIES:

- (i) The City recognizes that there are a number of existing uses and developments that do not conform to this Plan. Nothing in this Plan shall affect the continuation of a use which legally existed before the coming into effect of the Mount Pearl Land Use Zoning, Subdivision and Advertisement Regulations 1989.

- (ii) Where a building or use legally exists and does not comply with the intent of the Plan and designated use, it shall not be substantially expanded. Minor extensions may be approved provided there will be no adverse effect on surrounding properties or the environment. A change from one non-conforming use to another acceptable, non-conforming use may be permitted if determined appropriate by Council.
- (iii) In the event that a non-conforming use is destroyed by fire, the redevelopment of the site as a non-conforming use and its continuation as a non-conforming use will be permitted by Council provided the redevelopment of the site occurs within six (6) months of the fire.
- (iv) Where change in non-conformity is proposed, the City shall accept less obtrusive uses than those existing in non-conformity.
- (v) It is Council's intent to phase out non-conforming uses over time. If a non-conforming use ceases to exist or is in inactive use for a period of more than six months, new uses for the property and/or building must conform to the current land use designation, and development must meet the development standards as outlined in the Mount Pearl Development Regulations.
- (vi) Where a building, structure, or development does not meet the development standards included in the Development Regulations, the building, structure, or development shall not be expanded if the expansion would increase the non-conformity, and an expansion must comply with the development standards applicable to that building, structure, or development.
- (vii) Where an existing dwelling is located within commercial or industrial designations and is a non-conforming use, the dwelling shall be permitted to continue within the designation. Should the existing dwelling be destroyed by more than fifty percent (50%) of the value of the dwelling, Council may use its discretion to permit the dwelling to be rebuilt on its original footprint.

5.24 NON-COMPLIANT USES

POLICY:

- (i) Where existing development does not comply with the development standards of the use zone in which it is located, Council shall allow the redevelopment of the lot based on the non-compliant development standard provided the redevelopment does not exacerbate the non-compliance with respect to other standards in that zone.

5.25 DEVELOPMENT ADJACENT TO HIGHWAYS

POLICIES:

- (i) Any development within Mount Pearl that is adjacent to a regional road (which, in the case of Mount Pearl, includes the Trans Canada Highway and the Pitts Memorial Drive, and are designated as protected roads by the Government of Newfoundland and Labrador), shall respect the building control line of 100 metres, measured perpendicular from the centerline of the roadway.

- (ii) If the development is located within 100 metres of the central line of the Trans Canada Highway and the Pitts Memorial Drive, the proponent must obtain a permit from the provincial Government Service Centre prior to development.

5.26 ACCESSORY LAND USES, BUILDINGS, AND STRUCTURES

POLICIES:

- (i) Where a use is permitted in the land use designation, it shall be Council's intention that uses, buildings, or structures, normally incidental or essential to that use, will also be permitted.
- (ii) Subject to the relevant policies of this Plan, a home based business shall generally be permitted by Council as an accessory use within a residential use. Council shall ensure that home based businesses are compatible with nearby uses, and in keeping with specific regulations adopted by the City for such use.
- (iii) Where an accessory structure is identified on the City's Heritage inventory or meets the criteria for a municipal heritage resource, consideration shall be given to the heritage policies.

5.27 SIGNS AND ADVERTISEMENTS

POLICY:

- (i) Wherever a use is permitted in a Land Use Designation, it shall be Council's policy that signs and advertisements normally incidental or essential to that use will also be permitted. The location, type, size, appearance, and relationship to surrounding uses will be specified in the Development Regulations.

6. LAND USE POLICIES

6.1 GENERAL LAND USE DESIGNATIONS

This Municipal Plan divides the Mount Pearl Municipal Planning Area into a number of land use designations based on the uses existing at present or intended in the future. The purpose of land use designations is to establish Council's policy on appropriate types of uses and development in specific areas of the City. In this manner, land can be developed to its highest and best use while minimizing the possibility of conflicts due to incompatible uses being located near one another.

The land use designations identify and describe the recommended dominant land use(s) within that designation, and outline the standards and conditions for the use of land and its development. Such dominant uses are known as permitted uses.

The land use designations also identify associated uses that may be compatible with and supportive of the dominant land use in the designation. These associated uses are known as discretionary uses and require public consultation and Council's decision on the proposal.

POLICIES:

- (i) It shall be a policy of Council to manage the land use resources of the Mount Pearl Municipal Planning Area in accordance with the Future Land Use Maps 1 and 2, which form a part of this Plan.
- (ii) Each land use designation shall identify a permitted or a range of permitted uses and, where applicable, a discretionary or a range of discretionary uses, and shall outline the conditions of development applicable to those uses. Such uses shall meet the requirements of the Plan and the Development Regulations.
- (iii) A use that is classified as a permitted use by the Municipal Plan shall be permitted by Council if and only if it meets the requirements of the Plan and the Development Regulations.
- (iv) In the case of a use that is classified as a discretionary use, Council shall be satisfied that the proposed use conforms to the intent of the Municipal Plan and any conditions of the Development Regulations. Council shall give public notice of the application for a discretionary use and consider any comments or objections from the public before deciding whether to permit the proposed use.

6.2 SPECIFIC LAND USE DESIGNATIONS

POLICIES:

- (i) The Mount Pearl Municipal Planning Area is divided into the following specific land use designations as illustrated on Future Land Use Maps 1 and 2 and the policies of this Municipal Plan:
 - Residential
 - Residential Art Gallery

- Regional Centre
- City Centre
- General Commercial
- Highway Commercial
- Neighbourhood Commercial
- Local Commercial
- Office
- Mixed Use
- Industrial
- Institutional
- Heritage
- Utility
- Recreational Open Space
- Open Space Reserve
- Conservation
- Cemetery
- Rural

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- (ii) The specific policies applicable to each of these land use designations will be described in the appropriate sections which follow. These designations are subdivided further and the detailed requirements which apply to each are included in the Development Regulations which function in conjunction with this Plan.
- (iii) The boundaries between different types of land use portrayed on the Municipal Plan are general only and, except in the case of roads or other definite barriers, are not intended to define exact limits. It is intended therefore, that minor adjustments may be made to these boundaries for the purpose of preparing the Development Regulations.

6.2.1 RESIDENTIAL

The *Residential* designation identifies areas that form or are to form the residential neighbourhoods of Mount Pearl. It is the intention of this designation to permit a range of residential densities and a variety of housing to meet the housing needs of the citizens of Mount Pearl. The specific density of areas and the housing type is more specifically defined by the Municipal Plan policies and the Development Regulations.

POLICIES:

- (i) The Plan recognizes the following range of residential densities throughout the Municipal Planning Area and these densities are further defined, delineated and determined by the City's Development Regulations and identified on the associated Zoning Map.
 - a. Residential Low Density applies to those areas and neighbourhoods characterized by a predominance of single detached dwellings without subsidiary apartments.
 - b. Residential Medium Density applies to those areas and neighbourhoods characterized by a variety of housing types, ranging from single dwellings with or without subsidiary

apartments, semi-detached and duplex dwellings. Row dwellings and walk-up apartments may be permitted by Council.

- c. Residential High Density applies to those areas and neighbourhoods characterized by a variety of housing types, ranging from single dwellings with or without subsidiary apartments, semi-detached, duplex, triplex, quadplex, row dwellings, walk-up apartments, and apartments up to six storeys.
- (ii) Recreational open space uses and compatible small scale recreational facilities and structures shall be permitted within all *Residential* designations.
- (iii) ***Family child care use may be permitted at the discretion of Council within all Residential designations. Council will evaluate the vehicular and pedestrian access and parking in determining whether to permit this use.*** (2014-08-15)
- (iv) Convenience stores, group child care uses and other local convenience uses which serve the neighbourhood may be permitted by the City within the Residential Medium Density and Residential High Density areas of the City provided the commercial use is limited to and clearly subsidiary to the residential use of the property and the commercial use is contained within the residence. Council will evaluate the vehicular and pedestrian access and parking in determining whether to permit such a use.
- (v) Residential intensification proposals as outlined in Section 5.6 shall be subject to a public notification and consultation process and may require the preparation of a Land Use Assessment Report.
- (vi) The Plan recognizes that a range of home based business uses can be accommodated within residential neighbourhoods and that such uses add to the economic vitality of the municipality without detracting from the residential quality of these neighbourhoods. The Plan will continue to recognize that the primary use of property within the *Residential* designation is for residential purposes. A home based business can or may be accommodated as a secondary and subsidiary use within the residential property. Home based business uses are divided into home offices and home occupations.
 - a. Home Offices will be permitted within dwellings in all *Residential* designations provided the office is clearly subsidiary to the residential use, the office is occupied by a resident of the dwelling and the office does not adversely affect the residential quality or safety of the area through increased traffic, noise, unsightly premises and similar considerations.
 - b. Home Occupations such as professional, medical service, personal service, educational, and craft uses may be permitted within the *Residential* designation at the discretion of Council. Home occupations may be permitted within dwellings provided the use is clearly subsidiary to the residential use of the property, the use is occupied by a resident of the dwelling, the use does not adversely affect the residential quality or safety of the area through increased traffic, noise, unsightly premises and similar considerations, and there is no open storage of materials, equipment or product.

- (vii) Where residential uses are adjacent to incompatible uses such as industrial uses, the adjoining use shall provide a buffer to minimize conflict with the residential uses. Council may require a fence, berm, wall, or landscaping for the buffer.
- (viii) Apartment buildings up to six storeys may be permitted by Council in appropriate locations within the *Residential High Density* designation. They should be close to commercial areas, schools, and recreation facilities. Council shall consider the following conditions in considering apartment proposals:
 - a. The size and design of the apartment building and the site layout shall be compatible with the character of the surrounding neighbourhood.
 - b. The proposed building shall provide adequate access for vehicles and pedestrians and adequate off-street parking, and shall not generate an excessive amount of traffic for a residential area.
 - c. The proposed apartment building shall have an adequate buffer along any property line that borders lower-density residential uses. Council may require a fence, berm, wall, or landscaping for the buffer.
 - d. The site shall have adequate municipal water and sewer services.
- (ix) The developers of residential subdivisions shall be required to dedicate a minimum 10% of the area of the subdivision. Where there is no suitable land available, Council shall require the equivalent cash-in-lieu of the value of the property for open space purposes. The location of the open space area shall be determined by the City and shall not include lands that have topographical constraints, are designated flood zones, or are used for buffering purposes between incompatible uses.
- (x) Wherever possible, driveways on residential lots will be situated such that they will not abut or be located immediately adjacent to the neighbour's driveway.

6.2.2 RESIDENTIAL ART GALLERY

The *Residential Art Gallery* designation applies to those lands that permit a combined residential and art gallery use and associated uses while maintaining the predominantly residential character, appearance, and use of the land.

