

The Urban and Rural Planning Act, 2000

MOUNT PEARL MUNICIPAL PLAN 2010

AMENDMENT NO. 21, 2018

KENMOUNT HILL COMPREHENSIVE DEVELOPMENT SCHEME

AMENDMENT

April, 2018

The Urban and Rural Planning Act, 2000

RESOLUTION TO APPROVE

**KENMOUNT HILL COMPREHENSIVE DEVELOPMENT SCHEME
AMENDMENT**

**This Resolution to be prepared by City of Mount Pearl staff
officials at the appropriate time, when the Development
Scheme is ready for adoption.**

The Urban and Rural Planning Act, 2000

RESOLUTION TO ADOPT

MOUNT PEARL MUNICIPAL PLAN 2010 AMENDMENT NO. 21, 2018

**(KENMOUNT HILL COMPREHENSIVE DEVELOPMENT SCHEME
AMENDMENT)**

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 Amendment No. 21, 2018.

The purpose of the Amendment is to amend the Mount Pearl Municipal Plan 2010 by approving the Kenmount Hill Comprehensive Development Scheme and its policies and land use designations as they relate to the Kenmount Hill Comprehensive Development Area to allow for the orderly growth and development of this area.

The Mount Pearl Municipal Plan 2010 Amendment No. 21, 2018 consists of the following:

1. The Kenmount Hill Development Scheme

Amend the text of the Mount Pearl Municipal Plan 2010 that is in effect for the Kenmount Hill Comprehensive Development Area and replace these policies with the policies outlined in the Kenmount Hill Comprehensive Development Scheme.

2. The Mount Pearl Municipal Plan 2010 Future Land Use Plan:

Amend the future land use map within the limits of Kenmount Hill Comprehensive Development Area by redesignating lands from "*Urban-Comprehensive Development Area*" to "*Residential*", "*Highway-Commercial*", "*General Commercial*", "*Residential Commercial Mix*", "*Open Space*" and "*Conservation.*"

The land use designations affected by Mount Pearl Municipal Plan 2010 Amendment No.21, 2018 are illustrated on the Future Land Use Plan attached as Schedule ___.

Those lands not being redesignated shall maintain their present designation.

ADOPTED by the City Council of Mount Pearl on the ____ day of _____, 2018.

SIGNED AND SEALED this ____ day of _____, 2018.

Mayor:

Chief Administrative Officer:

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Mount Pearl Municipal Plan 2010 Amendment No. 21, 2018 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

, MCIP

CITY OF MOUNT PEARL

MUNICIPAL PLAN

KENMOUNT HILL

COMPREHENSIVE DEVELOPMENT SCHEME

THE URBAN AND RURAL PLANNING ACT, 2000

April, 2018

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KENMOUNT HILL COMPREHENSIVE DEVELOPMENT SCHEME

Urban and Rural Planning Act, 2000

Mount Pearl Municipal Plan

Kenmount Hill Comprehensive Development Scheme

RESOLUTION OF APPROVAL

**This Resolution to be prepared by City of Mount Pearl staff
officials at the appropriate time when the Development
Scheme is ready for adoption.**

KENMOUNT HILL COMPREHENSIVE DEVELOPMENT SCHEME

URBAN AND RURAL PLANNING ACT, 2000

MOUNT PEARL MUNICIPAL PLAN 2010

KENMOUNT HILL COMPREHENSIVE DEVELOPMENT SCHEME

RESOLUTION TO ADOPT

Under the authority of sections 29 and 30 of the *Urban and Rural Planning Act, 2000*, the City Council of Mount Pearl adopts the Kenmount Hill Comprehensive Development Scheme.

The purposes of the Amendment are to:

- (a) ensure that the lands within the Kenmount Hill Comprehensive Development Area are developed or used in the manner described in the Scheme policies and future land use plan that form a part of this scheme,
- (b) amplify the details of the development and use of land; and
- (c) identify those public purpose initiatives that are to be carried out to complement and support the comprehensive development scheme.

ADOPTED by the City Council of Mount Pearl on this the _____ day of _____, 2018

SIGNED AND SEALED this the _____ day of _____, 2018.

Mayor: _____

Chief Administrative Officer: _____

KENMOUNT HILL COMPREHENSIVE DEVELOPMENT SCHEME

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Kenmount Hill Comprehensive Development Scheme has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

, MCIP

INTRODUCTION

In accordance with Sections 29 and 30 of The *Urban and Rural Planning Act, 2000*, the City Council of Mount Pearl in the Province of Newfoundland and Labrador, as Planning Authority for the lands identified as part of the Kenmount Hill Comprehensive Development Area (See **Map 1**) wishes to adopt the Kenmount Hill Comprehensive Development Scheme. The Development Scheme provides details on the proposed changes in the land use policies in the Municipal Plan and to the designations of the Future Land Use Plan for the Kenmount Hill Comprehensive Development Area (“Area”) and provides the framework for the amendments to the Land Use Zoning Map as part of the Mount Pearl Development Regulations 2010. This Scheme and the corresponding amendments to the Land Use Zoning Map will form the basis for consideration by the general public before the Development Scheme is submitted by Council to the Minister of Municipal Affairs and Environment for registration.

The Kenmount Hill Comprehensive Development Scheme (“Scheme”) outlines the proposed Goal, Objectives, and Land Use Policies for the Area. The Scheme was prepared on the basis of the background report prepared by Tract Consulting Inc. and Harbourside Transportation Consultants and follow up public consultations with the Area’s property and business owners, nearby residents, and the public at large. While not forming a part of the Scheme, the background report provides the foundation for this Scheme and presents ideas and concepts on the orderly growth and development and use of lands within the Area. Also attached is the public consultation report which outlines the process undertaken by the City to receive public feedback during the preparation of the Scheme.

PURPOSE

The City of Mount Pearl wishes to adopt the Kenmount Hill Comprehensive Development Scheme and to designate the lands (within the development) as a Special Policy Area. The purpose of the Scheme is to provide detailed policy direction in the orderly growth, development and use of land within the Area.

THE MOUNT PEARL MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS 2010

The existing Mount Pearl Municipal Plan was adopted in 2010 and designated the Area as “RURAL”. The Municipal Plan was amended in 2015 to redesignate the land in the Area as

“**URBAN-COMPREHENSIVE DEVELOPMENT AREA**”. This designation is essentially a ‘holding designation’ which allows existing land uses to continue in place and which authorizes Council to allow the reconstruction or replacement of existing buildings if Council is of the opinion that such development will not adversely affect the future development of lands located in the Area pending the completion of the Kenmount Hill Comprehensive Development Scheme.

Prior to any development occurring in the Area, the preparation and approval of a comprehensive development scheme under the *Urban and Rural Planning Act, 2000* was required.

THE DEVELOPMENT SCHEME: GOALS, OBJECTIVES, AND POLICIES

1. Goals

The following goals apply to the Area:

- 1.1 To encourage the orderly growth, development and use of land in the Area in a sustainable efficient and environmentally sensitive manner.
- 1.2 To provide a land use framework for the future growth of the Area as a mixed density residential area allowing a variety of housing styles, linked with the recreational and environmentally important open spaces and appropriate locations for commercial uses along an area off the south side of Kenmount Road.

