PLAN THE PEARL

Mount Pearl Municipal Plan Renewal

DRAFT

MUNICIPAL PLAN

NOVEMBER 2024

CITY OF MOUNT PEARL

RESOLUTION TO APPROVE

MUNICIPAL PLAN, 2025-2035

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 City of Mount Pearl Municipal Plan, 2025-2035 on the _____ day of _____, 2025;

b) Gave notice of the adoption of Municipal Plan (2025-2035) by [*advertisement inserted on the ____ day of _____ and the _____ day of _____, 2025 in the newspaper*

c) Scheduled the _____day _____, 2025 at the Mount Pearl City Hall, for the holding of a public hearing to consider objections and submissions to the Municipal Plan (2025-2035).

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the City Council of Mount Pearl approves the Municipal Plan (2025-2035).

SIGNED AND SEALED this ___day of _____, 2025 .

Mayor: _____

City Clerk: _____

Municipal Plan/Amendment
REGISTERED

Number _____
Date _____
Signature _____

(Council Seal)

CITY OF MOUNT PEARL

RESOLUTION TO ADOPT

MUNICIPAL PLAN, 2025-2035

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

Adopted by the City Council of the City of Mount Pearl on the _____ day of _____, 2025.

Signed and sealed this _____ day of _____, 2025.

Mayor: _____

City Clerk: _____

(Council Seal)

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

Member, Canadian Institute of Planners (MCIP)



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1.0 CITY PLAN 2025: MOUNT PEARL MUNCIPAL PLAN

1.1 Introduction

1.1.1 Structure of the City of Mount Pearl Municipal Plan

The purpose of the updated Municipal Plan and Development Regulations is to enable the City of Mount Pearl to pursue sustainable choices to meet the needs of the City the next 10 years (2024-2034). This will replace the Municipal Plan and Development Regulations, 2010-2020.

This Municipal Plan provides a policy framework to influence, manage, and regulate future growth and change in the City of Mount Pearl These policies form the basis for the Development Regulations. The City of Mount Pearl 's Municipal Plan and Development Regulations build on the City's Mission and Vision as set in Chapter 2 based on the Strategic Planning process in the Fall of 2022.

This 2025 City of Mount Pearl Municipal Plan is organized as follows:

- **Chapter 1:** Chapter 1 sets out the authority for the Municipal Plan and Development Regulations under the Urban and Rural Planning Act, 2000; overall legislative compliance; the planning process and the history of development and planning in the City of Mount Pearl; articulates the Mission and Vision for the City of Mount Pearl and outlines a sustainable framework including overarching policies that apply throughout the city;

- **Chapter 2:** Chapter 2 sets out the policy foundation for the Development Regulations including statutory authorities, administration, general regulations, land use zoning, definitions and development conditions, subdivisions, signage and parking;

- **Chapter 3**: Chapter 3 outlines the land use designations and policies regarding uses and development, including zoning to be implemented through the Development Regulations;

- **Chapter 4:** Chapter 4 describes the tools for implementation of the policies of the City Plan including the amendment process, requirements for review;

- **Schedules:**
    - Provincial and Federal Interests: The schedule contains specific regulatory requirements as indicated by provincial authorities that apply throughout the municipal planning area
    - Future Land Use Map: The land use designations set out in Chapter 3 are set out on the Future Land Use map

1.1.2 Authority

The Municipal Plan and Development Regulations are legal documents created under the authority of the *Urban and Rural Planning Act, 2000,* section 10 (1) and 13 (1), (2) an (3):

"10. (1) A council may by resolution propose to prepare a municipal plan in accordance with this Act."

and

"13. (1) A plan and development regulations made under this Act and amendments to them shall be certified by a person who is a fellow or full member of the Canadian Institute of Planners.

(2) A 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.

(3) A plan may, with respect to a planning area

(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."

The Municipal Plan must also be in conformity with the St. John's Urban Region Regional Plan (SJURRP), 1976.

The policies and development requirements contained in the documents and mapping are binding upon the City Council, residents, and on any person undertaking a development within the Municipal Planning Area boundary (Section 12 of the *Urban and Rural Planning Act, 2000*).

The Municipal Plan and Development Regulations must address the development of the Municipal Planning area for a 10-year period. The Municipal Plan must be reviewed every five years (section 28) for a 10 year period.

The Municipal Plan guides the future growth and physical improvement of the City by identifying locations and setting out policies for various types of land use development. These locations are shown as land use designations on the Future Land Use map found in Schedule B.

The Municipal Plan authorizes Council to prevent the undertaking of any development that contravenes a policy stated in the Municipal Plan or a requirement set out in the Development Regulations.

The *Urban and Rural Planning Act, 2000* requires the preparation of Development Regulations to ensure that land is controlled and used in compliance with the Municipal Plan (Section 35). The Development Regulations set out the regulations that enable the Council to administer the policies of the Municipal Plan. The policies enabling these regulations are set out in Chapter 2.

The Municipal Plan provides the basis for the Development Regulations which provide more refined zoning within the land use designations indicating permitted and discretionary uses in each zone, development standards and conditions, and criteria for the evaluation of subdivision and development applications.

The Municipal Plan (2025-2035) comes into legal effect upon publication of the notice of registration in the *Newfoundland and Labrador Gazette*.

1.1.3 Compliance: Statutes, Regulations, Policy, Guidelines and Standards

1) All Development within the Municipal Planning Area shall conform to:
    a. policies set out in the Municipal Plan;
    b. development standards and conditions set out in the Development Regulations.
    c. any other municipal regulation or bylaw in force in the Municipal Planning Area under the *Municipalities Act, 1999*;
    d. requirements of Federal legislation, regulations, policies, guidelines, and standards, as amended from time to time, including, the National Building Code, and associated codes, such as the Plumbing Code, the Fire Code, the Electrical Code, the Life Safety Code;
    e. requirements of Provincial legislation, regulations, policies, guidelines, and standards, as amended from time to time; and
    f. the St. John's Urban Region Regional Plan (SJURRP).