POLICIES:

- (i) While the predominant use within the *Residential Art Gallery* designation is a mix of an art gallery with a residential component, other associated uses of a residential nature that are appropriate to a standard single dwelling use may be permitted at the discretion of Council.

6.2.3 REGIONAL CENTRE

The *Regional Centre* designation applies to uses and developments that cater primarily to the needs of the city and region. Shopping Centres, power centres and large retail warehouse uses characterize the

development form that will generally locate within this designation. The designation applies to Mount Pearl Square, the Pearlgate Centre area, and a portion of the Glenhill commercial area.

POLICIES:

- (i) Shopping centres, retail warehouse uses, multi-storey commercial uses, large scale retail, office and service uses, such as small shops, offices, hair salons, convenience stores, group child care, taxi stands, institutional uses, places of amusement, recreational uses, indoor halls, take out food and restaurants, service stations, gas bars, recreational open space, and residential apartments over a commercial use shall be permitted within the *Regional Centre* designation.
- (ii) *Lounges may be permitted within the Regional Centre designation at the discretion of Council.* (2014-08-15)
- (iii) In considering development or redevelopment proposals within the *Regional Centre* designation, Council will give special attention to the land use relationships between the regional centre development and surrounding land uses with the objective of minimizing land use impacts on the adjacent and surrounding uses.
- (iv) Redevelopment of Regional Centres will be permitted on the basis of orienting and integrating the regional centre land uses, street network, parking arrangements and landscaping with the surrounding land use and road pattern.
- (v) In the *Regional Centre* designation, Council shall permit buildings up to three storeys, and buildings beyond three storeys may be permitted at the discretion of Council.

6.2.4 CITY CENTRE

The *City Centre* designation applies to those lands within the Centennial Square area of the City, which is generally bounded by Commonwealth Avenue, the Newfoundland T’Railway, and Bannister Street. The area is mainly characterized by a mix of commercial and institutional uses. The *City Centre* designation is intended to develop Centennial Square as an attractive, vibrant, and sustainable urban form that will function as Mount Pearl’s civic, cultural, social, and economic centre and be a source of great public pride for Mount Pearl residents. A Comprehensive Development Scheme was approved for Centennial Square in 2000 and shall be referred to as the overall concept. The City is currently embarking on a public infrastructure improvement program known as the Centennial Square Revitalization Initiative.

POLICIES:

- (i) The City will encourage a greater concentration of downtown commercial and civic developments in Centennial Square through:
 - a. infilling of undeveloped or underdeveloped sites within the Square and redevelopment of existing land and buildings;
 - b. allowing for development of increased densities through office and apartment development, which will provide support for established uses;

- c. allowing for buildings up to three storeys to be permitted, and buildings beyond three storeys may be permitted at the discretion of Council;
 - d. allowing for a lower parking standard than is normally required for commercial areas in the City;
 - e. improving the attractiveness of the Square through improvements to public and private landscapes and buildings, provisions for street furniture (i.e. benches, tree planters, hanging baskets, etc.) and other streetscape improvements;
 - f. allowing for innovative siting of new buildings on lots to create a more pedestrian friendly urban environment.
- (ii) The following are permitted uses in the *City Centre* designation:
- a. Commercial Base – Office and/or Residential Above Commercial shall be permitted in the *City Centre* designation. This category will allow for multiple uses of buildings. Commercial Base refers to the bottom layer of buildings, whether the usual one-storey or a multi-storey store or office development. Where development is to take place above the base floor, office and/or apartment uses would be favoured. Commercial Base is the largest land use category in Centennial Square and includes: the strip along Commonwealth Avenue between Mary Brown's and the Newfoundland Liquor Corporation retail outlet; the north side of Centennial Street; the Coleman's supermarket building; and the existing buildings on the east side of Bannister Street.
 - b. Office shall be permitted in the *City Centre* designation. This category describes areas where it is desirable to encourage pure office uses. This does not mean that other uses cannot be considered, but that office uses should be favoured. Other land uses introduced into the area should be compatible with offices. This category refers to the land currently occupied by the Mount Pearl City Hall.
 - c. Open Space shall be permitted in the *City Centre* designation. This category includes pedestrian-oriented open space, walkways, and civic squares. Community facilities such as an outdoor market, civic centre or recreational facility, may be located within an Open Space area. Parking areas may be integrated into Open Space areas and used as required for outdoor civic functions and similar activities.
- (iii) The City may reduce or exempt requirements for private off-street parking for new developments or redevelopment in Centennial Square provided adequate alternative parking facilities are available in the general vicinity. A development agreement or cash-in-lieu of parking space may be required by Council in cases where a development proposal is approved with a reduced parking requirement. The Centennial Square Parking Exempt area is identified in the Mount Pearl Future Land Use Map 1.
- (iv) The City will encourage and support townscape improvements by:
- a. implementing a coordinated program to improve the townscape features of publicly owned land and support the cosmetic improvement of privately owned lands through

coordinated building façade improvements, a landscaping program (grassed areas, flower beds, etc.) provision for street furniture (benches, trash receptacles, potted flowers, etc.) and provisions for attractive, human-scale street lighting.

- b. preserving the significant views and open space in the downtown through building height controls, designation of protected corridors and other necessary measures. Specifically, the viewshed of Kenmount Hill will be protected. New development north of Park Avenue will be planned to create stronger visual linkages between the Square and the natural beauty of the Waterford Valley by protecting existing vistas and creating new vistas where possible.
- c. promoting and enforcing compatible development/ redevelopment and improvements to public spaces (i.e. the Newfoundland T'Railway/ Arboretum Walkway and other open spaces and public right-of-ways).

6.2.5 GENERAL COMMERCIAL

The *General Commercial* designation applies to those lands that provide a range of commercial and related service uses. The designation applies to some other select sites, but primarily to the following areas:

- the area around Commonwealth Avenue and Park Avenue;
- the Hotel Mount Pearl on Park Avenue;
- the Greenwood Lodge motel on Greenwood Crescent;
- the Glenhill Plaza and Old Placentia Road areas;
- Westbrook Plaza; and
- areas along Topsail Road.

POLICIES:

- (i) General commercial uses shall be permitted in the *General Commercial* designation, including retail and service commercial uses, personal-service uses, general-service uses, office commercial uses, cultural and civic uses, recreational open space, and shopping centres. Commercial uses that provide a service to highway travelers, such as hotels, motels, gas stations, and restaurants, may be permitted in areas near highways and arterial roads, subject to the Development Regulations.
- (ii) In the *General Commercial* designation, Council shall permit buildings up to three storeys, and buildings beyond three storeys may be permitted at the discretion of Council.
- (iii) Institutional uses may be permitted in the *General Commercial* designation at Council's discretion. In considering such a proposal, Council shall evaluate the effects of the proposed institutional use on neighbouring uses, including road access, parking, advertisements, and buffers.
- (iv) Where a commercial use adjoins a residential use, the commercial use shall provide a buffer to minimize conflict with the residential use. Council may require a fence, berm, wall, or landscaping for the buffer.

- (v) Where residential development exists in the *General Commercial* designation, a home based business occupying a limited amount of floor space in a dwelling shall be a permitted use, subject to the conditions of the Development Regulations.
- (vi) Residential intensification in the form of full or partial building conversions to residential use or apartment units above the ground floor in commercial buildings and apartment buildings may be permitted in appropriate areas of the *General Commercial* designation. Proposals will be considered that are judged to be suitable to the location and compatible with the existing land uses.
- (vii) The conversion of a local commercial development use to a residential use or a mixed commercial/residential use with commercial at grade and residential on upper levels shall be permitted in the *General Commercial* designation, provided the property has sufficient space to meet the parking standards for the combined total number of residential and /or commercial units proposed.
- (viii) With respect to the *General Commercial* area located generally along Commonwealth Avenue, Park Avenue, Ruth Avenue, Glendale Avenue, St. David's Avenue and First Street, it shall be a policy of Council to allow the redevelopment of the existing residential properties in this area on the basis of the following:
 - a. The redevelopment of the properties shall be in accordance with the appropriate development standards reflecting the concept of commercial main streets as adopted in the Development Regulations;
 - b. The redevelopment of this area from residential to commercial shall be on the basis of the consolidation and enlargement of existing residential lots in order to meet the development standards established in the Development Regulations;
 - c. A range of commercial uses may be permitted in this area and in these locations or areas where there are shallow lot depths, the range of commercial uses may be limited to ensure compatibility with and sensitivity to the adjacent residential uses;
 - d. Special attention shall be given to the design elements and architectural styling of the developments to ensure that:
 - i. The development is in keeping with the concept of a commercial main street;
 - ii. The development is pedestrian friendly so that passers-by can relate; specifically human scaled elements and a varied attractive streetscape;
 - iii. The development is sympathetic to the abutting land uses and properties.
 - e. The conversion of existing residential buildings to commercial buildings shall not be permitted unless the lot meets the development standards established for the zone and the redevelopment of the lot and renovation of the building is in accordance with the design elements and architectural styling established by Council for this area;
 - i. all lots are to be landscaped to the satisfaction of Council and, wherever possible and practical, existing mature trees and shrubs are to be retained or reintegrated into the development of the lot; and

- ii. that the appropriate provision of on-site parking and loading facilities be accommodated on the lot.
- f. Where a non-conforming commercial use exists within this designation, Council may allow the non-conforming commercial use to expand provided the expanded development:
 - i. improves the appearance of the property;
 - ii. does not impact negatively upon surrounding residential properties;
 - iii. meets the objectives and policies of transforming the area into a commercial main street;
 - iv. complies with the development standards of the use zone; and
 - v. is processed pursuant to the discretionary use provisions of the Development Regulations.
- g. The location and number of access and egress points from Commonwealth Avenue, Park Avenue and Ruth Avenue to the abutting commercial areas shall be determined by Council to ensure a safe and efficient transportation corridor in this area. Wherever possible, shared access and parking areas between properties and developments shall be encouraged and promoted by Council.

6.2.6 HIGHWAY COMMERCIAL

The *Highway Commercial* designation applies to those lands that are restricted to retail and commercial services which provide a service to the traveling public. This designation applies to the following areas, which are accessible to designated Arterial Roads:

- the intersection of Kenmount Road and Wyatt Boulevard; and
- the southeast corner of Topsail Road and Dunn's Road.

POLICIES:

- (i) Retail uses, commercial office uses, group child care, automotive services, large scale retail warehouse use, hotel-motels, gas stations, recreational open space, and restaurant uses shall be permitted within the *Highway Commercial* designation.
- (ii) Lounges, passenger terminals, places of worship and outdoor markets may be permitted within the *Highway Commercial* designation at the discretion of Council.
- (iii) Highway commercial uses shall provide adequate accesses, exits, and off-street parking to ensure the safety of highway travelers without interfering with traffic flow on the nearby highway or arterial road.
- (iv) In the *Highway Commercial* designation, Council shall permit buildings up to three storeys, and buildings beyond three storeys may be permitted at the discretion of Council.