2. Objectives

The following objectives apply to the Area:

- 2.1 To guide the development and use of land in accordance with the policies of this Scheme and the Future Land Use Plan.
- 2.2 To ensure that the Scheme’s policies and designations are integrated and compatible with the surrounding and existing land use pattern and development.
- 2.3 To encourage the development to create an environment of high residential quality of life and encourage social interaction through the use of open spaces and pathway connections.
- 2.4 To create neighbourhoods that contain a suitable mix of housing choice, price point and densities for a variety of life situations with associated neighbourhood amenities and facilities.

- 2.5 To provide local retail and commercial opportunities for residential neighbourhoods.
- 2.6 To redesignate lands off Kenmount Road for future residential and commercial-retail development.
- 2.7 To introduce principles of sustainable development through energy efficient design and standards.
- 2.8 To protect and support natural areas that are deemed environmentally important or sensitive areas within the Area and to maintain as much vegetation within the proposed development as possible.
- 2.9 To work with the existing topography of the Area by minimizing the amount of grading and earthworks where possible and using slope adaptive building design.
- 2.10 To optimize the use of existing infrastructure while minimizing the need for new infrastructure.
- 2.11 To improve the transportation network by developing a local residential road pattern that efficiently serves the residential neighbourhood without compromising the function of Kenmount Road.
- 2.12 To provide direction for the amendment to the Mount Pearl Development Regulations 2010 to support and implement the Scheme.

3. The Future Land Use Plan and Associated Land Use Policies

The following policies with the accompanying Future Land Use Plan constitute the land use component of the Kenmount Hill Comprehensive Development Scheme, 2018. The policies and land use designations have been prepared within the context of the Mount Pearl Municipal Plan 2010. The Scheme will provide further detailed policies for the Area and is not intended to replace all policies of the Mount Pearl Municipal Plan 2010 for this Area. Where the Scheme outlines a policy direction or a land use change, this will be the policy of land use for the Area. Where the Scheme does not reference a specific policy or change in land use, it is the intention of the Scheme that the current policies and land use designations of the Mount Pearl Municipal Plan 2010 continue to be in effect.

3.1 General

3.1.1 The policies and land use designations expressed in this Scheme apply to the Area and replace the policies and land use designations of the Mount Pearl Municipal Plan 2010 that directly affects this Area. Where the Scheme does not reference a specific policy or change in land use for the Area, it is the intention of the Scheme that the current policies and land use designations of the Mount Pearl Municipal Plan 2010 shall continue to be in effect.

3.2 Land Use Designations

3.2.1 The Area shall be redesignated from “*Urban-Comprehensive Development Area*” to “*Residential*”, “*Highway Commercial*”, “*General Commercial*”, “*Residential Commercial Mix*”, “*Open Space*” and “*Conservation*” in accordance with the Proposed Land Use Plan that is identified and attached as Map 1 (Proposed Municipal Plan Land Use Designations) and forms a part of the Scheme.

3.2.2 The specific policies applicable to each of these land use designations will be described in the appropriate sections which follow. These designations are divided further and the detailed regulations and zones which apply to each are included in the Mount Pearl Development Regulations 2010 which is to be read and referred to in conjunction with this Scheme.

3.3 Residential

3.3.1 The Residential designation applies to areas that form part of the proposed residential neighbourhoods of the Area. In order to achieve a sustainable housing mix and to promote increased densities to optimize the use of municipal services and roads, a varied mix of residential housing forms, from single-detached houses on standard sized buildings lots to semi-detached houses and apartment buildings will be allowed.

The zoning categories suggested for the areas proposed for residential development will allow local forms of commercial, retail and service uses which can be established for the use of future new residents of the area.

The proposed land use plan under the Comprehensive Development Scheme can potentially yield a total of approximately 1,285 residential units with an estimated residential full build-out population of approximately 2,560 persons.

3.3.2 All residential development shall have direct access onto the local street network via a driveway or a private drive aisle.

3.4 Residential Commercial Mix

This is a new designation under the Mount Pearl Municipal Plan 2010 which shall be applied to the area south of Kenmount road, west of Mount Carson Avenue.

The residential Commercial Mix designation applies to those lands that provide a range of commercial and residential uses. Residential areas and neighbourhoods in this designation are characterized by row dwellings or apartment buildings up to seven storeys.

3.5 General Commercial

This designation applies to an area located to the east of Farrel Drive. This designation will allow the development of lands in the designated portions of the Study Area to provide a range of commercial and related service uses.

3.6 Highway Commercial

This designation is applied to an area of land fronting on the south side of Kenmount Road. This is seen as a logical extension of commercial development along Kenmount Road and will allow for the establishment of a future major new commercial retail area along the City's northern municipal boundary."

3.7 Open Space

3.7.1 The Open Space designation applies to those portions of the Area that are intended to accommodate active or passive recreation uses throughout the Area. Within the context of this Development Scheme, the open space areas will respond to a number of recreational needs and population mix of the Area. This will include natural areas, walking trails, tot lots, parks and possibly naturalized storm water retention areas.

3.7.2 The use of individual Open Space designations and their connections and integration will be guided by the Mount Pearl Recreation Master Plan.

3.8 Conservation

3.8.1 The Conservation designation is applied to those portions of the Area which have been determined to be environmentally or ecologically sensitive, significant and/or valuable.

3.8.2 It is the intent of the Development Scheme to maintain the key landscape qualities of the Kenmount Hill area.

4. Environmental Policies

The following environmental policies apply to the development and use of land in the Area:

4.1 All newly constructed buildings in the Area shall be designed and incorporate construction methods that meet the National Energy Code as a minimum standard.

4.2 New housing constructed in the Area shall meet or exceed EnerGuide 75 standards.

4.3 To avoid excessive disturbance of the natural topography, the amount of grading and earthworks should be minimized and buildings should be slope adaptive in design where possible. Land sloping at 15% or more is generally not recommended for urban development in the Area with the exception that some lands in the south eastern portion of the Study Area that are located above the 190-metre contour elevation but below the 230-metre contour elevation are designated for residential

development. Lands with a slope of greater than 15% will need a higher level of design detail, greater attention to storm water management and a higher density to ensure successful development. Projects for the development of land with a slope greater than 15% will be evaluated on their own merits by the City.

- 4.4 Developers and builders will be encouraged to consider house orientation and form of a passive solar design so as to take advantage of solar energy while protecting it from temperature extremes. This would include such design features as minimizing the windows on the north side, maximizing the windows on the south side, and using roofing and siding materials which will provide insulation while taking advantage of the radiant heat from the sun.
- 4.5 Developers and builders will be encouraged to install energy efficient lighting, appliances and heating systems which are low in greenhouse gas emission and do not place excessive demand on the power network.
- 4.6 Developers and builders shall be responsible for providing landscaping in accordance with the City's landscaping policies, regulations and guidelines. This shall include the planting of trees, bushes and natural vegetation in the front, side and rear yards of lots and along streets. Public spaces to be dedicated to the City shall be landscaped in accordance with a landscape plan as approved by the City.