2) If Council is aware that a proposed development may not comply with Provincial or Federal legislation, it may require the applicant to provide confirmation that necessary government approvals have been obtained before issuing a development permit.

3) Where these Regulations are more stringent than Provincial or Federal legislation, these Regulations shall apply.

4) Even though an applicant may receive a municipal permit, the applicant is responsible for ensuring compliance with all relevant Federal and Provincial legislation, regulations, policies and guidelines prior, and Municipal regulations under the Municipalities Act, 1999, to commencing a land use or development approved under these Development Regulations. Council may require proof of compliance prior to approval and a permit shall not be issued if Council is aware that the proposed development does not comply with a provincial or federal government requirement.

5) The applicant must undertake any requirements set out by the City as conditions to approval of the permit prior to the issuance of a permit.

6) The applicant is also responsible for ensuring compliance with all other City regulations and policies.

7) The Development Regulations shall be subject to all Federal and Provincial legislation, regulations, policies and guidelines. Notwithstanding this requirement, the Development Regulations shall incorporate specific compliance requirements identified in the inter-governmental referral undertaken as part of the review process, as set out in Appendix A-Provincial and Federal Interests and Requirements.

1.1.4 The Municipal Planning Process

The process for preparing a Municipal Plan and Development Regulations is set out in Part III of the *Urban and Rural Planning Act, 2000* (Sections 14-25) which must be undertaken by a certified planner in good standing with the Canadian Institute of Planners.

A Background Report for the City of Mount Pearl was prepared to inform the preparation of a new Municipal Plan and Development Regulations. The Background Report contains a review of land use, development and infrastructure servicing issues, and a socio-economic profile of the City of Mount Pearl. It provides the key findings of statistical research, community site visits, and discussions with the City, Provincial agencies, and with community representatives.

The Municipal Plan and Development Regulations are prepared in consultation with Council, City staff, and the public (as required by Section 14 of the *Urban and Rural Planning Act, 2000)*. In particular, the residents and stakeholders in the City were invited to two formal public consultations throughout the planning process. The first public consultation was undertaken on May 25, 2023 during the Community Site visit. Tours of the City were undertaken.

A community survey was undertaken during May-June of 2024. To ensure widespread awareness, the survey was not only available in electronic form on the 'Survey Monkey' platform, but it was also mailed to every household in the City of Mount Pearl. As well, the community outreach tool 'Bang the Table' platform was used to allow residents to access the survey and provide other comments under various planning themes. The highlights of the 'Plan the Pearl' survey comments and responses is provided below.

1) A total of 1,755 surveys were completed; of which 613 were online surveys (35%).
2) Most respondents were residents of the City (85%); many were property owners (40%)
3) Seniors and pre-retirement people (55+) represented 64% of respondents, with 25-54-year-olds making up the balance (36%). Respondents were generally long-term residents.
4) When asked what would excite them most about Mount Pearl's future, the strongest values were "A green city with parks, trees, nature and trails" (65%) and "A City with a wide range of housing options for seniors, young families and affordable options" (53%)
5) When asked what concerns you most about the future for Mount Pearl, there were two leading concerns: "Traffic congestion:" (50%) and "Lack of affordable housing" (46%.)
6) Most respondents lived in a single family detached home (79%). About as many were outright owners of their homes (43%) as those who were paying it off/mortgage (41%).
7) When asked if they would be able to buy the house they were currently living n with today's home prices and mortgage rates, most indicated NO (65%).
8) Potential benefits of residential intensification (high priority): "Securing financial sustainability to afford the high level of services in the City" then "More efficient use of existing services and infrastructure" and "Increasing housing affordability".

9) Preferred new housing opportunities: Multi-unit buildings, i.e., apartments/condos (522) then Single detached (323) with the adjectives of 'senior' (389) and 'affordable' (362).
10) Describing City of Mount Pearl in 30 years, respondents ranked: "Well governed (58%) & Family-friendly" (55%), then "Pedestrian-friendly streets" (41%) & "Sustainable" (38%).
11) Travel preferences: For work, respondents were heavily vehicle oriented (> 75%); Recreation travel, mostly in summer with "Walk/Roll" and "Cycle" ranking highest.
12) Respondents were not willing to shift from personal vehicle to other transport modes.
13) The biggest transportation priorities in the next five years were to be: "Close to your day-to-day, grocery store, restaurants, facilities, medical, etc. (70%); then "Easy access to major roadways (49%) & "Access to parks and trails" (48%).
14) Most respondents who were working do not have flexible work arrangements to help travel outside of the busiest weekday peak hours of roadway traffic (58%).
15) Most important factors when choosing how to travel: "Convenience" & "Travel time".
16) The reasons for respondents not to regularly:
    a. walk bike, or roll were: "Feel unsafe-night time" (39%) & "More efficient to use a vehicle" (38%);
    b. take public transit were: "Prefer to drive in my own vehicle" (71%) & "Inconvenient schedule" (29%)
17) The most difficult time to travel through Mount Pearl is during weekday peaks (65%). And traffic congestion only moderately influences driving habits. The streets identified for greatest traffic congestion were: Commonwealth, Park Avenue, and Mount Carson.
18) Most respondents did not find any difficulty in find parking when they needed it (83%) and did not feel uncomfortable about larger trucks regularly travelling on or loading/unloading on the side of City roadways.
19) At the end of the survey, respondents were invited to express any other comments and In a nutshell, the comments indicated that respondents wanted:
    a. improvements to transportation and
    b. to preserve a 'green' city, the city within a park.