6.2.7 NEIGHBOURHOOD COMMERCIAL

The *Neighbourhood Commercial* designation applies to uses and developments that cater primarily to the needs of the neighbourhood. This designation applies to the Town Square property on Richard Nolan Drive.

POLICIES:

- (i) Small scale retail, office and service uses such as small shops, offices, hair salons, convenience stores, group child care, taxi stands, recreational open space, and residential units on upper levels up to three storeys of commercial use shall be permitted within the *Neighbourhood Commercial* designation.
- (ii) Take out food and restaurant uses may be permitted by Council if it is determined by Council that such a use will not negatively impact on the surrounding residential properties or road network.
- (iii) New *Neighbourhood Commercial* designations shall meet the following conditions:
 - a. The location of the commercial use shall be on an arterial road or a collector road, preferably at the entrance to the neighbourhood.
 - b. The lot shall provide sufficient space for off-street parking and loading.
 - c. Parking lots and access points shall be planned to ensure safety and minimize traffic conflicts.
 - d. On-site lighting and signage will be designed such that it does not negatively impact on the surrounding residential uses.
- (iv) Residential intensification, in the form of full or partial building conversions to residential use or mixed residential/commercial development with commercial at grade and residential apartment units on upper levels, may be permitted in appropriate areas of the *Neighbourhood Commercial* designation. Proposals will be considered that are judged to be suitable to the location and compatible with the existing land uses.
- (v) The conversion of a neighbourhood commercial development use to a residential use or a mixed commercial/residential development shall be permitted in the *Neighbourhood Commercial* designation, provided the property has sufficient space to meet the parking standards for the combined total number of residential and/or commercial units proposed.

6.2.8 LOCAL COMMERCIAL

The *Local Commercial* designation applies to uses and developments that cater primarily to the needs of the immediate residential area. The designation applies to a number of properties that are located in the older areas of Mount Pearl primarily, but not exclusively, along Park Avenue.

POLICIES:

- (i) Small scale retail, office and service uses such as small shops, offices, hair salons, convenience stores, family child care, recreational open space, and residential units on the upper level of commercial use shall be permitted within the *Local Commercial* designation.

- (ii) Take out food and restaurant uses may be permitted by Council if it is determined by Council that such a use will not negatively impact on the surrounding residential properties or road network.
- (iii) New *Local Commercial* designations shall meet the following conditions:
 - a. The location of the commercial use shall be on an arterial road or a collector road, preferably at the entrance to the neighbourhood.
 - b. The lot shall provide sufficient space for off-street parking and loading.
 - c. Parking lots and access points shall be planned to ensure safety and minimize traffic conflicts.
 - d. On-site lighting and signage will be designed such that it does not negatively impact on the surrounding residential uses.
- (iv) Residential intensification in the form of full or partial building conversions to residential use, or mixed residential/commercial development with commercial at grade and residential units on the upper level, as well as exclusively residential apartment buildings may be permitted in appropriate areas of the *Local Commercial* designation. Proposals will be considered that are judged to be suitable to the location and compatible with the existing land uses.
- (v) The conversion of a local commercial development use to a residential use or a mixed commercial/residential development shall be permitted in the *Local Commercial* designation, provided the property has sufficient space to meet the parking standards for the combined total number of residential and/or commercial units proposed.

6.2.9 OFFICE

The *Office* designation identifies areas that are to be used primarily for office use. This designation allows a range of office uses and may permit a range of uses that are compatible with the main office use of the area.

The Municipal Plan policies and Mount Pearl Development Regulations further detail the intensity of development and the range of industrial commercial activities encouraged within specific locations of the City.

There are two areas designated as *Office*: 161 Park Avenue and 184 Park Avenue.

POLICIES:

- (i) Legal and professional offices, medical clinic, dental offices, cultural and civic uses, travel agencies, recreational open space, and child care uses shall be permitted within the *Office* designation.
- (ii) Regional service uses and spas may be permitted at the discretion of Council. In considering such proposals, Council shall evaluate the effects of the proposed institutional use on

neighbouring uses, including road access, parking advertisements, exterior lighting and buffers.

6.2.10 MIXED USE

The *Mixed Use* designation identifies areas that are appropriate for a range of light industrial and commercial uses, and that require exposure to the traveling public and convenient access. While this designation recognizes existing residential development, it is the long-term intention of this designation that all uses will become a light industrial or commercial use. This designation is viewed as a transition from a mix of commercial, light industrial, and residential, to a mix of industrial and commercial uses. Buffering, screening and separation distance measures will be taken into account where a commercial or light industrial development is adjacent to residential uses within the designation or is in close proximity to the lands designated as *Residential*.

The *Mixed Use* designation is applied to the lands that have a mix of residential and non-residential uses and includes the area along the western portion of Topsail Road, and the area located at the north east corner of Commonwealth Avenue and Brookfield Road. Council's intent is to encourage the continued development of commercial and light industrial uses, while also preserving the amenity of the area for the residential uses that remain. The following policies apply:

POLICIES:

- (i) Commercial uses including retail service and other uses, service stations and general garages, recreational open space, and light industrial uses shall be permitted in the *Mixed Use* designation, subject to the provision of adequate water supply, sewage disposal, and other services. For each site, parking lots and access points shall be planned to ensure safety and minimize traffic conflicts along Topsail Road.
- (ii) The existing residential uses in the *Mixed Use* designation shall continue and may be permitted to have limited expansion, provided that the expansion is compatible with adjacent uses. No new residential uses shall be permitted.
- (iii) Where a residential lot within this designation meets the minimum development standards of the use zone, the conversion and change of use from an existing residential use to a commercial use may be permitted in a phased manner subject to the following conditions:
 - a. The residential use is compatible with the commercial use that is proposed for the transitional phasing period.
 - b. The owner of the commercial use shall be the property owner and the property owner shall reside on the lot during the transition period of the change in use from residential to commercial use.
 - c. In addition to the normal information and drawings required at the time of application, the applicant shall submit a phasing schedule outlining the overall timing of the conversion of the uses of the lot and the timing of the upgrading and improvements of the lot and the building on the lot.

- d. A Conditional Development Permit, effective for a period of up to two years, shall be issued for the phased redevelopment and change of use of the lot from residential to commercial use.
 - e. Should the conversion and redevelopment of the lot from residential to commercial use not occur in accordance with the conditions or the time limit specified in the Conditional Development Permit, the use of the lot shall revert to its previous residential use and the lot and building shall be reinstated to a residential standard as determined by Council.
 - f. The developer/property owner shall be required to enter into a Development Agreement with the City acknowledging and agreeing to the conditions referenced above.
- (iv) New commercial or light industrial uses shall not be permitted in the *Mixed Use* designation if it is anticipated they will have a detrimental effect on adjacent properties.
 - (v) Where a non-residential use is permitted in the *Mixed Use* designation adjacent to a residential use, a buffer shall be provided along the boundary of the non-residential use. Council may require a fence, berm, wall, or landscaping for the buffer.
 - (vi) Where residential development exists in the *Mixed Use* designation, a home based business occupying a limited amount of floor space in a dwelling shall be a permitted use, subject to the conditions of the Development Regulations.
 - (vii) In the *Mixed Use* designation, Council shall permit buildings up to three storeys, and buildings beyond three storeys may be permitted at the discretion of Council.

6.2.11 INDUSTRIAL

The *Industrial* designation identifies areas that are to form the business industrial parks and campuses of the City. The designation allows a range of manufacturing and service uses which are not especially objectionable or noxious and will not negatively impact on the nearby residential neighbourhoods. This designation also encourages a range of industrial and commercial associated uses in the retail, office, service and educational sectors. Special attention will be given to ensuring that all industrial development is of a high urban standard and the lots are well landscaped in accordance with the City's objective in creating a "City within a Park".

The Municipal Plan policies and the Mount Pearl Development Regulations further detail the intensity of development and the range of industrial and commercial activities encouraged within specific locations of the City.

There are four main areas designated *Industrial*: Donovans Business Park (previously Donovans Industrial Park); Donovans Industrial Estates; Kenmount Business Park and the Beclin Industrial Park (in the triangle of land bounded by Topsail Road, Kenmount Road, and the Pearlview subdivision).

POLICIES:

- (i) A mix of light industrial, manufacturing, wholesaling, warehousing, retail warehousing, offices, related commercial uses, restaurants, trade schools, day care uses, civic uses, recreational open space, and active recreational uses shall be permitted within the *Industrial*

designation. Stand alone offices, police or fire services and commercial services that are compatible with industrial uses shall also be permitted.

- (ii) Places of worship, day care uses, and lounges may be permitted by Council within the *Industrial* designation, provided it is determined that the location of such uses is compatible with the surrounding industrial uses.
- (iii) Hazardous and general industrial uses may also be permitted by Council within the *Industrial* designation, subject to the following conditions:
 - a. The use does not cause or promote fires or other hazards and does not emit noxious, offensive or dangerous fumes, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an unpleasant effect on the senses.
 - b. The proposed use shall not abut a Residential area or a highway and, wherever possible, shall be located centrally within the industrial area.
 - c. Before the proposed use is approved by Council, it shall receive the approval of all relevant federal and/or provincial authorities having jurisdiction with respect to occupational health and safety, fire safety, life safety, and environmental protection.
- (iv) Industrial uses that are determined by Council to be incompatible with the natural environment or nearby neighbourhoods through excessive emissions of noise, smell, chemicals or other pollutants, shall not be permitted.
- (v) Property owners with unsightly uses, as determined by Council, will be required to store their materials in the rear yard. These unsightly properties will be required to be screened from view of adjacent roads or surrounding neighbourhoods by means of a berm, fence or other landscaping measures as determined by Council.
- (vi) Where a proposed industrial development abuts lands used for residential or public purposes or is isolated next to a high traffic corridor, buffering provisions such as space separations, landscaped screens and fencing shall be required as necessary to preserve the amenity of the surrounding area. Higher standards for outdoor storage and general property appearance will be required.
- (vii) Council shall ensure that a high standard of building design and appearance is maintained for industrial properties. Council shall require that these high development standards on lands designated *Industrial* be reflected in the Development Regulations.
- (viii) Where residential development exists in the *Industrial* designation, a home based business occupying a limited amount of floor space in a dwelling shall be a permitted use, subject to the conditions of the Development Regulations.

6.2.12 INSTITUTIONAL

The *Institutional* designation applies to those major public, non-profit, and private uses that provide for the governance, education, religion, health and safety of the public. Institutional uses include such uses as government offices, schools, places of worship, hospitals, child care, nursing homes, police stations, fire

stations, service clubs with a community orientation and recreational open space. Commercial uses that are related to and form a subsidiary part of the institutional use may be permitted by Council such as a convenience store, gift store, food services and lounge.