5. Transportation Policies

5.1. Roads

5.1.1. The Area's road system and its hierarchy are identified on the Future Land Use Plan.

5.1.2 The new road network planned to accommodate the lands in the Area to the east of Wyatt Boulevard is primarily a grid type road layout with some linear curvature to accommodate the open space and conservation areas. This type of street layout lends itself to be more transit-oriented than other more traditional street layouts. This type of road layout can also distribute traffic more evenly throughout the planned residential development in the area as a whole.

5.1.3 The primary access into the planned residential areas to the east of Wyatt Boulevard is via a modified intersection with Mount Carson Avenue replacing the existing intersection between Mount Carson Avenue and Wyatt Boulevard. The existing Wyatt Boulevard would be realigned to create a new intersection with the new road. Other access points into the residential development would be created by extending existing streets including Tavenor Place and Montclair Street.

5.1.4 Access to the highway orientated commercial land uses designated along the south side of Kenmount Road, will be accommodated primarily by a new roadway that will run from the proposed new intersection at Wyatt Boulevard and Mount Carson Avenue in an westerly direction through the Pennecon property to a new intersection with Kenmount Road. The multi-unit senior's residential area will be accessed internally through the existing road network of Masonic Park. This area will not connect directly to Brant Drive. Other direct access to Kenmount Road should be discouraged.

5.1.5 One new intersection is proposed to be created onto Kenmount Road from the Pennecon property. This intersection must align properly with the roadway planned on the eastern boundary of the H3 property on the north side of Kenmount Road. The volumes at this intersection will likely result in the requirement for the higher level of traffic control other than just side street stop control.

5.1.6 There are a number of intersections in the road network designed for the area that could provide improved safety and levels of service if they are configured as roundabouts as proposed to traditional type intersections with signals control. Most notably would be the intersection at Mount Carson Avenue and Wyatt Boulevard. The smaller intersections created by the road network should also be considered for roundabouts. Roundabouts provide improved safety, reduced delays and provide better levels of service.

5.1.7 The location of streets may be modified by the City on the basis of the submission of detailed development and subdivision plans provided that the intent of the street system and hierarchy are maintained by the modification.

5.2 Public Transportation

5.2.1 As the Area develops, periodic reviews of Metrobus routings and scheduling and public transit infrastructure improvements shall be undertaken by the City to ensure that the Area is appropriately served by the public transportation.

5.3 Pedestrian Improvements

5.3.1 Sidewalks will be required as identified in the Mount Pearl Development Regulations 2010 – Section 5 Subdivision standards.

5.3.2 The walkway system within the open space system will be integrated with the Area's sidewalk network. The walkways shall be designed and constructed to the City's standards. Landscaped walkways shall have a minimum width of 6 metres and shall be clearly visible at the walkways intersection with streets.

5.4 Bicycle Routes

5.4.1 The City shall encourage the use of bicycles through the design of the open space, walkways and road network.

6. Water and Sewer Services

6.1 General

6.1.1. All water and sewer services shall be designed and constructed in accordance with the Mount Pearl Development Regulations 2010 and Government of Newfoundland and Labrador Municipal Water, Sewer and Road Specifications.

6.2 Water Supply-Pressure and Capacity

6.2.1 The area of future development in the Area will be limited to the 230 metre elevation mark. Development above this elevation is not able to be serviced with adequate water pressure.

6.2.2 Development can proceed in the Area when the City of Mount Pearl determines that there is sufficient water pressure and capacity to supply the development.

6.3 Sanitary Sewer Services

6.3.1 The City of Mount Pearl will determine the most suitable option to provide sanitary sewer service to the Area.

6.3.2 Development can proceed in the Area when the City of Mount Pearl has determined the appropriate method of providing sanitary sewer service to the Area.

6.4 Storm Sewer Management

6.4.1 In order to help mitigate damage from erosion in the major watercourses through and downstream from Mount Pearl, the City of Mount Pearl has adopted a policy of "zero increase in runoff". The objective of this policy is to limit the post development storm water

runoff rate from severe rainfall events to the runoff experienced during a similar storm prior to development.

6.4.2 The City of Mount Pearl will determine the most appropriate methods for storm sewer management in the Area and require developers to adhere to these requirements.

7. Newfoundland Power Distribution Line

Newfoundland Power has advised the City of Mount Pearl that Newfoundland Power has the capacity to accommodate the future development of lands in the Area.

7.1 General

7.1.1 Any development within the Area that requires the relocation or realignment of any existing distribution lines will be the responsibility of the developer.

7.1.2 Site specific development shall take into account the location of any existing Newfoundland Power distributions lines and shall ensure that the use and landscaping and trails within the Newfoundland Power easements shall not interfere with the access, repair and maintenance of the distribution lines.

7.1.3 Any development within any existing Newfoundland Power easements will require the approval and condition of Newfoundland Power prior to proceeding with development in the area of easement.

8. Public Process

The following policy applies to the development in the Area:

The public process undertaken for the preparation of the Kenmount Hill Comprehensive Development Scheme will satisfy the requirements under the *Urban and Rural Planning Act, 2000* for Public Consultation including a Public Hearing and Plan Amendments. Any future amendments to the Development Scheme will be processed in accordance with the *Urban and Rural Planning Act, 2000* and the Mount Pearl Development Regulations 2010.

9. Financial Considerations

In addition to the developers being responsible for the individual costs of developing property within the Area, the developers are also responsible for a share of the public improvements both internally and externally to the Area that may be undertaken by the City to accommodate the development and use of land in the Area. These costs are in the form of service levies and local improvement assessments that are payable at the time of the issuance of a development permit or the signing of a development agreement.

9.1 General

9.1.1 The developers of the land within the Area shall be responsible for the costs associated with the development of the individual properties plus the share as

determined by the City for any public improvements undertaken by the City both internally and externally to accommodate the development of the Area.

- 9.1.2 The developer shall be responsible for the payment of service levies relating to the development of properties. The service levies shall be determined by the Council and shall be paid prior to development commencing in the area.

IMPLEMENTATION

In order to carry out the objectives and policies of this Scheme in an orderly and cohesive manner, the City Council proposes the following actions:

1. Approval of the Development Scheme

The Council has prepared this Scheme to be approved pursuant to the provisions of the *Urban and Rural Planning Act, 2000* for the purpose of the orderly growth, development and use of land within the Kenmount Hill Comprehensive Development Area.

2. Amendments to the Mount Pearl Municipal Plan 2010

In order to implement the Scheme, amendments to the Mount Pearl Municipal Plan 2010 will be required to provide the appropriate land use policies and land use designations to accommodate the Scheme. The following amendments are proposed to the Mount Pearl Municipal Plan 2010 for the Area:

- **The Mount Pearl Municipal Plan 2010 Future Land Use Plan**
Amend the future land use map within the limits of the Comprehensive Development Area by designating lands from “*Urban-Comprehensive Development Area*” to “*Residential*”, “*Highway-Commercial*”, “*General Commercial*”, “*Residential Commercial Mix*”, “*Open Space*” and “*Conservation*”.
- Add a new designation under the Mount Pearl Municipal Plan 2010 Future Land Use Plan to be called the “*Residential Commercial Mix*” designation to read as follows:

2.1 Land Use Policies

2.1.1 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 Commercial Mix (2018-02-xx)

2.1.2 RESIDENTIAL COMMERCIAL MIX

The *Residential Commercial Mix* designation applies to those lands that provide a range of commercial and residential uses. Residential areas and neighbourhoods in the Residential Commercial Mix designation are characterized by row dwellings or apartment buildings up to seven storeys. The designation applies primarily to the following areas:

- The area south of Kenmount Road formerly designated Urban-Comprehensive Development Area west of Mount Carson Avenue.