For the second public consultation, [TO COME] the draft planning documents and mapping were made available to the public. The poster and notices indicated that interested parties may contact the City by email or telephone to receive electronic copies of the documents and maps.

Upon completion of the review and comment phase, the draft planning documents and mapping are submitted to the Provincial government for review and comment, as required, by Section 15 of the *Urban and Rural Planning Act, 2000*.

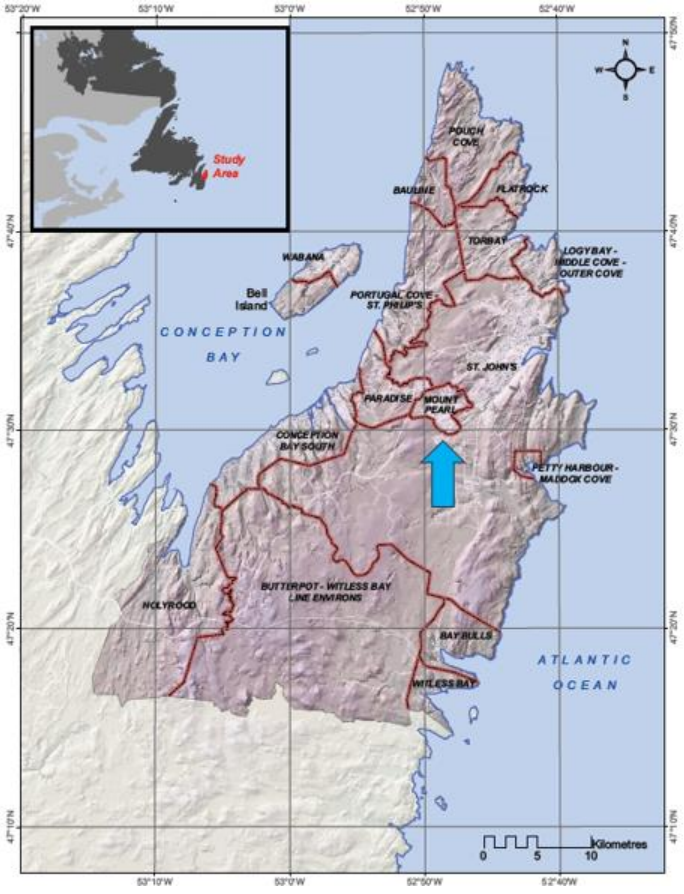
Upon completion of the provincial review, Council adopts the released planning documents and mapping and arranges a further opportunity for public input through a formal Public Hearing chaired by a qualified Commissioner, as required by Section 16-25 of the *Urban and Rural*

Planning Act, 2000. The Commissioner is appointed by Council to consider objections and representations from the public, either opposing or in favour of the Municipal Plan and Development Regulations. The Commissioner formally reports his findings to Council as a result of the public hearing. Council may adopt the Commissioner report in whole, in part, or reject the report in its entirety.

Council approves (by Resolution) the Municipal Plan and Development Regulations and associated mapping submits them for registration (as required by Section 23 and 24 of the *Urban and Rural Planning Act, 2000)*. Upon registration, the Council arranges for a notice to be published in the *Newfoundland and Labrador Gazette* which becomes the date of legal effect. A notice must also be published in a local newspaper to inform the public.

1.2 The City of Mount Pearl

1.2.1 The Shape of the City



Mount Pearl is located in the northeastern region of the Avalon Peninsula in southeast Newfoundland. It is the fourth-largest settlement and second-largest city in Newfoundland and Labrador. Mount Pearl is part of the St. John's metropolitan area (Census Canada), the 20th largest metropolitan area in Canada (Statistics Canada). Mount Pearl is located in the northeastern region of the Avalon Peninsula in southeast Newfoundland. It is the fourth-largest settlement and second-largest city in Newfoundland and Labrador. The City is centrally located (blue arrow) in the North East Avalon Region consisting of 15 communities. It is located a mere 12 minutes from the St. John's harbour, and only 15 minutes from the St. John's International Airport.

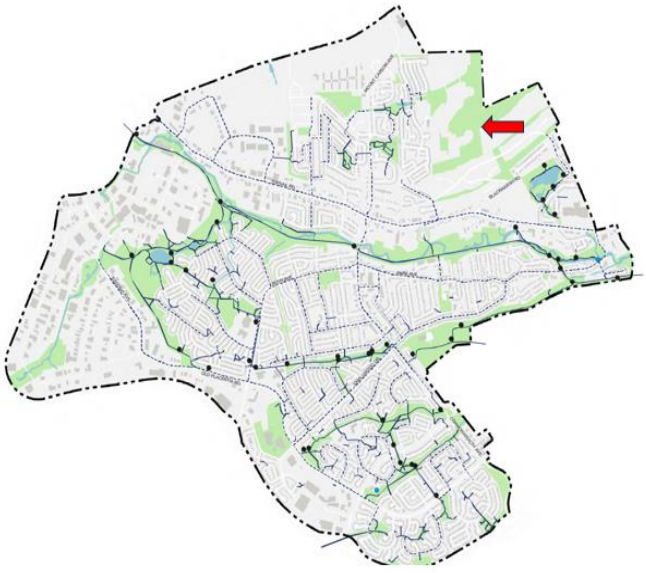
The City is defined by major roadways: Kenmount Road to the north, Pitts Memorial Drive (Route #2) to the south, the Trans-Canada Highway (Route #1) to the west and Team Gushue to the east. These road connections provide easy access to surrounding municipalities for employment, shopping and entertainment and connection to the rest of the province.