Small scale institutional uses are also permitted in a range of other designations and are more specifically referred to in the Municipal Plan policies and the Development Regulations. The *Institutional* designation is used at a number of locations throughout the City.

POLICIES:

- (i) Civic uses, provincial and federal government offices, schools, libraries, places of worship, medical facilities, child care uses, nursing homes, police stations, fire stations, recreational open space, and buildings used by community groups and service clubs shall be permitted within the *Institutional* designation.
- (ii) Theatre, cultural related uses, convenience stores, gift stores, food services and lounges related and subsidiary to the institutional use may be permitted at the discretion of Council. In considering such proposals, Council shall evaluate the effects of the proposed institutional use on neighbouring uses, including road access, parking advertisements, exterior lighting and buffers.
- (iii) When existing institutional uses, such as schools, are closed, the Council shall determine the need for and the feasibility of acquiring such properties, or part thereof, for public recreation purposes.
- (iv) Where institutional uses have traditionally provided open space or recreational uses and acquisition of the property by Council is determined not to be desirable or feasible, Council shall encourage the provision of open space or recreation use as part of any redevelopment of such lands.
- (v) Institutional uses may be permitted by Council in the residential and commercial designations of this Plan. In considering such proposals, Council shall evaluate the effects of the proposed institutional use on neighbouring uses, including road access, parking, advertisements, exterior lighting and buffers.

6.2.13 HERITAGE

The *Heritage* designation identifies those uses that are of a significant heritage value to the City of Mount Pearl. The Municipal Plan policies will provide for a range of measures from outright conservation and protection of the resource to the recognition and adaptive re-use of the heritage property. The policies will reflect the importance and significance of the heritage use to the City and its citizens.

At the time of writing, the *Heritage* designation applies to Admiralty House Museum and Archives at 68 Mortimore Drive and the McGrath House at 906 Topsail Road. It has been noted from aerial photographs that approximately 240 structures existed at the time of the incorporation of Mount Pearl in 1955. A survey and inventory of these and other properties has commenced to determine if uses and buildings of heritage significance exist and should be protected by the City. It is intended that this designation would be applied to other Heritage land uses and developments as they are identified.

POLICIES:

- (i) Heritage and cultural uses shall be permitted in the *Heritage* designation. Limited commercial, assembly, residential, recreational open space, and accessory uses may be permitted at Council's discretion. In evaluating a proposed use in the *Heritage* designation, Council shall consider whether it is in keeping with the historic significance and integrity of the area designated as *Heritage*.
- (ii) Where a development is designated as *Heritage*, Council shall protect and, wherever possible, conserve the elements of the property as one of heritage significance, while at the same time provide for the economic sustainability of the property through adaptive reuse or expansion, provided the expansion is in keeping with the heritage aesthetics of the development.
- (iii) A survey and inventory of heritage structures, lands, and development patterns shall be ongoing to identify the elements that are of heritage significance to the City of Mount Pearl.
- (iv) Wherever possible, those heritage properties – buildings, structures, and lands – that are identified and designated by the City as *Heritage*, shall be placed on the Canadian Register of Historic Places.
- (v) In processing permits for alteration or demolition of any structure in Mount Pearl, any potential heritage value shall be given consideration, especially if the property has been identified as heritage by the City.
- (vi) Pursuant to the *City of Mount Pearl Act* and the *Urban and Rural Planning Act*, Council shall investigate other municipal measures that may be deemed appropriate to identify, and preserve those things that are valued as heritage resources. These measures may include such endeavours as a heritage plaquing program, a municipal heritage grant program for municipally designated heritage structures, and a Heritage Advisory Committee.

6.2.14 UTILITY

The *Utility* designation identifies the major public and private sites for the distribution and collection systems of the City related to municipal infrastructure, telecommunications, and power. Small-scale utility uses are not identified on the Future Land Use Plan but are included as associated uses within each of the designations and are permitted throughout all zones in the Mount Pearl Development Regulations.

POLICIES:

- (i) Utility uses shall be permitted in all land-use designations where required. Council may require separation distances or buffering in order to minimize the effect of the utility use on nearby residential uses. Utility uses that have related office, storage, or warehouse uses shall be subject to the most appropriate development standards from the Development Regulations, as determined by Council. Where a utility use is proposed on land owned by the City, Council shall require the owner of the proposed utility use to sign an easement agreement with the City.
- (ii) Reuse of utility lands require a land use assessment report respecting the environmental quality of the property and outline any remediation measures to bring the property to an acceptable environmental level for reuse.

- (iii) Where deemed necessary by Council, the property shall be landscaped in accordance with an approved landscaping plan and pursuant to the Mount Pearl Development Regulations.

6.2.15 OPEN SPACE

The *Open Space* designation is intended to accommodate active or passive recreation uses throughout the City. Mount Pearl is a city of interconnected open space linear parks, parklands, recreational fields and facilities that are augmented by the natural open space corridor of the Waterford River Valley. A number of major recreation areas exist within the City, including: the Smallwood Recplex, Pearlgate Centre recreational area, St. David's complex, Park Avenue Swimming Pool, Power's Pond Park, and Kenmount Neighbourhood Park. Many of these recreational areas are linked to their surrounding neighbourhoods through a series of linear walkways, many of which are linked to the Newfoundland T'Railway, a provincial linear park which runs along the Waterford River. This recreational and open space network is further augmented by a series of small scale open space areas located throughout the City.

In 1983, a Recreation Master Plan was adopted by the City. The Plan identified a number of initiatives that have been pursued and have been concluded. In 2004, Council undertook a Parks and Recreation Master Plan, which was accepted by Council on April 19, 2005. This Plan provides direction and guidance to the development and programming of recreation and leisure activities of the City for the next ten years. Four key recommendations include: a new lifestyle centre, a looped trail system, redevelopment of the Smallwood Recreation Complex, and six City parks.

The City's Municipal Plan does not designate all open space areas throughout the City as many of these areas are small walkways, tot lots, or parks within residential neighbourhoods. Such open space areas will be permitted within all land use designations in the Municipal Plan by specific policies and through the Development Regulations. The *Open Space* designation applies to a number of locations throughout the City.

POLICIES:

- (i) Open space uses, outdoor playing fields, parks, pathways, walkways, trails, playgrounds, small scale associated recreational buildings and structures, and associated parking lots shall be permitted within the *Open Space* designation.
- (ii) Places of assembly, sports and cultural related buildings, convenience stores, gift stores, food services and lounges related and subsidiary to the recreational or cultural use may be permitted at the discretion of Council.
- (iii) The following open space classification system will be applied to City parks and the open space areas:
 - a. *Play Lots*: These are play areas for young children and rest areas for older children and adults usually serving a local neighbourhood.
 - b. *Neighbourhood Parks*: These are passive areas and active play areas for children and young teenagers usually serving a larger area than a neighbourhood but not the same area as a City Park.

- c. *City Parks:* These are passive areas and active areas that provide fields and facilities for organized sports and cultural activities and shall include the Pearlgate Centre Recreational Area, Smallwood Recplex, St. David's, Kenmount Park, Power's Pond, and Squire Park. The Parks and Recreation Master Plan makes recommendations for City Parks but, currently, none are classified as such. Power's Pond would qualify, and the others recommended include: St. David's, Centennial Square, Kenmount Park, Branscombe's Pond, and the Kinsmen Park.

All parks shall be designed and developed to meet the requirements of their recreation function as specified in the foregoing Park classification.

- (iv) The City shall develop or redevelop parks and recreational facilities to optimize their use and to minimize any negative effects on neighbouring land uses with consideration to such matters as the activities to be undertaken, the days and hours of operation, exterior lighting requirements, vehicular and pedestrian access to the site, and the provision of off-street parking for the specific recreational use or facility. The improvement of existing facilities and development of new facilities shall be undertaken in accordance with the recommendations of the Parks and Recreation Master Plan.
- (v) The City shall also ensure adequate access to parks and recreational and cultural facilities for persons with disabilities.
- (vi) New residential subdivisions shall set aside land for recreational open space, as described in the Residential section of this Plan and in the Development Regulations.
- (vii) Council shall encourage the extension of the linear walkway system to join new neighbourhoods and existing neighbourhoods not already linked. Council shall also encourage the creation of further links where possible to the Newfoundland T'Railway provincial park and to the walkway/pathway systems of adjacent municipalities.
- (viii) Wherever appropriate, sidewalks, pathways, walkways, and trails shall provide access to and from bus stops, schools, places of worship, shopping areas and places of employment within and between neighbourhoods. They should be located and designed to provide direct connection where possible, to minimize walking distances.
- (ix) Council shall encourage the further enhancement of the Newfoundland T'Railway as a part of the regional Grand Concourse open space network. Council will encourage the use of the Newfoundland T'Railway for non-motorized recreational uses including hiking, bicycling, and skiing. Council shall co-operate with local, regional, and province-wide efforts to develop the Newfoundland T'Railway as a recreational and tourism attraction. Council shall mark the T'Railway with appropriate signage to ensure safety where it intersects Park Avenue, Forest Avenue, Commonwealth Avenue, and Corisande Drive.
- (x) The use, development, redevelopment and maintenance of designated open space lands shall be in accordance with the direction of the Mount Pearl Parks and Recreation Master Plan 2005.
- (xi) The City shall encourage the use of and retention of established recreation open space uses to supplement publicly provided parks and recreational facilities.

- (xii) During the life of this plan, the City shall undertake a review of lands designated as Open Space on the Future Land Use Map to identify those lands that are in private ownership and not intended for public open space purposes and such lands shall be redesignated to a more appropriate land use designation.

6.2.16 OPEN SPACE RESERVE

The *Open Space Reserve* designation applies to areas that are intended to be reserved for future public uses such as public roads.

POLICY:

- (i) No development shall be permitted within the *Open Space Reserve* designation with the exception of non-building, agricultural, and forestry uses.

6.2.17 CONSERVATION

The *Conservation* designation is applied to lands that are considered to be environmentally or ecologically sensitive, significant, and/or vulnerable. They also include lands that are prone to flooding. The *Conservation* designation is applied along the Waterford River Valley and in the Branscombe's Pond area.

POLICIES:

- (i) Development in the *Conservation* designation shall be limited to roads and associated structures, service corridors, recreational open space, as well as non-building agricultural and forestry uses subject to environmental compatibility.
- (ii) Tree cutting shall not be permitted within the *Conservation* designation, unless approval has first been obtained from the City.
- (iii) Pedestrian access at various points to the area designated *Conservation* may be developed by the City. These access points shall remain open to the public.

6.2.18 CEMETERY

The *Cemetery* designation identifies existing or committed cemetery lands. The designation applies to the Anglican Cemetery on Kenmount Road and to the Holy Sepulchre Roman Catholic Cemetery on Topsail Road.