POLICIES:

- (i) General commercial uses shall be permitted in the Residential Commercial Mix designation, including retail and service commercial uses, personal-service uses, general-service uses, office commercial uses, cultural and civic uses, recreational open space, outdoor markets, commercial office uses, group child care, large scale retail warehouse use, and shopping centres. Commercial uses that provide a service to highway travelers, such as hotels, motels, gas stations, and restaurants, shall be permitted in areas near highways and arterial roads, subject to the Development Regulations.
- (ii) Institutional uses may be permitted in the Residential Commercial Mix designation. 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.
- (iii) 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 areas of the Residential Commercial Mix designation is for residential purposes. A home-based business can or may be accommodated as a secondary and subsidiary use within a residential property. Home-based business uses are divided into home offices and home occupations.
 - a. Home Offices will be permitted within dwellings in the Residential Commercial Mix designation 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 Commercial Mix 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.

- (iv) Lounges and passenger terminals may be permitted within the Residential Commercial Mix designation at the discretion of Council.
- (v) Family child care use may be permitted at the discretion of Council within the Residential Commercial Mix designation. Council will evaluate the vehicular and pedestrian access and parking in determining whether to permit this use.
- (vi) Council may require the preparation of a Land Use Impact Report for significant projects in the Residential Commercial Mix designation.
- (vii) In the Residential Commercial Mix designation, Council shall permit commercial buildings up to three storeys. Commercial buildings beyond three storeys may be permitted at the discretion of Council.
- (viii) Where a commercial or institutional use adjoins a residential use, a buffer shall be provided to minimize conflict between the uses. Council may require a fence, berm, wall, or landscaping for the buffer.
- (ix) The conversion of a 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 Residential Commercial Mix designation, provided the property has sufficient space to meet the parking standards for the combined total number of residential and /or commercial units proposed. Proposals will be considered that are judged to be suitable to the location and compatible with the existing land uses.
- (x) Apartment buildings up to seven storeys may be permitted by Council in appropriate locations within the Residential Commercial Mix designation. 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 commercial uses. Council may require a fence, berm, wall, or landscaping for the buffer.

- d. The site shall have adequate municipal water and sewer services.
 - (xi) The developers of subdivisions (both residential and commercial) within the Residential Commercial Mix designation shall dedicate a minimum 10% of the area of the subdivision for open space. The location of the open space area shall be approved by the City and shall not include lands that have topographical constraints or are intended for conservation.
 - (xii) 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.
 - (xiii) Developments in the Residential Commercial Mix designation 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.
- Remove the reference to the "Urban-Comprehensive Development Area" from the Municipal Plan.

3. Amendments to the Mount Pearl Development Regulations 2010

In order to implement the Scheme, amendments to the Mount Pearl Development Regulations 2010 will be required to provide the appropriate use zones, development standards and zoning to accommodate the Development Scheme policies and designations. The following zoning amendments are proposed to the Mount Pearl Development Regulations 2010 for the Area:

- A. Amend the text of the "***Residential High Density (RHD)***" Zone to add a condition that specifies that for lands that are zoned as RHD which are subject to the Kenmount Hill Comprehensive Development Scheme, that applications for the proposed subdivision of land to allow a residential project, will require that a minimum of 35% of the new residential units must be of a form other than Single Detached Dwellings. The proposed mix of residential types for each development project or stage of a development project will be subject to the approval of Council with conditions and/or restrictions that Council may deem appropriate to set.
- B. Rezone lands currently zoned as "***Comprehensive Development Area-Kenmount Hill***" to the "***Residential High Density (RHD) Zone***", the "***Commercial Highway (CH) Zone***" the, the "***Residential Commercial Mixed (RCM) Zone***, the ***Commercial General (CG) Zone***, the "***Open Space (OS) Zone***" and the "***Conservation (CON) Zone***".
- C. Establish a new zone in the Mount Pearl Development Regulations 2010 to be called the "***Residential Commercial Mix (RCM) Zone***" to read as follows:

RCM

3.1 USE ZONE SCHEDULES

3.1.1 RESIDENTIAL COMMERCIAL MIX

3.1.1.1 Permitted Uses

Residential:

- (a) Accessory Building (Subject to Regulation 6.2)
- (b) Adult Day Care Use (Residential) (Subject to Regulation 7.2)
- (c) Apartment Building
- (d) Apartment Over Permitted Use
- (e) Home Office (Subject to Regulation 7.19)
- (f) Hotel
- (g) Personal Care Use (Subject to Regulation 7.26)
- (h) Row Dwelling

Commercial:

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (b) Amusement Use (Subject to Regulation 7.3)
- (c) Animal Grooming
- (d) Automotive Sales (Subject to Regulation 7.4)
- (e) Bakery
- (f) Bank
- (g) Car Wash
- (h) Clinic
- (i) Commercial Garage
- (j) Commercial School
- (k) Communications
- (l) Convenience Store (Subject to Regulation 7.10)
- (m) Drive-Through Use (Subject to Regulation 7.11)
- (n) Dry Cleaning
- (o) Funeral Home
- (p) Furniture and Appliance Showroom
- (q) Gas Bar
- (r) General Assembly
- (s) Group Child Care Use (Subject to Regulation 7.16)
- (t) Group Fitness
- (u) Health Club
- (v) Indoor Market
- (w) Laundromat
- (x) Movie Production Studio
- (y) Office
- (z) Outdoor Commercial Patio
- (aa) Outdoor Garden Market
- (bb) Personal Service
- (cc) Pharmacy
- (dd) Restaurant
- (ee) Service Station (Subject to Regulation 7.28)
- (ff) Shop
- (gg) Take Out Food Service

- (hh) Taxi Stand
- (ii) Theatre
- (jj) Vehicle or Trailer for Vending or Office Purposes (Subject to Regulation 7.30)
- (kk) Veterinary Clinic

Recreational:

- (a) Park

Public:

- (a) Civic Use (Subject to Regulation 11.x.6)
- (b) Community Garden (Subject to Regulation 7.9)
- (c) Cultural Centre (Subject to Regulation 11.x.6)
- (d) Place of Worship (Subject to Regulation 11.x.6)
- (e) School (Subject to Regulation 11.x.6)

3.1.1.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) Bar
- (b) Bed and Breakfast (Subject to Regulation 7.5)
- (c) Beehive (Subject to Regulation 7.6)
- (d) Club and Lodge
- (e) Family Child Care Use (Subject to Regulation 7.13)
- (f) Family and Group Care Centre (Subject to Regulation 7.14)
- (g) Group Child Care Use (Subject to Regulation 7.16)
- (h) Halfway House (Subject to Regulation 7.17)
- (i) Home Occupation (Subject to Regulation 7.18)
- (j) Lounge
- (k) Nightclub
- (l) Shopping Centre (Subject to Regulation 11.x.7)
- (m) Transportation Terminal