The city is also bisected by collector streets such as Mount Carson Avenue/ Commonwealth Avenue, Topsail Road (Route #60), Smallwood Drive, Brookfield Road/Old Placentia Road and Moffat Road which further contribute to defining the important neighbourhoods of the city.
For commercial development, these major routes foster location-specific characteristics such as commercial development combined with industrial in Donovan's, Beclin and Kenmount Industrial and Business Parks, or the proposed commercial and residential combination of uses on Kenmount Road, and the highway commercial uses on the Topsail Road and Commonwealth Avenue. Regional commercial facilities are located off Pitt's Memorial Drive and at the intersection of Team Gushue Highway and Topsail Road.



Residential neighbourhoods are defined by the road system which physically separates them from each other. Combined with the historical pattern of residential development this has resulted in enclave neighbourhoods (see map of neighbourhoods as published online by 'areavibes')
Connectivity for these neighbourhoods is currently evident by the easy and convenient access to shopping and services by resident in these neighbourhoods as many of these essential needs can be met by the many and diverse businesses located in the commercial areas of the city.
Furthermore, most of these neighbourhoods are connected by an extensive network of trails (black lines on the map) much of which is protected by an impressive interconnected dedicated zone (green areas on the map) to preserve these walkways and parks throughout the city.
Geography also impacts the shape of the city. The natural topography varies from the high elevation and steep terrain of Kenmount Hill in the northeast (red arrow on map) to the Waterford River Valley (and



T'Railway Park) which transects the heart of the city east to west; each creates a unique opportunity for the future of the City. South of the river valley, the gently sloping terrain was conducive to the development of traditional suburban subdivisions towards the southern boundary of the city.

The City of Mount Pearl is proud of the level of community spirit evident at the many local festivals, sport and other community celebrations. To provide a focus for this spirit, the City has embarked on providing an identity to the sense of place for Mount Pearl with the 'Find Your Centre' initiative. By establishing a City Centre at Centennial Square/Waterford River that provides a combination of recreation, entertainment, business and residential opportunities will preserve the Mount Pearl community spirit in the long-term. This City Centre area is given special attention in the renewed Municipal Plan.
Development and urban design forms that were endorsed by city respondents to the 'Find Your City' questionnaire will be enabled in the updated and renewed plan and regulations, such as outdoor patios, pedestrian only or shared streets, public gathering places for events, mixed use development with commercial main floor and apartments above as well as street trees and other improvements.









1.2.2 History of Mount Pearl

Mount Pearl dates back to 1829, when Commander James Pearl and his wife, Lady Anne Pearl, arrived in Newfoundland with a Crown grant of one thousand acres (4 km²) of land, a reward for Commander Pearl's 27 years of distinguished service in the Royal Navy. In 1830, Commander Pearl built a house upon the most elevated section of his estate and named it Mount Cochrane in honour of then-governor Sir Thomas Cochrane. After the governor left Newfoundland, Pearl renamed the site Mount Pearl. After Pearl passed away and his wife moved to England, John Lester continued working the Pearl Estate. He was later bequeathed 100 acres (0.40 km2) of land (present day Glendale) which he sold and purchased the land which is the site of Lester's Market today.

In the 1930s and 1940s, Mount Pearl became the meeting place of affluent members of society and lovers of horseracing. A large open air gallery, with benches for spectators to view surrounding lands was erected on "The Mount" in the 1940s. Horseracing continued to be prominent and Mount Pearl began to develop into something of a summer resort for St. John's residents. Increased population during summer months led to increased population year-round and eventual residential and industrial development. With the population growing quickly, there was increased demand for municipal government, as a result, Mount Pearl held its first election in 1955.

Mount Pearl was incorporated as the City 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 City adopted its first Municipal Plan. At the time, the City 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 City'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 City of Paradise.

In 1965, Mount Pearl's Council adopted the City'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 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 identified 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.

In 1979, the City 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 City 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 City expanded north to include Kenmount Park and the Topsail Road/Kenmount Park area; west to take in Donovan's Industrial Park (now known as Donovans Business Park); and south to take in the Newcity residential area, the rest of the Federal/Provincial Land Assembly, as well as the future Southlands development area. The inclusion of Donovans gave the City a solid financial base.

In 1982, the City 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 City 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 1988, 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.

The City's fifth Municipal Plan,1988, prepared by Newplan Consultants Ltd. and Fiander-Good Associates Ltd., consolidated the policies of several schemes and planning studies for the continued growth and expansion of the City. The population had reached 20,293 people. 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. 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. However, the Provincial Government's municipal consolidation program was underway at the same time and 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, significantly affected the City's growth potential. In late 1997, The Southlands Feasibility Study Commission excluded Southlands from Mount Pearl and confirmed Mount Pearl's existing boundary. Based on this decision, the Council directed that a new Municipal Plan be prepared to reflect the new realities facing Mount Pearl at that time.

In terms of general growth throughout the City, the 1988 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.

Regarding residential development, the major focus since 1988 has been 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 2009 Moffatt Road West Comprehensive Development Scheme and 2009 Blackmarsh Road North Comprehensive Development Scheme increased the amount of land available for residential development north of Topsail Road. The 1988 Plan also recognized the significance of the Waterford River floodplains as a constraint to development.

Tension in the City's commercial/civic was identified between the Centennial Square and Commonwealth Avenue area and the Pearlgate Centre area. Much of the Pearlgate Centre area commercial development is "big box" retailing with a different quality and experience than that which is offered in other commercial districts particularly from the Centennial Square and Commonwealth Avenue areas. City Hall has retained its location in Centennial Square with

significant expansion with the exception of the Department of Infrastructure and Public Works, which is located in Donovans Business Park. This has been captured in the 'Find Your Centre, 2020, Mount Pearl City Centre Renewal Plan.

Commonwealth Avenue continues to have commercial development mainly as infill in existing commercial areas. As part of the Plan, the Council decided to expand the Commonwealth Avenue commercial strip to Smallwood Drive to provide a transition from residential to commercial development, however, infilling did not occur as anticipated. It was predicted that Commonwealth Avenue strip will benefit from the revitalization of the City Centre.