POLICIES:

- (i) Cemetery and accessory uses and structures shall be permitted within the *Cemetery* designation.
- (ii) Crematoria and single dwellings associated with the management of the cemetery may be permitted at the discretion of Council provided that such uses are compatible with surrounding land uses.

- (iii) A landscape plan shall be required for the overall landscaping of the cemetery and such a plan shall encourage the beautification of cemeteries through the planting of trees, shrubs, and flowers, the erection of decorative fencing and the paving of cemetery roads.
- (iv) The property owners or developers of cemetery lands will be required to undertake ongoing natural enhancements to the natural landscape of the cemetery to ensure that the cemetery is maintained in an acceptable aesthetic state and adds to the visual and scenic quality of the City.

6.2.19 RURAL

The *Rural* designation encourages uses which are consistent with a rural environment, such as agriculture, forestry, cemetery and conservation uses, provided such uses do not negatively impact upon nearby residential and commercial uses.

Residential and commercial uses that are related to the rural use of the property may be permitted on the basis of large rural lot sizes and on-site servicing provided the area to be developed is below the 190-metre contour regional servicing limit.

POLICIES:

- (i) Agricultural, forestry, cemetery, conservation, recreational open space, and outdoor recreational uses and their accessory uses shall be permitted in the *Rural* designation.
- (ii) Residential and commercial uses that are subsidiary and accessory to the main rural use of the property may be permitted at the discretion of Council provided that the use can be serviced by on-site water and sewer services.
- (iii) Non-building and passive recreation uses such as parking lots, pathways, walkways, and trails, as well as conservation uses shall be permitted in the *Rural* designation.
- (iv) No development shall be permitted in the *Rural* designation if it requires municipal infrastructure and services – in particular, municipal water supply, sewage disposal, and roads – or if it could reasonably require such infrastructure or services in the future.

6.2.20 URBAN – COMPREHENSIVE DEVELOPMENT AREA

The Urban – Comprehensive Development Area designation identifies lands in the Kenmount Hill area which are located above the 190 m contour which have the potential to be developed in the future for a range of urban land uses on the basis of municipal water and sewer services.

The designation encourages agricultural, forestry, cemetery and conservation uses provided such uses do not negatively impact upon nearby residential and commercial uses and such uses do not prejudice the future urban development of the area. No development shall be permitted in this designation until such time as the City determines that the areas are available

for serviced development except accessory uses associated with existing principal buildings or uses.

POLICIES:

- (i) Agricultural, forestry, cemetery, conservation, recreational open space, and outdoor recreational uses and their accessory uses shall be permitted in the Urban-Comprehensive Development Area provided they do not impact adjacent residential and commercial uses, prejudice the future urban development of the area, or require any on-site services.*
- (ii) Non-building and passive recreation uses such as parking lots, pathways, walkways, and trails, as well as conservation uses shall be permitted in the Urban-Comprehensive Development Area.*
- (iii) No development utilizing municipal water and sewer services or on-site water and sewer services shall be permitted until such time as the City determines that the area is available for serviced development.*
- (iv) The urban development of this area shall only be permitted on the basis of the rezoning of the lands. The specific uses, densities and conditions of urban development will be more specifically defined by the Mount Pearl Development Regulations 2010 through the rezoning of the lands from Urban-Comprehensive Development Area to the use zone(s) deemed appropriate by Council.*
- (v) Where there is an existing principal building or use, accessory uses associated with the principal building or use shall be permitted subject to meeting the applicable development standards.*

(2015-08-21)

7. MUNICIPAL INFRASTRUCTURE AND SERVICES

7.1 INTRODUCTION

In keeping with its urban character, approximately 99% of the Mount Pearl population has water and sewer services. Those isolated properties that are not connected to the municipal water and sewer systems are serviced by individual well and septic tanks/disposal fields. There is an ongoing multi-phased capital works program that is undertaken pursuant to the Department of Municipal Affairs guidelines for water and sewer programs.

The programming policies that were outlined in the 1988 Municipal Plan have been realized by the City. As a result of development in the Kenmount Hill area of Mount Pearl, it has become apparent that improvements to the water system are required to increase pressure in the area of the 190-metre contour as pressure problems are currently being experienced by homes that border this servicing limit.

Improvements have been made to the municipal water system including the construction of a water reservoir on Kenmount Hill. These improvements have addressed the water pressure problem and provide for future growth opportunities. (2015-08-21)

7.2 WATER SYSTEM

Mount Pearl receives its water from the Bay Bulls Regional Water System which distributes water by gravity feed up to the 190-metre contour regional servicing limit. For development above the 190-metre contour, water is pumped up Kenmount Hill to a water reservoir and is then gravity fed.

POLICIES:

- (i) Council shall require all new developments to reduce their consumption of water by means of low-flow showerheads, low-volume toilets, and other means.
- (ii) Council will continue to work with regional partners to implement Water Conservation Policies to ensure the appropriate and reasonable use of water throughout the City.

7.3 SANITARY SEWER SYSTEM

The major sanitary sewer systems that service Mount Pearl are the Mount Pearl Trunk Sewer, and the Mount Pearl By-Pass Sewer. These sanitary sewers transport sewage to the Riverhead regional sewage treatment plant located on the south side of the St. John's Harbour. All sewage will receive primary treatment prior to its release into the Harbour.

In 1999, the *Waterford Valley Trunk Sewer Study* indicated that spare capacity exists in the Mount Pearl portion of the sewer lines. This spare capacity is being utilized to accommodate development opportunities above the 190-metre contour in the area between Masonic Park and the Kenmount Park residential subdivision.

POLICIES:

- (i) The City will work cooperatively with the City of St. John's and Town of Paradise with respect to the operation and management of the regional sanitary sewer system and the sewage treatment plant at St. John's Harbour.
- (ii) The City, in conjunction with the City of St. John's and Town of Paradise, shall prepare a sewer by-law that endeavours to reduce waste water discharge and pollutants from entering the sanitary sewer system.

7.4 STORM WATER DISPOSAL SYSTEM

Storm water is discharged untreated to the receiving waters: namely the Waterford River and its tributaries. Since the approval of the 1988 Plan, the City has undertaken measures to reduce the impact of development and storm water discharge in to the Waterford River being cognizant of downstream implications if storm water is not managed accordingly in Mount Pearl.

Also, in recent years, the City has introduced a policy where all development is to contain and manage storm water within the limits of the development boundaries.

POLICIES:

- (i) Council will encourage sustainable storm water management practices and will investigate multiple strategies that meet or exceed predevelopment conditions including such measures as low impact development practices, permeable pavement, exfiltration trenches and stormwater harvesting.
- (ii) Council shall make every effort to ensure the preservation of the Waterford River, its tributaries, and other watercourses in their natural state. Vegetation along the banks of watercourses shall be preserved to a distance specified by the Development Regulations, and shall be enhanced where necessary to ensure that slopes are stabilized. Development that may impact a watercourse or waterbody shall not proceed unless it receives the approval and meets the conditions of the provincial Department of Environment and Conservation and the federal Department of Fisheries and Oceans.
- (iii) Where storm water discharges into a wetland, water body, or watercourse, through a sewer line or engineered drainage ditch, Council shall require the sewer line and its outfall to be designed so as to minimize any detrimental effects on the receiving water or a watercourse, such as destruction of streambank vegetation, increase in water speed, streambank erosion, or decrease in water quality.
- (iv) The City shall review the storm water management measures proposed for new development to ensure that the development does not create negative downstream impacts within the Waterford River watershed.
- (v) All land use and development proposals shall contain and manage all storm water on site within the limits of the subdivision development and shall design the developments storm water drainage system to attain or approach as close as possible to "zero net runoff".

- (vi) All land use and development proposals shall be designed in such a manner to minimize silt runoff. This will also include construction practices during the various stages of development. Appropriate environmental measures shall be implemented to eliminate or minimize silt runoff.

7.5 WASTE MANAGEMENT

The City does not own or manage a waste disposal facility. Mount Pearl collects its solid waste and disposes it at the Robin Hood Bay Waste Disposal Site. For this service, Mount Pearl pays the City of St. John's a tipping fee. The City is also involved in a hazardous waste day program, and has undertaken a residential curbside recycling program for paper, cardboard, and fiber.

POLICIES:

- (i) The City will participate in regional waste disposal initiatives in cooperation with the Province and /or other municipalities in the Region.
- (ii) Wherever feasible, the City will initiate and support recycling and composting programs in an effort to reduce the waste stream related to the waste disposal system.

7.6 TRANSPORTATION

The road system illustrated on the Future Land Use Map, and in particular Map 2: Road Network, aims to provide a road network capable of handling traffic safely and efficiently on the periphery and within the City of Mount Pearl. The road hierarchy relates not only to road standards but also to land use and development policies found elsewhere in this Plan.

7.6.1 ROAD HIERARCHY

The following is the established hierarchy of roads which affect the Mount Pearl Municipal Planning Area: Regional Roads, Arterial Roads, Collector Roads, and Local Streets. In addition to the road hierarchy, it is also important to note that Mount Pearl has a limited number of Private Roads, and some Future Right-of-Ways have been identified.

Regional Roads

Regional roads are designed to move traffic from one part of the City to another. The movement of traffic is the prime objective. Intersecting roadways are grade separated. Access to individual properties is not permitted.

Regional roads about the City boundary and are identified as the following:

- (i) Pitt's Memorial Drive
- (ii) Trans Canada Highway
- (iii) the proposed Team Gushue Highway (formerly the East–West Arterial)

Arterial Roads

Arterial roads are designed to provide safe, efficient traffic flow for vehicles traveling within or abutting the City. Individual accesses will be limited in order that the efficiency of the road is preserved for the long-term. Wherever possible, access connections onto arterial roads will be limited to public road intersections.

Arterial roads within Mount Pearl are identified as the following:

- (i) Commonwealth Route
(*Commonwealth Avenue/ Mount Carson Avenue*) (2013-11-01)
- (ii) Old Placentia Route
(Old Placentia Road/ Sagona Avenue/ Clyde Avenue/ Bruce Street)
- (iii) Kenmount Road (abuts the northern boundary of Mount Pearl)
- (iv) Topsail Road
- (v) Blackmarsh Road

Collector Roads

Collector Roads are designed as low speed roadways that collect traffic from local streets and connect to Arterial Roads. Access to individual properties and the movement of traffic are given equal priority. Right-of-way widths are typically larger than local street rights-of-ways.

Collector roads are identified as the following:

- (i) Park Avenue/ Dunn's Road
- (ii) Ruth Avenue
- (iii) Smallwood Drive
- (iv) Ruby Line

Local Streets

Local Streets are designed to provide access to individual properties. The movement of traffic is a secondary consideration.