3.1.1.3 Development Standards

Row Dwelling

- | | |
|---|--------------------------------------|
| (a) Minimum Lot Area | 135 m ² per dwelling unit |
| (b) Minimum Frontage | 5 m per dwelling unit |
| (c) Minimum Building Line Setback | 7.5 m |
| (d) Minimum Side Yard Width | 3 m |
| (e) Minimum Flanking Street Side Yard Width | 7.5 m |
| (f) Minimum Rear Yard Depth | 8 m |
| (g) Minimum Rear Yard Depth | 33% |

KENMOUNT HILL COMPREHENSIVE DEVELOPMENT SCHEME

(h) Maximum Building Height 10 m

Apartment Building

(a) Minimum Lot Area 150 + 25 m² Per Dwelling Unit

(b) Minimum Floor Area 30 + 10m² Per Dwelling Unit

(c) Minimum Frontage 30 m

(d) Minimum Building Line Setback 10 m

(e) Minimum Side Yard Width 8 m

(f) Minimum Flanking Street Side Yard Width 10 m

(g) Minimum Rear Yard Depth 12 m

(h) Maximum Lot Coverage 33%

(i) Maximum Building Height 7 storeys

(j) Additional Maximum Building Height To be determined by Council subject to Regulation 6.3

Commercial and Institutional Uses

(a) Minimum Lot Area 1200 m

(b) Minimum Frontage 30 + 10m² Per Dwelling Unit

(c) Floor Area Ratio 3.0

(d) Minimum Building Line Setback 15 m

(e) Minimum Side Yard Width 3 m

(f) Minimum Flanking Street Side Yard Width 10 m

(g) Minimum Rear Yard Depth 10 m

(h) Maximum Lot Coverage 50%

(i) Maximum Building Height 3 storeys

(j) Additional Maximum Building Height To be determined by Council subject to Regulation 6.3

(k) Minimum Landscaping on Lot 20% except for driveways not exceeding a width of ten metres (10 m) and used exclusively for the circulation of motor vehicles, the following

areas shall be landscaped with plant materials and maintained thereafter:

- i. all land within 3 m of a fronting street line;
- ii. all land within 3 m of a flanking street line; and
- iii. all land within 1 m of another lot line; and

open storage of goods and machinery, with the exception of vehicle sales lots and commercial garages, shall not be located in the front or flanking yard.

3.1.1.4 Buffers

A minimum buffer, as defined in Section 2 of this document, of forty metres (40 m) shall be maintained between any commercial or institutional uses in this use zone and a residential use in this and any other zone. Buffers in this zone may be used to meet any land dedication requirements associated with development projects in this zone.

3.1.1.5 Signs and Advertisements

Only the following signs are permitted within this zone and these signs are permitted in accordance with the Regulations as outlined in Section 8 of the Regulations:

- Banner Sign
- Billboard Sign
- Canopy Sign
- Changeable Message Sign
- Ground Sign or Pylon Sign
- Inflatable Sign
- Marquee Sign
- Portable Sign
- Projecting Sign
- Roof Sign
- Wall Sign

3.1.1.6 Cultural Centre, Civic Use, Place of Worship and Schools

Where these uses are located within one hundred and fifty metres (150 m) of a residential dwelling, the use shall be processed as a discretionary use.

3.1.1.7 Shopping Centre

A shopping centre use within this zone shall meet the following requirements:

- (a) the gross floor area of the shopping centre use shall not exceed five thousand square metres (5,000 m²),
- (b) the front yard shall be a minimum of six metres (6 m) from the street line to be used for nothing other than landscaping, permitted access, driveways, and identification sign,
- (c) the shopping centre use shall meet all other development standards of the RCM Use Zone,
- (d) the views from habitable rooms of surrounding residential dwellings and the amenity of outdoor spaces shall be respected in the design and siting of commercial buildings,
- (e) landscaping of the shopping centre use shall screen outdoor parking, shipping, and storage areas directly visible from adjacent residential uses or areas.
- (f) Snow piling areas shall be provided away from common fences with residential properties and away from streets, and
- (g) Parking lots and motor vehicle circulation areas for the shopping centre use shall be situated to minimize the impact on adjoining residential properties.

- D. Remove the references to the “*Comprehensive Development Area-Kenmount Hill Zone*” from the Development Regulations 2010.

These zone amendments are illustrated on **Map 2** which forms a part of this Scheme.

4. Detailed Development Plans

As property owners and developers decide to proceed with the development and use of property in accordance with the Scheme, development applications and detailed plans will be required to be submitted to the City for its review and approval pursuant to Council’s adopted policies, regulations, standards and requirements. Development Permits and possibly development agreements will be required prior to site specific development commencing in the Area.

5. Water and Sewer Services

Unless otherwise determined by Council, developers of property will be responsible for the costs and provision of water and sewer services to the development and such services shall be in accordance with the City's municipal engineering standards.

6. Acquisition of Property

Where the Council deems is necessary and in the public interest, the City will acquire property to implement public purpose aspects of the Scheme.

The Urban and Rural Planning Act, 2000

MOUNT PEARL DEVELOPMENT REGULATIONS 2010

AMENDMENT NO. 66, 2018

(KENMOUNT HILL COMPREHENSIVE DEVELOPMENT SCHEME AMENDMENT)

April, 2018

The Urban and Rural Planning Act, 2000

RESOLUTION TO APPROVE

CITY OF MOUNT PEARL DEVELOPMENT REGULATIONS 2010

AMENDMENT NO. 66, 2018

KENMOUNT HILL COMPREHENSIVE DEVELOPMENT SCHEME

**This Resolution can be prepared by City of Mount Pearl
staff officials when the Development
Scheme is ready to be adopted.**

KENMOUNT HILL COMPREHENSIVE DEVELOPMENT SCHEME

The Urban and Rural Planning Act, 2000

RESOLUTION TO ADOPT

CITY OF MOUNT PEARL

DEVELOPMENT REGULATIONS 2010 AMENDMENT NO. 66, 2018

(KENMOUNT HILL COMPREHENSIVE DEVELOPMENT SCHEME AMENDMENT)

Under the authority of Section 16 of *The Urban and Rural Planning Act, 2000*, the City Council of Mount Pearl adopts the Mount Pearl Development Regulations 2010 Amendment No. 66, 2018.

The purpose of the Amendment is to rezone land in the Kenmount Hill Comprehensive Development Area to allow for the orderly growth development and use of land for primarily residential, local commercial, highway commercial, open space recreational and environmental protection purposes. The following outlines the details of the Amendment.

Text Amendments to the Mount Pearl Development Regulations 2010:

1. Amend Section 11.6 of the Development Regulations 2010 which references the Residential High Density (RHD) Zone by adding a new subsection to read as follows:

"11.6.5 Mandatory Mix of Housing Types

In the area which is subject to the Kenmount Hill Comprehensive Development Scheme, for any application for the proposed subdivision of land for the purpose of constructing a residential development which is submitted to the City for consideration of approval, a minimum of 35% of the new residential units must be of a form other than Single Detached Dwellings. The proposed mix of residential uses for each development project or stage of a residential project will be subject to the approval of Council with conditions and/or restrictions that Council may deem appropriate to set."