The Plan also acknowledged Mount Pearl Square as a shopping centre with an array of retail and service uses. 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.

Regarding industrial lands, 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 became the focus of industrial development. The privately-developed Kenmount Business Park and Beclin Industrial Park are currently under development. Any changes to industrial policies in this Plan need to provide further opportunities for growth and intensification within the business parks.

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 continues 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. The Park Avenue School was 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. In the residential area north of Topsail Road, the Kenmount Park Neighbourhood Centre was constructed in 1993 to 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 and provided for new parks, walkways, and recreational facilities. This was supplemented by the 2005 Mount Pearl Parks and Recreation Master Plan.

Post-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 Gould's Bypass 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. The Robert E. Howlett Memorial Drive brings considerable traffic through Mount Pearl along the Commonwealth Avenue and Mount Carson Avenue corridor. 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 should alleviate traffic congestion.

The Plan and Development Regulations have been amended many times to respond to changes that were largely site-specific circumstances. Generally, the 1988 Municipal Plan was a plan for ongoing outward physical growth and development. The 2010 plan changed from a physical growth plan to a plan that emphasized improved quality of life, sustainable development principles, greening of the community, and ongoing sound fiscal management.

1.3 Community Profile

Much of the information in this section relies on publicly available data from Census Canada, Town Folio and the Provincial Government Community Accounts website.

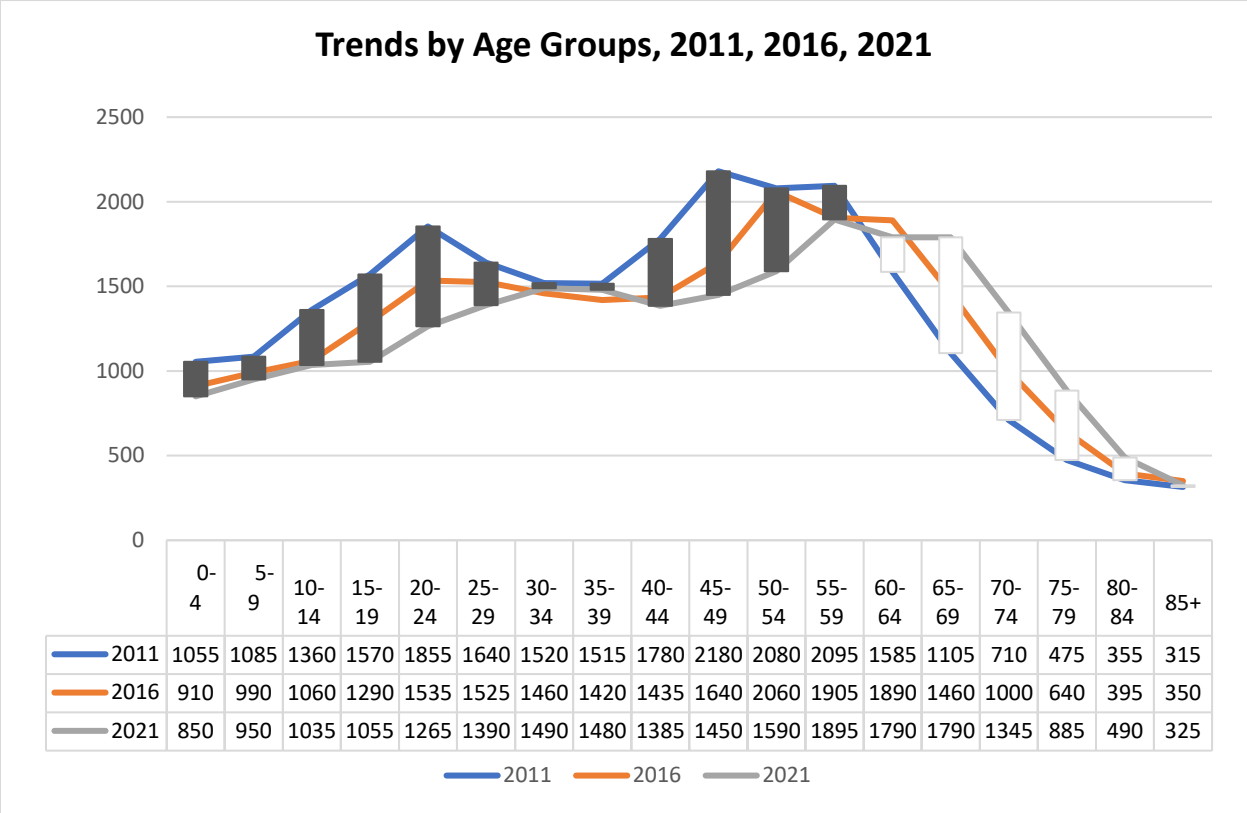
1.3.1 The People: Demographics, Education & Well-being

1.3.1.1 The People: Demographics

The 2021 Census population for Mount Pearl was 22,475. This represents a decline of 2.1% since 2016 (22,475 in 2021, down from 22,955). Over the same period, the entire province experienced a population decrease of 1.8% since 2016 (510,550 in 2021, down from 519,715).

Since 2011 there has been a decrease of and 7% (1,807).