All other roads not otherwise designated as a regional, arterial, collector, or private road shall be designated as a local street.

Private Roads

The City may be prepared to accept the public responsibility of private roads provided that the private roads are brought up to the municipal standards of the City and the ownership of the road is legally transferred to the City.

Future Road Rights-of-Ways

While not being all inclusive, future road rights-of-ways are illustrated on the Future Land Use Plan Map 2: Road Network. Additional roads and road rights-of-ways may be added to the City's road network as approved by the City.

POLICIES:

- (i) Integration of Land Use and Transportation Initiatives

The City shall encourage the integration of land use and transportation initiatives through the intensification of land uses, promotion of mixed use developments, and establishment of

higher density commercial nodes that reduce the reliance on the use of automobiles and encourages other modes of transportation such as public transit, cycling and walking.

(ii) Off-Street Parking Standards

Adequate off-street parking will be required for all uses and development of land within the municipal planning area. Off-street parking will be required in accordance with the parking standards as established in the Development Regulations.

(iii) Public Transit

- a. The City shall continue to encourage the use of public transit within Mount Pearl and shall assist in increasing the use and viability of the public transit system.
- b. The City shall undertake a public transit study to determine if there are ways and means to improve service, increase ridership, and extend a public transit system to other areas of Mount Pearl.
- c. Development Proposals shall be reviewed with respect to, but not limited to, bus routes, bus stops, and bus shelter waiting areas.

(iv) Transportation Initiatives

The City shall undertake a city-wide transportation study to recommend on the rationalization, integration, and coordination of the City's road network including improvements to roads, intersections, and synchronization of traffic lights to improve the safety and efficiency of the road network. The following areas have been identified as priorities for improving the transportation network:

- a. East–West Arterial
 - i. A study shall be undertaken either by the Province (as part of the East–West Arterial Road Study) or the City with respect to the impacts of the Arterial Road on the City's road network and the improvements necessary to the City's road system to accommodate the changing traffic pattern as a result of the completion of the East–West Arterial.

b. Commonwealth Avenue

Improvements to Commonwealth Avenue shall be pursued by the City as outlined in the Centennial Square Transportation Study 2003.

c. Topsail Road East

The upgrading of Topsail Road to five lanes from Commonwealth Avenue to Dunn's Road shall be pursued as outlined in the Topsail Road Alignment Study 1992.

(v) Traffic Impact Assessment Study

The City shall undertake a city-wide traffic study to recommend on the following potential issues affecting traffic within Mount Pearl:

a. Topsail Road Disconnect

A land use and transportation study shall be undertaken by the City to determine if there is a need for additional road connections across the Waterford River and to identify the appropriate locations of such transportation links between Topsail Road and the areas of the City located south of the Waterford River.

b. Truck Routes

The City shall adopt policy and regulations/standards to designate specific routes to direct truck travel within the City.

(vi) Traffic Monitoring

In addition to, and in conjunction with, transportation and traffic studies, the City shall conduct regular traffic monitoring. Issues of particular interest include:

- a. Intersection Improvements: monitoring to determine when signals or other appropriate measures are warranted to improve the efficiency and effectiveness of intersections; and
- b. Traffic Count: The City shall undertake a regular program of traffic monitoring to ensure up-to-date traffic count information.

(vii) Pedestrian Improvements

Council shall require the construction of sidewalks on both sides of Arterial Roads, Collector Roads, roads that service commercial and industrial areas, as well as on all Local Streets with the exception of small cul-de-sacs, less than 100 metres in length.

- a. The major priority for new sidewalk construction shall be along Topsail Road.
- b. The City shall consider the need for new pedestrian cross walks and pedestrian over/under passes where appropriate. Where an existing pedestrian underpass is closed, Council will examine appropriate pedestrian links and infrastructure that may be required as a result of the closure to ensure the continuation of a quality walking environment.
- c. Where public walkways are required in a new development, the development shall be reviewed with regards to, but not limited to, the following possible considerations:
 - i. Developments shall provide a high quality pedestrian environment to encourage walking as an alternative transportation mode as well as for recreation purposes. Sidewalk and trail development shall employ appropriate construction techniques and shall include landscaped buffering as determined by Council.
 - ii. Developments shall provide pedestrian linkages to public amenities and infrastructure, including: access to recreational areas, public use areas, the street/sidewalk network, and other areas that may be considered connected to a public destination.
 - iii. Developments shall provide fencing between public walkways and adjoining properties as determined by Council.

- d. Special attention will be given to the placement or replacement of power poles, fire hydrants, benches, street signs and similar street furniture to ensure that there are no obstructions to those using the City sidewalks and that there are clear sight lines and pedestrian clear ways along all sidewalks.

(viii) Disability Provisions

All roadways, sidewalks, public walkways, and access points to public buildings shall be designed to facilitate easy and safe access and mobility by all user groups, including those persons with disabilities.

(ix) Bicycle Routes

The City shall encourage the use of bicycles as an alternate mode of transportation as well as recreation.

- a. The City shall pursue a study to investigate the designation and adaptation of bicycle routes off walkways and selected streets and associated street infrastructure to augment and support the bicycle pathways research undertaken in conjunction with the Mount Pearl Parks and Recreation Master Plan 2005. The City may undertake to prepare a bicycle by-law.
- b. The City may require the provision of bicycle storage racks as part of a development proposal as determined by Council.

(x) Alternate Fuel Sources

The City shall investigate the purchase of new vehicles or retrofitting of existing vehicles that utilize alternate sources of fuel with the goal of reducing greenhouse gas emissions.

8. LOCAL GOVERNANCE

8.1 INTRODUCTION

The Municipal Plan sets out the overall framework for land use and development policy for the City of Mount Pearl. This is an evolving document and should continue to reflect and provide direction to the changing environment within the City. Local Governance and the strong relationship of Council to its citizens is an important component of managing change. A key to quality public service is to ensure prudent fiscal management of City resources and to allow for access to information and provide opportunities for meaningful input as the City responds to change and continues to mature and evolve over time.

POLICIES:

- (i) Council shall conduct a regular review of all strategic initiatives to ensure clarity of vision for the City, consistency of approach, and smooth integration of concepts and initiatives. Council shall also consider the development of a comprehensive Strategic Plan, identifying strengths, weaknesses, opportunities, and threats of the City.
- (ii) With changing demands, and as needs are identified, Council shall ensure that the City's organizational structure be adjusted whenever necessary to respond to the changing needs and resources of the City.
- (iii) During all major strategic initiatives of Council, the Municipal Plan shall be taken into consideration to ensure that the initiative is consistent with the goals, objectives and policies of the Plan, and the Plan will be amended, if required, to reflect any changes in land use and development policy as a result of these initiatives.
- (iv) In developing community plans, Council shall make every effort to engage and involve interest groups, community organizations, and sectoral groups which may include business, youth, seniors, recreation, arts, environment, etc.
- (v) Wherever possible and appropriate, Council shall partner and engage with other municipalities in the region and participate in issues and projects of shared interest. Wherever it is in the best interest of the City, Council shall cooperate and participate in regional initiatives and organizations.
- (vi) Council shall continue to investigate effective ways of communicating with the public and gauging public opinion on issues that are of interest or concern for the community. In so doing, Council shall ensure that citizen opinion is monitored and information is made available in many forms and utilizing available technology, including:
 - a. Participation opportunities at Council and Committee meetings;
 - b. Newspaper advertisements; Mailouts;
 - c. Website, Webcasting, Email, and Internet for E-governance;

- d. Direct contact with staff at City Hall;
 - e. Public meetings, open houses, workshops, focus groups, and surveys.
- (vii) Council shall continuously strive for excellence in the delivery of municipal services to its citizens and taxpayers. Initiatives and principles to guide service delivery shall include: on-going public awareness and information in its participatory approach; staff training, continuing education, professional development, and skills building in their respective fields and in information and communications technology; display professionalism, courtesy, and respect in representing the City; civic participation, accountability, transparency; reporting back to the public on decisions and undertakings; and timely response to inquiries and applications.
- (viii) Council shall continue to manage the City's finances in a fiscally responsible level.

9. IMPLEMENTATION

9.1 INTRODUCTION

The preparation, adoption, and approval of this Municipal Plan represent only a part of the planning process. The Municipal Plan is not a static document or an end in itself. The Plan can serve a useful purpose only as it is implemented. The Plan is implemented through Council's decisions and efforts.

The Municipal Plan is implemented partly by means of the regulatory powers conferred upon Council by Section 35 of *The Urban and Rural Planning Act*. It is also implemented as Council carries out capital works and develops programs and initiatives that are in keeping with the intent of the Plan. The Municipal Plan serves as a continuing reference and guide to Council and City staff in order that the community goals, objectives, policies, and programs contained in the Plan can be achieved.

The Municipal Plan should also serve as a public document that informs the public about the City and its growth and development. As a public document, the Plan should be a useful and user-friendly public document. As a blueprint for growth, the Municipal Plan should be able to effectively respond to change in an efficient and timely manner. The Municipal Plan should outline the steps and procedures that are to be followed if the Plan requires an amendment to ensure that all stakeholders are aware of the process.

Successful implementation of the Plan involves:

- Effective administration and amendment of the Municipal Plan;
- Adoption of Development Regulations;
- Approval of Development Schemes as required to implement or amplify the Plan;
- Adoption of annual municipal and ten year capital works budgets; and,
- Preparation and implementation of recommended studies.

9.2 PLAN ADMINISTRATION

9.2.1 THE MUNICIPAL PLAN

The Mount Pearl Municipal Plan includes goals and objectives (Chapter 4), general and specific land use policies (Chapters 5 to 8), and a program of implementation (Chapter 9). The Municipal Plan consists of both text and maps (Future Land Use Plans) that divide the City into land use designations that directly relate to the Plan's land use policies. The Background Report, which is presented in a separate volume, as well as the summary of that report which is included in this document (Chapter 2), provide important information about the City but do not form a part of the legally binding Municipal Plan.

The Municipal Plan is to be read in conjunction with any adopted Development Scheme, with the Mount Pearl Development Regulations, as well as with any subsequent amendments to the Plan.

9.2.2 FUTURE LAND USE MAPS

For the purpose of administering the Plan, the Future Land Use Maps 1 and 2 shall be read only in conjunction with the goals, objectives, and policies of the Plan. The boundaries of the land use designations on the Future Land Use Map 1 are meant to be general, except where they are defined by

exact limits, such as where the boundaries coincide with roads or other prominent physical features. It is intended that amendments to this Plan will not be necessary to make minor adjustments to these land use boundaries. Other than such minor changes, no development shall be permitted that does not conform to this Plan.

9.3 DEVELOPMENT SCHEMES

At any time after the adoption of the Municipal Plan, the Council can prepare and adopt Development Schemes for the purpose of carrying out specific proposals of the Municipal Plan.