2. Amend Section 11 of the Development Regulations 2010 add a new zone to be called the Residential commercial Mix (RCM) Zone to read as follows:

USE ZONE SCHEDULES

3.1.1 RESIDENTIAL COMMERCIAL MIX

3.1.1.1 Permitted Uses

Residential:

- (i) Accessory Building (Subject to Regulation 6.2)
- (j) Adult Day Care Use (Residential) (Subject to Regulation 7.2)
- (k) Apartment Building
- (l) Apartment Over Permitted Use
- (m) Home Office (Subject to Regulation 7.19)
- (n) Hotel
- (o) Personal Care Use (Subject to Regulation 7.26)
- (p) Row Dwelling

Commercial:

- (ll) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (mm) Amusement Use (Subject to Regulation 7.3)
- (nn) Animal Grooming
- (oo) Automotive Sales (Subject to Regulation 7.4)
- (pp) Bakery
- (qq) Bank
- (rr) Car Wash
- (ss) Clinic
- (tt) Commercial Garage
- (uu) Commercial School
- (vv) Communications
- (ww) Convenience Store (Subject to Regulation 7.10)
- (xx) Drive-Through Use (Subject to Regulation 7.11)
- (yy) Dry Cleaning
- (zz) Funeral Home
- (aaa) Furniture and Appliance Showroom
- (bbb) Gas Bar
- (ccc) General Assembly
- (ddd) Group Child Care Use (Subject to Regulation 7.16)
- (eee) Group Fitness
- (fff) Health Club
- (ggg) Indoor Market
- (hhh) Laundromat
- (iii) Movie Production Studio
- (jjj) Office
- (kkk) Outdoor Commercial Patio
- (lll) Outdoor Garden Market
- (mmm) Personal Service
- (nnn) Pharmacy
- (ooo) Restaurant
- (ppp) Service Station (Subject to Regulation 7.28)
- (qqq) Shop

KENMOUNT HILL COMPREHENSIVE DEVELOPMENT SCHEME

- (rrr) Take Out Food Service
- (sss) Taxi Stand
- (ttt) Theatre
- (uuu) Vehicle or Trailer for Vending or Office Purposes (Subject to Regulation 7.30)
- (vvv) Veterinary Clinic

Recreational:

- (b) Park

Public:

- (f) Civic Use (Subject to Regulation 11.x.6)
- (g) Community Garden (Subject to Regulation 7.9)
- (h) Cultural Centre (Subject to Regulation 11.x.6)
- (i) Place of Worship (Subject to Regulation 11.x.6)
- (j) School (Subject to Regulation 11.x.6)

3.1.1.2 Discretionary Uses (Subject to Regulation 3.7)

- (n) Bar
- (o) Bed and Breakfast (Subject to Regulation 7.5)
- (p) Beehive (Subject to Regulation 7.6)
- (q) Club and Lodge
- (r) Family Child Care Use (Subject to Regulation 7.13)
- (s) Family and Group Care Centre (Subject to Regulation 7.14)
- (t) Group Child Care Use (Subject to Regulation 7.16)
- (u) Halfway House (Subject to Regulation 7.17)
- (v) Home Occupation (Subject to Regulation 7.18)
- (w) Lounge
- (x) Nightclub
- (y) Shopping Centre (Subject to Regulation 11.x.7)
- (z) Transportation Terminal

3.1.1.3 Development Standards

Row Dwelling

- | | |
|---|--------------------------------------|
| (a) Minimum Lot Area | 135 m ² per dwelling unit |
| (b) Minimum Frontage | 5 m per dwelling unit |
| (c) Minimum Building Line Setback | 7.5 m |
| (d) Minimum Side Yard Width | 3 m |
| (e) Minimum Flanking Street Side Yard Width | 7.5 m |

KENMOUNT HILL COMPREHENSIVE DEVELOPMENT SCHEME

- | | |
|-----------------------------|------|
| (f) Minimum Rear Yard Depth | 8 m |
| (g) Minimum Rear Yard Depth | 33% |
| (h) Maximum Building Height | 10 m |

Apartment Building

- | | |
|---|---|
| (a) Minimum Lot Area | 150 + 25 m ² Per Dwelling Unit |
| (b) Minimum Floor Area | 30 + 10m ² Per Dwelling Unit |
| (c) Minimum Frontage | 30 m |
| (d) Minimum Building Line Setback | 10 m |
| (e) Minimum Side Yard Width | 8 m |
| (f) Minimum Flanking Street Side Yard Width | 10 m |
| (g) Minimum Rear Yard Depth | 12 m |
| (h) Maximum Lot Coverage | 33% |
| (i) Maximum Building Height | 7 storeys |
| (j) Additional Maximum Building Height | To be determined by Council subject to Regulation 6.3 |

Commercial and Institutional Uses

- | | |
|---|---|
| (a) Minimum Lot Area | 1200 m |
| (b) Minimum Frontage | 30 + 10m ² Per Dwelling Unit |
| (c) Floor Area Ratio | 3.0 |
| (d) Minimum Building Line Setback | 15 m |
| (e) Minimum Side Yard Width | 3 m |
| (f) Minimum Flanking Street Side Yard Width | 10 m |
| (g) Minimum Rear Yard Depth | 10 m |
| (h) Maximum Lot Coverage | 50% |
| (i) Maximum Building Height | 3 storeys |
| (j) Additional Maximum Building Height | To be determined by Council subject to Regulation 6.3 |
| (k) Minimum Landscaping on Lot | 20% except for driveways not exceeding a width of ten metres (10 m) and used exclusively for the circulation of motor |

vehicles, the following areas shall be landscaped with plant materials and maintained thereafter:

- iv. all land within 3 m of a fronting street line;
- v. all land within 3 m of a flanking street line; and
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open storage of goods and machinery, with the exception of vehicle sales lots and commercial garages, shall not be located in the front or flanking yard.

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3.1.1.6 Cultural Centre, Civic Use, Place of Worship and Schools

Where these uses are located within one hundred and fifty metres (150 m) of a residential dwelling, the use shall be processed as a discretionary use.

3.1.1.7 Shopping Centre

A shopping centre use within this zone shall meet the following requirements:

- (h) the gross floor area of the shopping centre use shall not exceed five thousand square metres (5,000 m²),
- (i) the front yard shall be a minimum of six metres (6 m) from the street line to be used for nothing other than landscaping, permitted access, driveways, and identification sign,
- (j) the shopping centre use shall meet all other development standards of the RCM Use Zone,
- (k) the views from habitable rooms of surrounding residential dwellings and the amenity of outdoor spaces shall be respected in the design and siting of commercial buildings,
- (l) landscaping of the shopping centre use shall screen outdoor parking, shipping, and storage areas directly visible from adjacent residential uses or areas.
- (m) Snow piling areas shall be provided away from common fences with residential properties and away from streets, and
- (n) Parking lots and motor vehicle circulation areas for the shopping centre use shall be situated to minimize the impact on adjoining residential properties.