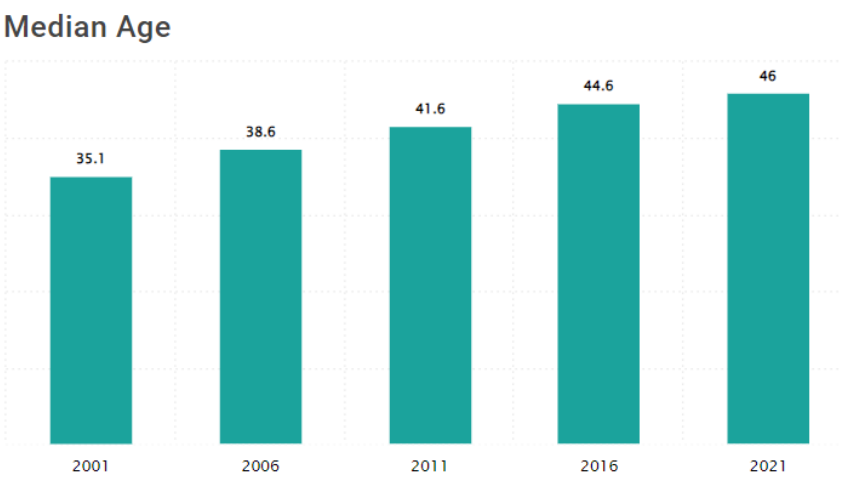




	0-4	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85+
2011	1055	1085	1360	1570	1855	1640	1520	1515	1780	2180	2080	2095	1585	1105	710	475	355	315
2016	910	990	1060	1290	1535	1525	1460	1420	1435	1640	2060	1905	1890	1460	1000	640	395	350
2021	850	950	1035	1055	1265	1390	1490	1480	1385	1450	1590	1895	1790	1790	1345	885	490	325

The median age in Mount Pearl was 46 in 2021; whereas the 2021 median age in City of St. John's was 42.8 and City of Paradise, 38 years; and for the Province it was 48.

The median age indicates the age separating the population group into two halves of equal size.

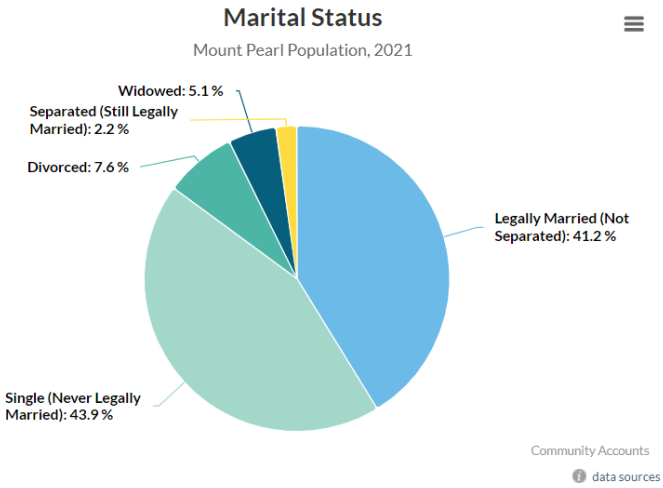


The following table shows the trends, by age group for the City of Mount Pearl for 2011, 2016 and 2021. The black bars indicate decrease and white bars indicate increase.

Like the rest of the province and the country, the overall population is aging, particularly the 65-69 and 70-74 age groups. As noted in Section 3.6, this group also represents a significant number of primary householder maintainers at 19% (This drops dramatically 10% for over 75 year olds). The aging trend was consistent between 2011-2016 and 2016-2021. Overall, the 60+ residents represented 18.7% of all residents in 2011 and grew to represent **30%** by 2021.

The mature working age group, 40-59 years of age, represented 25% of the population in 2011 and declines to **19.6%** by 2021.

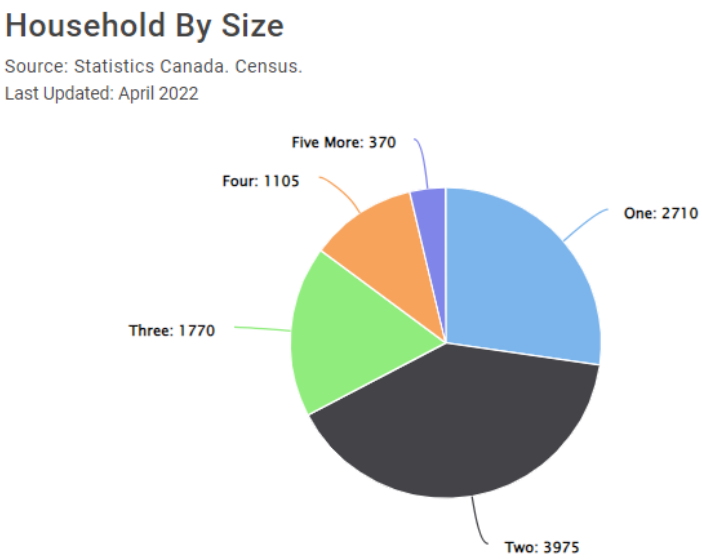
What is really interesting the lack of change in terms of numbers for the 30-39 year old age group remaining 13-14% of the total population (a decline of only 330 people). There was a decrease in the number of children under the age of 14 years of 662 children between 2011 and 2016 representing 13-14% of the population respectively.



The 15-19 and 20-24 year age groups showed significant loss. These are normally the end of high school and start of post-secondary school education years. This decline may be due to lack of convenient public transportation to post-secondary facilities which are located outside of Mount Pearl and (and which correspondingly have a lack of parking as well).

In terms of describing the household structures, the following statistics provide a flavor of the family composition for the City.