A Development Scheme may provide for the acquisition, assembly, consolidation, subdivision and sale or lease by the municipality of land and buildings that are necessary to carry out provisions of the Municipal Plan. The Scheme 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 agreements with the owners of the land as will permit its acquisition and use for those purposes. The Development Scheme 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 the Development Scheme.

Development Schemes are prepared, approved, and brought into effect in the same manner as the Municipal Plan, as established in Section 30 of *The Urban and Rural Planning Act*. Once approved by Council, registered with the Minister of Municipal Affairs, and Notice of Registration placed in *The Newfoundland and Labrador Gazette*, a Development Scheme becomes a part of the Municipal Plan.

A number of Development Schemes were prepared and approved as part of or subsequent to the 1988 Mount Pearl Municipal Plan. These Development Schemes are now outdated, obsolete, or have been fully developed or implemented. The following Development Schemes are hereby rescinded and are, therefore, not considered part of the Municipal Plan:

- Town of Mount Pearl Comprehensive Development Scheme Topsail Road – Mount Carson Avenue, 1985, as amended;
- Mount Pearl Federal Provincial Lands Development Scheme, 1985;
- Wilcox Place Development Scheme, 1997;
- Desbarats Property Development Scheme, 2000;
- The Centennial Square Development Scheme, 2000.

The following Development Schemes remain in effect and form part of this Municipal Plan:

- Kenmount Hill Infill Comprehensive Development Scheme, 2007;
- Moffatt Road West Comprehensive Development Scheme, 2008; and
- Blackmarsh Road North Comprehensive Development Scheme, 2009.

9.4 PLAN AMENDMENT PROCEDURE

The planning period for this Municipal Plan is ten years. The Plan provides direction over this period but is not expected to forecast precisely or anticipate all changes that will occur over the next ten years. The Municipal Plan is a dynamic document that responds to unforeseen changes and attempts to manage change in the best interests of the City. As a result, this Plan may need to be amended by Council from time to time to respond to unknown opportunities.

It would be unrealistic to expect the Plan to predict all changes that may occur; therefore, it is anticipated that the Plan will be amended in the future. Section 25 of *The Urban and Rural Planning Act* provides Council with the authority to change any portions of the Plan through a formal amendment process.

The Act requires that Council consult the public prior to its decision to amend the Plan. Council shall evaluate any proposed amendment against the goals, objectives, and policies of the Municipal Plan before deciding to accept or reject a new policy. The Act also requires that Council appoint an objective planning commissioner to hold a public hearing to hear written or oral objections and representations and to complete a report with consideration for the issues raised at that hearing. The recommendations from the commissioner's report are then taken into consideration by Council in making a final decision about the amendment.

9.5 PLAN REVIEW

According to Section 28 of *The Urban and Rural Planning Act, 2000*, a Municipal Plan shall be reviewed by Council every five years from the date on which the Municipal Plan comes into effect and revised as necessary according to the development that can be foreseen during the next ten years. A Plan review requires that Council undertake a public notification and discussion process similar to that outlined in the Plan Amendment process, and requires that public input be incorporated into the Plan review process.

9.6 THE MOUNT PEARL DEVELOPMENT REGULATIONS

The implementation of the Municipal Plan's goals, objectives and policies requires the preparation and adoption of Development Regulations. Such Regulations provide Council with the authority to provide for the direction and orderly control of land use in accordance with Municipal Plan. After the Municipal Plan is formally adopted, Council is required to prepare and adopt Development Regulations pursuant to Section 35 of *The Urban and Rural Planning Act*.

All land within the municipal planning area will be covered by land uses which provide detailed development requirements, such as subdivision control, lot size, frontage, building setbacks, signage, and parking standards.

9.7 MUNICIPAL DEVELOPMENT CONTROL

9.7.1 GENERAL

Council will exercise appropriate control over all development within the Mount Pearl Municipal Planning Area in accordance with this Plan and the Development Regulations. Council will ensure that all development proposals are given a comprehensive review, which shall include circulation to all affected public departments and agencies, and may involve public notification of the application. Council's final decision will be based on the desire to guide the development of Mount Pearl in the best long-term interests of its citizens.

9.7.2 DEVELOPMENT PERMIT SYSTEM

Council will administer the Municipal Plan and Development Regulations by a system of development permits. Any person wishing to develop or subdivide land for any purpose within the municipal planning

area shall follow the established procedure in applying to Council to obtain permission. All development requires a permit from Council before being carried out.

Once conformity to the Plan has been established, Council will ensure that all development proposals are given a comprehensive review, which shall include circulation to all relevant public departments and agencies. Council's final decision will be based on the desire to guide the development of Mount Pearl in the best long-term interests of its citizens.

Council may grant approval in principle to enable a developer to test a proposal without having to incur the expense of preparing detailed plans. If Council is in support of the proposal, approval in principle may be given, subject to the submission and approval of detailed development plans and subject to any other required conditions.

The Development Permit will outline the conditions which must be met by the development or subdivision, and will include the date the permit expires. These conditions may include: submitting further detailed plans, providing further regulatory or code information, complying with other government codes and requirements, obtaining permits or approvals from the Council and other government authorities, advising of development guarantee requirements, and/or the signing of agreements.

9.7.3 DEVELOPMENT APPEALS

Section 4.2 of the Urban and Rural Planning Act lists those matters that are appealable under the Act. Appeal procedures are set out in Part IV of *The Urban and Rural Planning Act*. Section 40 of the Act provides for the appointment of appeal boards. The Development Regulations outline the procedure for establishing a Local Board of Appeal to hear appeals arising from their enforcement. Any person may appeal any decision of Council or authorized officer of Council made under the Mount Pearl Development Regulations. The Board must consider each appeal in accordance with the intent of the Municipal Plan, the Regulations, and any further plans, schemes, or regulations in force at the time.

9.8 CAPITAL WORKS PROGRAM

Council will adopt and carry out an annual capital works program. The program will be determined annually through use of a comprehensive capital asset management system. Such system will be maintained by the City to assess the age and condition of its assets, required maintenance, and replacement schedule as appropriate.

10. GLOSSARY OF TERMS

Appeal Board

Appeal Board means the appropriate Appeal Board established under the *Urban and Rural Planning Act, 2000*.

Berm

Berm means a mound of earth usually up to three metres in height that are used to shield, screen and buffer undesirable views and to separate incompatible land uses. Berms can be used to provide visual interest, and decrease noise.

Building

Building means every structure, erection, excavation, alteration or improvement whatsoever place on, over or under land, or attached, anchored or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other like uses, and any part of a building as so defined and any fixtures that form part of a building.

Desire Line

Desire line means an intended direction taken by pedestrians across property either between points of interest or points of origin and destination either by defined sidewalks or pathways or by self created routes through unstructured terrain.

Development

Development means the carrying out of any building, engineering, mining or other operations in, over, or under land, or the making of any material change in the use, or the intensity of use, of any land, buildings, or premises (defined by the *Urban and Rural Planning Act*). It includes: subdividing land; constructing a house or building; expanding or changing the use of a house or building; adding a garage, shed, or deck to a residential lot; putting up an advertising sign; and other uses.

Development Regulations

The Development Regulations is a document containing the regulations governing the development of land within the City. It divides the city into a number of *land use zones* and identifies the development standards for each. The Regulations determine, for example, where a house may be placed on a lot, or what type of business can operate in a commercial area. The Development Regulations is the legal tool to implement the Municipal Plan.

Development Scheme

A Development Scheme is a secondary or subordinate plan which provides more detailed planning in a portion of the municipal planning area. A development scheme is legally adopted and forms part of the Municipal Plan.

Discretionary Use

A Discretionary Use may be permitted in a land use zone at the discretion of Council. Council's discretionary powers are defined in the Development Regulations. An application for a discretionary use is advertised and subject to a public briefing session.

Flag Lot

Flag Lot means a large lot which does not meet the minimum frontage standard of the use zone at the street line and where access to the lot is by a narrow right-of-way or driveway.

Flood Proofing

Flood Proofing means structural and/or non-structural measures incorporated in the design of a building or structure which reduce or eliminate the risk of flood damage by ensuring that the ground floor elevation is higher than the projected flood level and that the building can be exited without hindrance in the event of a flood.

Home Occupation (Home Based Business)

A Home Based Business is a commercial use within a residential dwelling. The business must be subsidiary to the residential use, must blend-in with the residential character of the neighbourhood, must not generate excessive traffic or noise, and may be subject to additional conditions.

Land

Land includes land covered by water, and buildings and structures on, over, or under the soil, and fixtures that form part of these buildings and structures.

Land Use Zone

A land use zone is an area of the city, identified on the zoning map, which defines the type of uses that may be carried out and the conditions that apply to development in that zone.

Mount Pearl Local Board of Appeal

The Mount Pearl Local Board of Appeal is constituted under the *Urban and Rural Planning Act* to hear appeals from decisions of Council. Its members are appointed by the Minister of Municipal Affairs.

Municipal Plan

A Municipal Plan is a document of policies that determine and guide the growth of the city. These policies deal with goals, objectives and strategies on topics ranging from development and environmental issues to social and economic concerns.

Non-Conforming Use

A land use which does not conform to the Development Regulations but existed prior to the date on which they came into effect. According to the Mount Pearl Development Regulations, a non-conforming use may be changed to another non-conforming use. An application for a change in a non-conforming use is advertised and subject to a briefing session.

Occupancy Permit

An occupancy permit is a permit that advises the builder that the building has been constructed in accordance with the appropriate codes and may now be occupied. When an occupancy permit is issued, the owner has the comfort of knowing the building has been constructed in a sound manner and is safe to occupy.

Permitted Use

A land use which is permitted in a land use zone, provided that the development meets all other requirements of the Regulations. Applications for permitted uses are not advertised.

Power Centre

Power Centre means a wide ranging collection of large mixed and retail/warehouse uses that serve a regional market and are grouped within a specific site with common access and parking lot arrangements to form a coordinated and integrated regional centre.

Public Briefing Session

A public briefing session is a meeting that is chaired by a member of the Planning and Land Use Committee or designate to deal with discretionary uses, variances, or amendments to the Municipal Plan or Development Regulations. The briefing session is advertised; and the applicant and interested persons are invited to attend. If no comments are received before the date of the briefing session, the session may be cancelled.

Public Hearing

A public hearing is a more formal public meeting that is overseen by an objective planning commissioner appointed by Council. Council maintains a list of several approved planning commissioners from which to choose on a rotating schedule for the purposes of hearings. Public hearings are required where there is a proposal to review or amend the Municipal Plan and are intended as the final stage of public consultation to consider objections. Similar to a briefing session, a hearing is advertised and, in the event that no representations are received before the noted deadline, Council has the right to cancel the hearing under the Urban and Rural Planning Act; however, Mount Pearl City Council's operating procedure is to proceed with hearings. The commissioner considers any oral or written representations and prepares a report with recommendations for Council's consideration in deciding whether to approve the proposal as submitted or approve subject to recommended changes.