The Mount Pearl Development Regulations 2010 Land Use Zoning Map:

- 1. Amend the Mount Pearl Land Use Zoning Map by rezoning the portion of land within the boundaries of the Kenmount Hill Comprehensive Development Area as follows:

Comprehensive Development Area-Kenmount Hill Zone to

- Residential High Density (RHD) Zone
- Residential Commercial Mix (RCM) Zone
- Commercial Highway (CH) Zone
- Commercial General (CG) Zone
- Open Space (OS) Zone
- Conservation (CON) Zone

Those lands not being re-zoned shall maintain their present zoning.

The Land Use Zoning Map as amended and attached as **Schedule** ____ should be referred to in order to locate more precisely the lands covered by Amendment No. 66, 2018 above.

Under the authority of Section 16 of *The Urban and Rural Planning Act, 2000*, the City Council of Mount Pearl adopts the Mount Pearl Development Regulations 2010 Amendment No. 66, 2018.

ADOPTED BY THE City of Mount Pearl on the _____ day of _____, 2018.

SIGNED AND SEALED this ____ day of _____, 2018

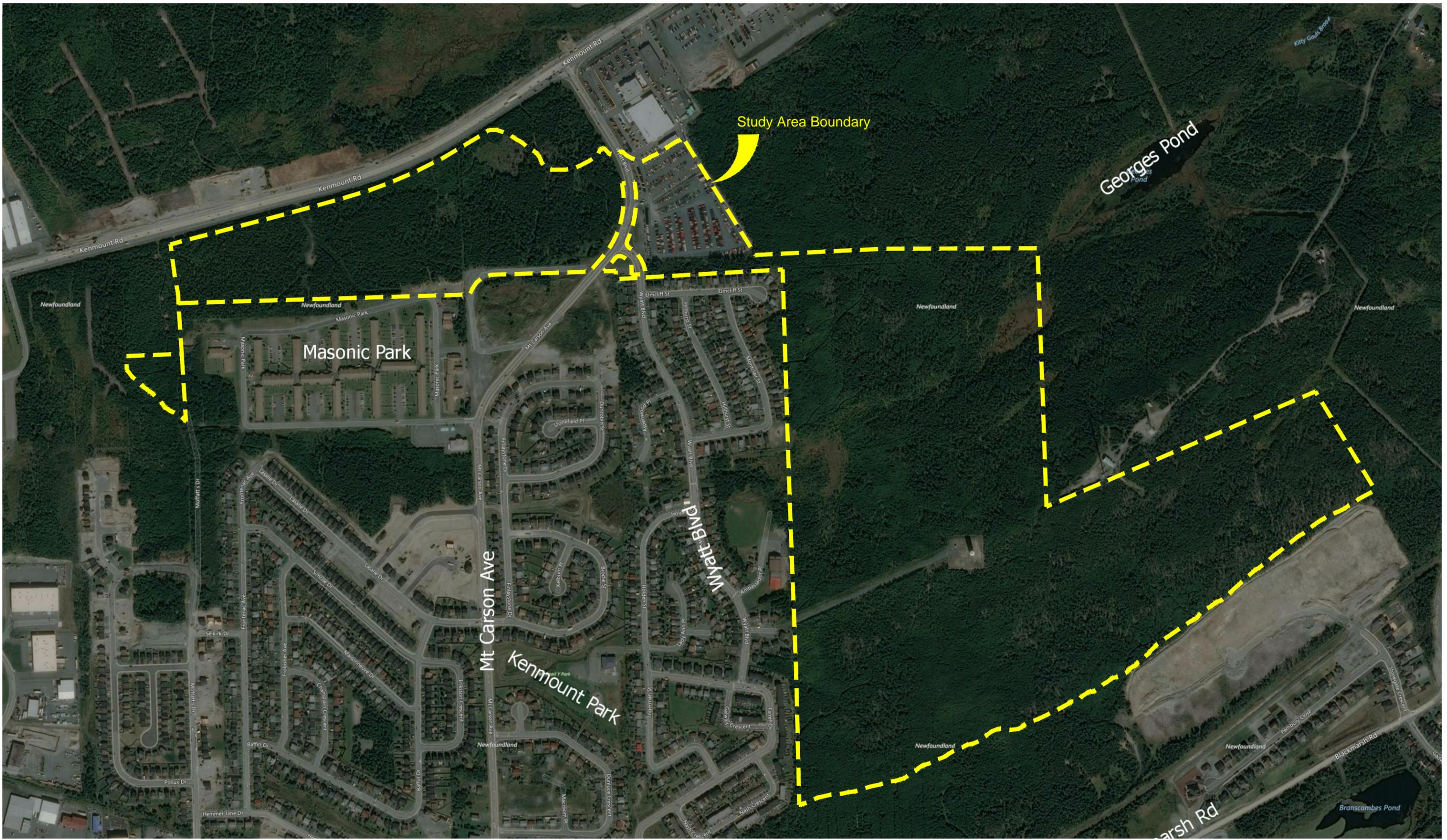
Mayor: _____

Chief Administrative Officer: _____

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

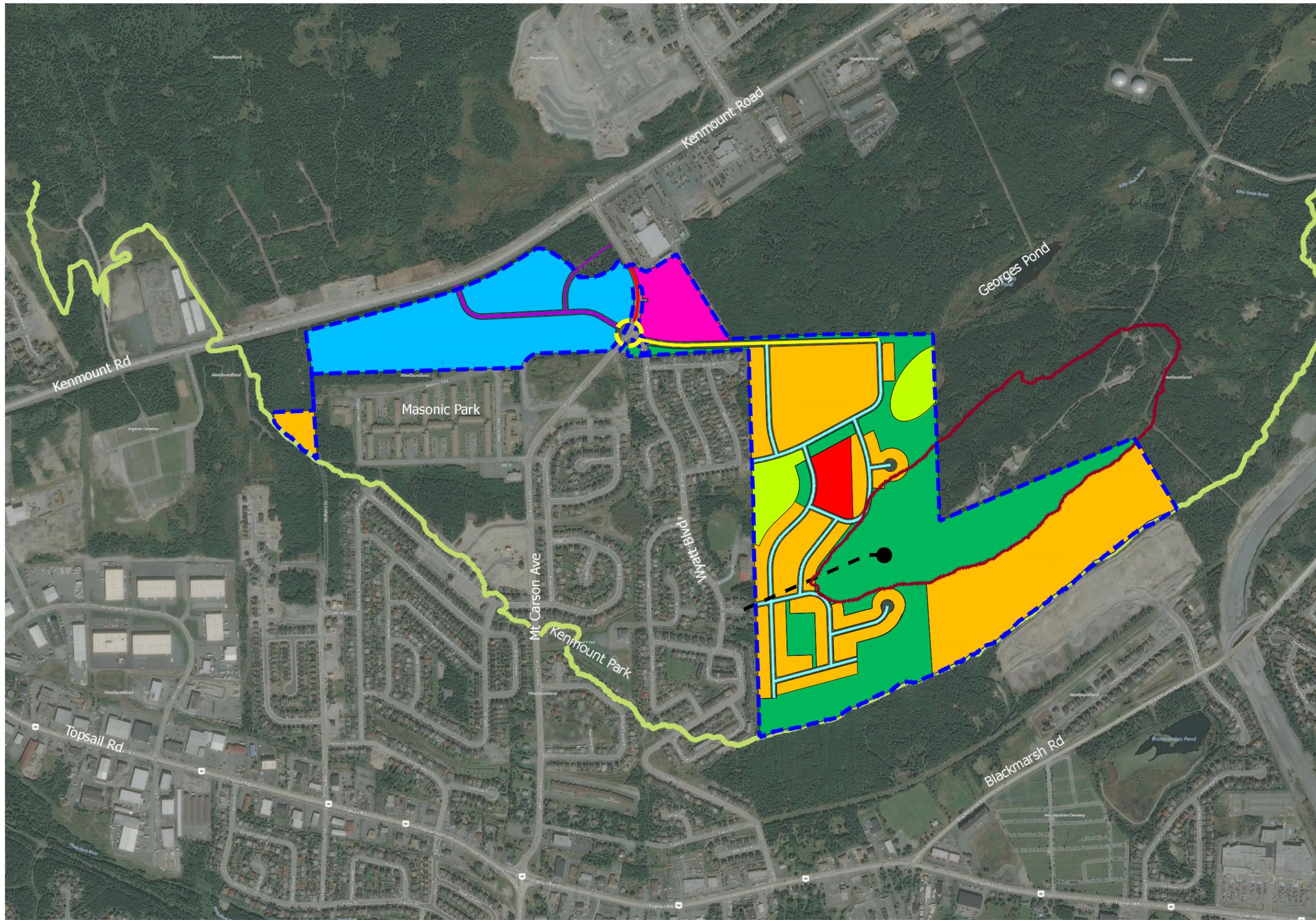
I certify that the attached Mount Pearl Development Regulations 2010 Amendment No. 66, 2018 has been prepared in accordance with the requirements of *The Urban and Rural Planning Act, 2000*.