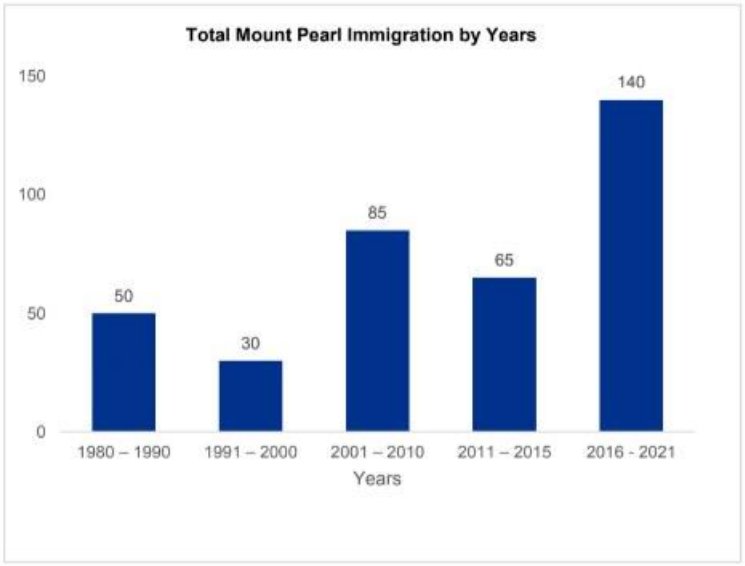
In Mount Pearl in 2021 there were 9,260 legally married (not separated), 1,150 widowed, 1,720 divorced, 490 separated, 9,870 single people (never legally married). The proportion of married and single people balancing out at 41-44% of the total. With only 5% widowed, this may mean that most seniors are still couples possibly living in their own homes and 'aging in place'.



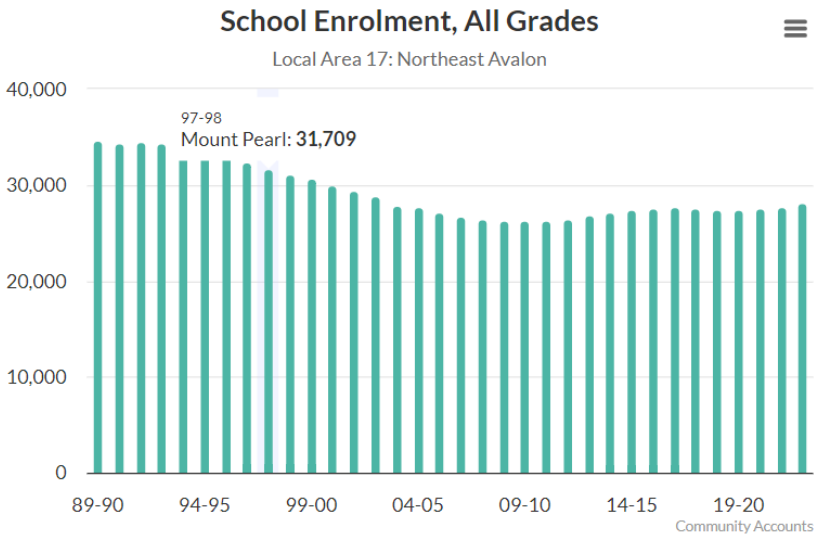
In order to anticipate the housing needs, it is helpful to understand the household composition. In 2021, the size of households in the City of Mount Pearl. The 2021 Census indicates that if the total 9930 households: 40% are two-person households, 27% are one-person households, 12% are three-person households, and 15% are four- or five-person households.

In terms of calculating the number of people who migrated into or out of the City of Mount Pearl, the Census provides a calculation of the Residual Net Migration for Mount Pearl which was -2.06% (-450 individuals) in 2020. For the Province, it was -0.13% (-660 individuals) in 2020. Net migration using the residual method is calculated by subtracting the current population

from the population in the previous year and then removing the affect that births and deaths has on the population. By doing so, the remainder/residual is the number of people who migrated into or out of the area.



As immigration is a growing phenomenon in the City (refer to table); in 2021 immigrants made up 2% of the total city population. Number of people belonging to a visible minority group as defined by the Employment Equity Act and, if so, the visible minority group to which the person belongs. The Employment Equity Act defines visible minorities as 'persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour.' The visible minority population consists mainly of the following groups: South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean and Japanese.



1.3.1.2 Education

- *15 years of age and over*

The 2021 Census reported that 11.5% of people 15 years of age and older in Mount Pearl do not have a high school diploma compared to 20.4% of people in the entire province.

In Mount Pearl about 88.5% of people aged 15 and over had at least a High School diploma in 2021 compared to 79.6% in the province as a whole.

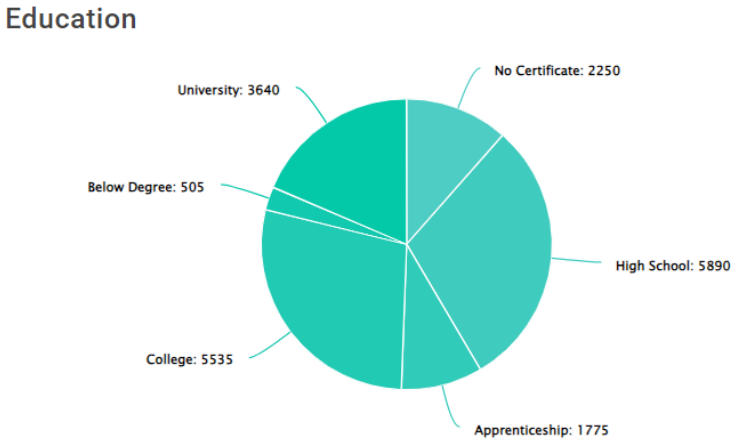
In Mount Pearl about 18.6% of those people aged 15 and over had a bachelor's degree or higher in 2021 compared to 16.6% in the province as a whole.

- *25 to 64 years of age group*

The 2021 Census reported that only 6.6% of people 25 to 64 years of age in Mount Pearl do not have a high school diploma compared to 12.6% in the province as a whole.

In Mount Pearl about 93.4% of people aged 25 to 64 had at least a High School diploma in 2021 compared to 87.4% in the province as a whole. In Mount Pearl about 23.3% of people aged 25 to 64 had a Bachelor's Degree or higher in 2021 compared to 20.8% in the province as a

whole. Overall, the City offers an educated population for the workforce with a wide range of skills based on the variety of major fields of study.