Variance

A variance is a decision by Council to vary the requirements of the Development Regulations, just in that particular instance, so that a development may proceed. The Development Regulations define the conditions under which a variance may be issued. Under *The Urban and Rural Planning Act, 2000*, the City may vary the development regulations by a maximum of 10%. An application for a variance is advertised.

View Shed

View Shed means an area that can be seen from a vantage point and the area can encompass a scenic view of either the built or natural environment.

List of Amendments to the Mount Pearl Municipal Plan 2010
(hereinafter referred to as the “Municipal Plan”)

Published Date of Amendment	Amendment No. and Description	Development Regulations and/or Map Amendment*
June 22, 2012	No. 1, 2012 – 291 Old Placentia Road Office Buildings Amendment - consists of the following amendment to the Future Land Use Map of the Municipal Plan: Amend Map 1 – Future Land Use Map, as follows: Redesignating the property at 291 Old Placentia Road to ‘Office’.	Future Land Use Map Amendment; Development Regulations Amendment No. 5, 2012
January 25, 2013	No. 4, 2012 – 885 Topsail Road Amendment - consists of the following amendment to the Future Land Use Map of the Municipal Plan: Amend Map 1 – Future Land Use Map, as follows: Redesignating the portion of land identified as 885 Topsail Road from ‘Utility’ to ‘Mixed Use’.	Future Land Use Map Amendment; Development Regulations Amendment No. 10, 2012
April 19, 2013	No. 3, 2012 – 166 Park Avenue Apartment Amendment - consists of the following amendment to the Future Land Use Map of the Municipal Plan: Amend Map 1 – Future Land Use Map, as follows: Redesignating the portion of land identified as 166 Park Avenue from ‘Institutional’ to ‘Residential’.	Future Land Use Map Amendment; Development Regulations Amendment No. 8, 2012
November 1, 2013	No. 2, 2012 – Commonwealth Route Amendment – consists of the following amendment to the text of the Municipal Plan. In Section 7.6.1 (i), Road Hierarchy, delete the reference to “ <i>Grangel Road</i> ” and “ <i>Wyatt Boulevard</i> ” and rewrite the subsection to read: <i>“Arterial roads within Mount Pearl are identified as the following: (i) Commonwealth Route (Commonwealth Avenue/Mount Carson Avenue).”</i>	N/A
November 22, 2013	No. 5, 2013 – 912-924 Topsail Road Amendment - consists of the following amendment to the Future Land Use Map of the Municipal Plan: Amend Map 1 – Future Land Use Map, as follows: Redesignating the land at 912-924 Topsail Road from ‘General Commercial’ to ‘Mixed Use’.	Future Land Use Map Amendment; Development Regulations Amendment No. 18, 2013

Published Date of Amendment	Amendment No. and Description	Development Regulations and/or Map Amendment*
February 7, 2014	No. 7, 2013 – Wilkes Avenue RSU-3 Amendment - consists of the following amendment to the Future Land Use Map of the Municipal Plan: Amend Map 1 – Future Land Use Map, as follows: Redesignating the rear portion of eight (8) proposed lots situated on the north side of the proposed Wilkes Avenue from ‘Mixed Use’ and ‘Open Space’ to ‘Residential’.	Future Land Use Map Amendment; Development Regulations Amendment No. 26, 2013
February 21, 2014	No. 6, 2013 – Worrall Crescent Amendment – consists of the following amendment to the Future Land Use Map of the Municipal Plan: Amend Map 1 – Future Land Use Map, as follows: Redesignating a portion of the T’railway property located to the east of 59 Park Avenue property from ‘Open Space’ to ‘Residential’.	Future Land Use Map Amendment; Development Regulations Amendment No. 22, 2013
March 21, 2014	No. 8, 2014 – 959-963 Topsail Road Amendment – consists of the following amendment to the Future Land Use Map of the Municipal Plan: Amend Map 1 – Future Land Use Map, as follows: Relocating the boundary between the ‘Conservation’ and ‘Mixed Use’ designation at 959 and 963 Topsail Road to coincide with the top of the slope of the subject properties.	Future Land Use Map Amendment; Development Regulations Amendment No. 27, 2014
August 15, 2014	No. 9, 2014 – Family Child Care Amendment – consists of the following amendment to the text of the Municipal Plan: In Section 6, Land Use Policies: 1. amend Subsection 6.2.1, Residential, subsection (ii) by deleting the reference to “family child care” as a permitted use; 2. add the following section as Section 6.2.1 (iii): “(iii) Family child care use may be permitted at the discretion of Council within all Residential designations. Council will evaluate the vehicular and pedestrian access and parking in determining whether to permit this use.”; and 3. renumber subsequent subsections in Section 6.2.1 accordingly.	Development Regulations Amendment No. 33, 2014
August 15, 2014	No. 10, 2014 – Forsey Place Amendment – consists of the following amendment to the Future Land Use Map of the Municipal Plan: Re-designating a portion of land that is located at the south east corner of Topsail Road and Forsey Place, immediately east of Forsey Place, south of Topsail Road, west of the property at 913-915 Topsail Road, and immediately north of the property at 25 Forsey Place from Residential to Mixed Use.	Future Land Use Map Amendment; Development Regulations Amendment No. 34, 2014

Published Date of Amendment	Amendment No. and Description	Development Regulations and/or Map Amendment*
August 15, 2014	No. 11, 2014 – Lounge Use Amendment – consists of the following amendment to the text of the Municipal Plan: Under Section 6, Land Use Policies, Sub-section 6.2.3, Regional Centre: <ol style="list-style-type: none"> under 6.2.3 (i), delete the word “lounge” from the list of permitted uses; add a new subsection 6.2.3 (ii), which would read “Lounges may be permitted within the Regional Centre designation at the discretion of Council.”; and sequentially renumber the subsequent subsections. 	Development Regulations Amendment No. 35, 2014
October 17, 2014	No. 12, 2014 – Pollux Drive Amendment - consists of the following amendment to the Future Land Use Map of the Municipal Plan: <ul style="list-style-type: none"> Re-designate a 2.0 x 84.0 m portion of land that is located on the east side of future Lot Numbers 44-38 on Pollux Drive from Open Space to Residential; Re-designate a 4.9 m² portion of land that is located on the east side of future Lot Number 37 on Pollux Drive from Open Space to Residential; and Re-designate a 4.28 x 50.91 m portion of land that is located east of future Lot Number 44-41 on Pollux Drive from Open Space to Mixed Use. 	Future Land Use Map Amendment; Development Regulations Amendment No. 37, 2014
October 17, 2014	No. 13, 2014 – 9 Sagona Avenue Amendment - consists of the following amendment to the Future Land Use Map of the Municipal Plan: Re-designate a 1073.6 m ² portion of land along the north and northeast sides of the parcel at 9 Sagona Avenue from Open Space to Industrial	Future Land Use Map Amendment; Development Regulations Amendment No. 38, 2014
August 21, 2015	No. 14, 2015 – Kenmount Hill Amendment – consists of the following amendment to the Municipal Plan: <ol style="list-style-type: none"> Amend the text of the Mount Pearl Municipal Plan 2010 as follows: <ol style="list-style-type: none"> In Section 2.2, Changes to the Municipal Plan, after the second paragraph add the following: “Based on the province’s indications that it is prepared to consider municipal plan amendments to permit the urbanization of lands above the 190-metre contour and servicing studies that indicate that there is servicing capacity in the regional water and sewer systems to accommodate development above the 190-metre servicing contour, municipal plan amendments are proposed to permit the urbanization of these lands provided sufficient municipal water and sewer services are available.” 	Future Land Use Map Amendment; Development Regulations Amendment No. 43, 2015

Published Date of Amendment	Amendment No. and Description	Development Regulations and/or Map Amendment*
	<p>b. In Section 4.2.1, Community Structure; under Objectives, delete “In accordance with provincial planning policy, to prevent urban development on lands situated above the 190-metre contour regional servicing limit.”</p> <p>c. In Section 6, Land Use Policies; Subsection 6.2; Specific Land Use Designations; Policies (i), add “Urban – Comprehensive Development Area” to end of the list of designations.</p> <p>d. In Section 6, Land Use Policies; Subsection 6.2.19, Specific Land Use Designations-Rural remove Subsection 6.2.19 (iii) and renumber subsequent items sequentially.</p> <p>e. In Section 6 Land Use Policies, subsection 6.2, Specific Land Use Designations, add immediately after subsection “6.2.19 -“Rural”, a new subsection “6.2.20 – Urban – Comprehensive Development Area with the accompanying statements and policies as outlined in Schedule A.</p> <p>f. In Section 7, Municipal Infrastructure and Services; Subsection 7.1, Introduction, after Paragraph 2, add the following: “Improvements have been made to the municipal water system including the construction of a water reservoir on Kenmount Hill. These improvements have addressed the water pressure problem and provide for future growth opportunities.”</p> <p>g. Update the table of contents accordingly</p> <p>Section “6.2.20 – Urban – Comprehensive Development Area”, attached as Schedule A, should be referred to in order to review the text for the new designation, Urban – Comprehensive Development Area, covered by the Mount Pearl Municipal Plan 2010 Amendment No. 14, 2015, above.</p> <p>2. Amend Map 1, Future Land Use Map, as follows:</p> <p>a. Re-designate the subject lands on Kenmount Hill from “Rural” to “Urban- Comprehensive Development Area”.</p>	
March 24, 2016	<p>No. 15, 2015 – 16-24 Glendale Avenue Amendment – consists of the following amendment to the Future Land Use Map of the Municipal Plan:</p> <p>1. Re-designate the northern portions of 22 and 24 Glendale Avenue from Rural to Residential (5195 m² in total).</p>	Future Land Use Map Amendment: Development Regulations

Published Date of Amendment	Amendment No. and Description	Development Regulations and/or Map Amendment*
	2. Re-designate 16-20 Glendale Avenue and the portion of Glendale Avenue adjacent to said property out to the centerline of the road from General Commercial to Residential (4613 m ² in total).	Amendment No. 48, 2015
November 4, 2016	No. 17, 2016 – Pearlgate Recreation Area Amendment – consists of the following amendment to the Future Land Use Map of the Municipal Plan: Re-designate the 11,929 m ² of subject land in the Pearlgate Recreation Area from ‘Open Space’ to ‘General Commercial’.	Future Land Use Map Amendment: Development Regulations Amendment No. 52, 2016

**If a Mount Pearl Municipal Plan 2010 Amendment involves a Mount Pearl Development Regulations 2010 or Map(s) Amendment as well, the reference is noted in this column accordingly.*