_____, MCIP



Mount Pearl Kenmount Hill 190 m Comprehensive Land Development Scheme

Study Area Boundary



Legend

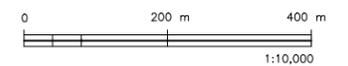
- — — Study Area Boundary
- — — 190 m contour
- — — Maximum Service Elevation (230m contour)
- - - Water Main
- Watertower

Proposed Roads

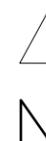
- — — Arterial
- — — Residential Collector
- — — Industrial/ Commercial Collector
- — — Local Residential
- — — Industrial/Commercial Local
- - - Roundabout

Proposed Land Use Designations

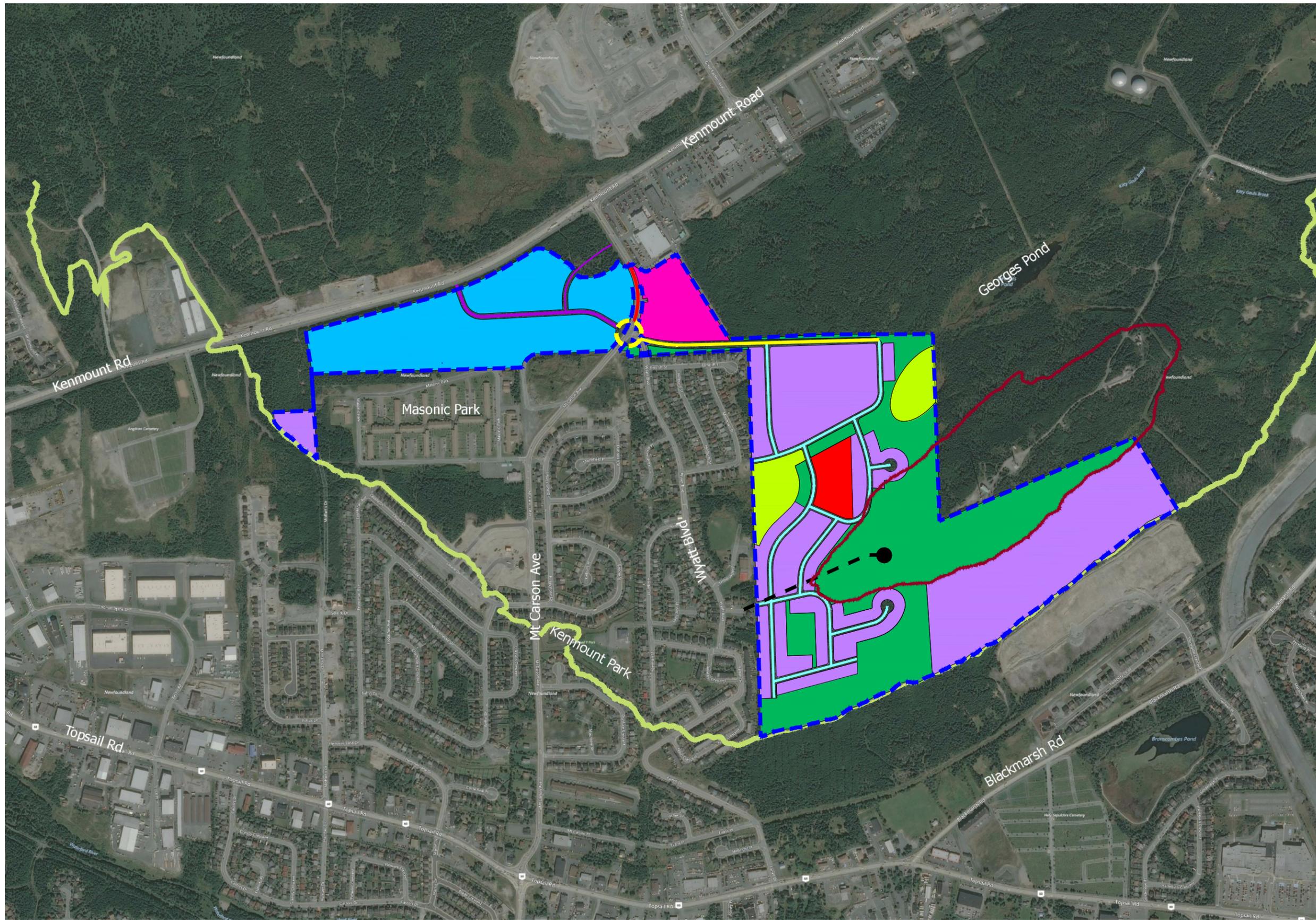
- Residential
- Residential-Commercial Mix
- Highway Commercial
- General Commercial
- Open Space
- Conservation



15/3/18



Mount Pearl Kenmount Hill 190 m Comprehensive Land Development Scheme
 Map 1: Proposed Municipal Plan Land Use Designations



Legend

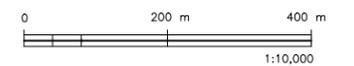
- Study Area Boundary
- 190 m contour
- Maximum Service Elevation (230m contour)
- Water Main
- Watertower

Proposed Roads

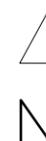
- Arterial
- Residential Collector
- Industrial/ Commercial Collector
- Local Residential
- Industrial/Commercial Local
- Roundabout

Proposed Land Use Zones

- RHD Zone
- RCM Zone
- CH Zone
- GC Zone
- OS Zone
- CON Zone



15/3/18



Mount Pearl Kenmount Hill 190 m Comprehensive Land Development Scheme
 Map 2: Proposed Land Use Zoning