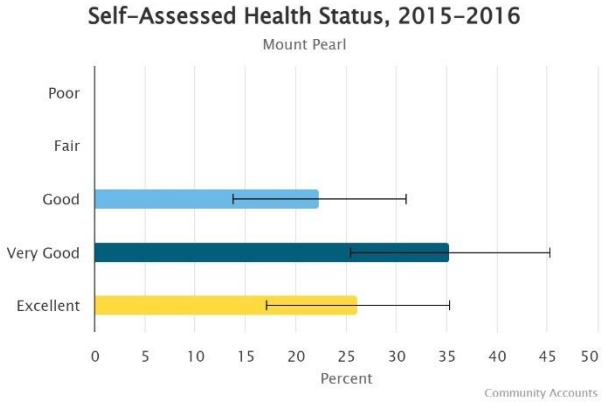


The City of Mount Pearl has two high schools, three intermediate schools and three primary/elementary neighbourhood schools providing educational service to over 4,500 children (see section 3.5 for list of schools). School enrollment appears stable; however, given the proximity of the City to adjacent growing municipalities, it can be anticipated that these facilities will be used to meet regional as well as local needs.

1.3.1.3 Health

A major indicator of well-being is how a person rates their own health status. In 2015-2016, 61.5% (+/- 10.1%) of individuals age 12 and over in Mount Pearl rated their health status as excellent or very good.

For the province, 62.0% (+/- 1.7%) of individuals aged 12 and over rated their health status as excellent or very good.



Another important aspect of the health of the community is the community spirit. This is evident in the number of well-attended community events held throughout the year. The City Pulse publication listed 24 such events for 2024. These social events are separate from the multitude of sport and fitness opportunities offered by the City, both indoor and outdoor, as listed in Section 3.5.

Event	Dates Subject to change
Frosty Festival	February 9-17
St. Patrick's Tailgate Party	March 16
Breakfast with Easter Bunny	March 30
Easter Egg Hunt	March 25-30
Youth Week Activities	May 7-10
Focus on Youth Awards	May 16
20 Minute Makeover Blitz	June 8
Sports Awards	June 13
Outdoor Movie	June 20
Canada Day Celebrations	July 1
Lunchtime Concert Series	July 5, 12, 19, 26
City Days	July 18-21

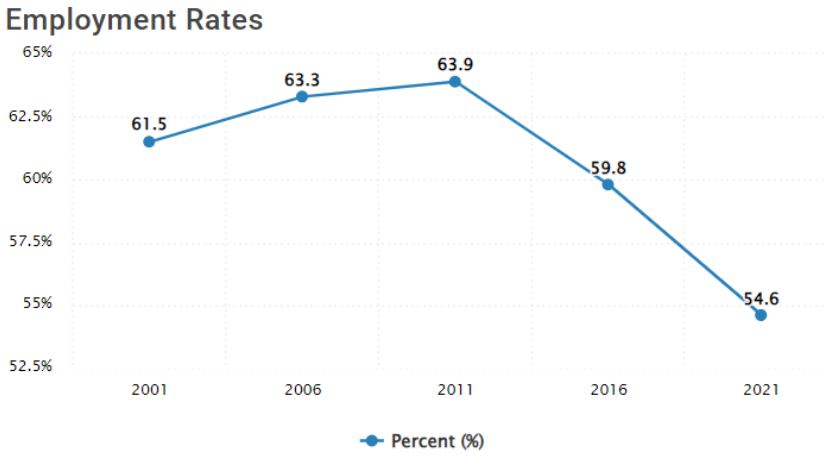
Event	Dates Subject to change
Pride in the Pearl	July 19
Lunchtime Concert Series	Aug 2,9,16,23,30
Movie in the Park	August 15
Drive in Movie	September 20
Oktoberfest	October 4 & 5
Fall Craft Fair	October 14
Haunting of Powers Pond	October 25-30
Pumpkin Parade	November 1
All is Bright	December 7
Breakfast with Santa	December 14 & 15
NYE Free Public Swim	December 31
First Night Celebrations	December 31

1.3.2 Employment, Labour and Income

1.3.2.1 Employment and Labour

- Labour force rates:

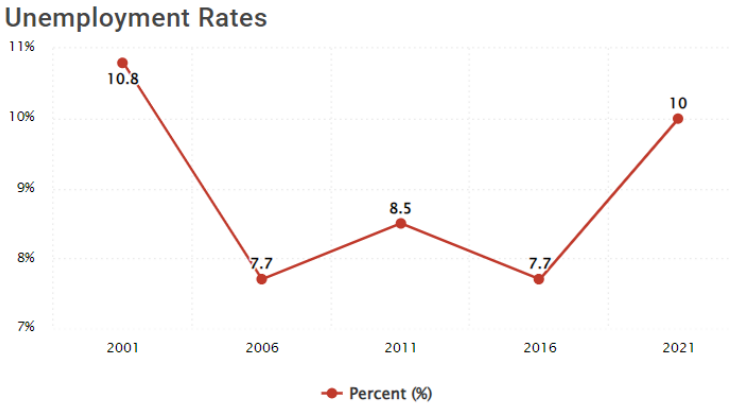
In Mount Pearl, during the reference week of the 2021 Census (May 2-8, 2021), the employment rate for those aged 15 years and older was 54.6% (47.5% for NL). The is almost a 10% decrease from 2011.



- Unemployment rates:

During the same period the unemployment rate for Mount Pearl was 10% (15.2% for NL). This is up from the lower rates during 2006, 2011 and 2016.

There were 11,875 (243,330 for NL) individuals participating in the labour force.



- Change in Employment: In 2020, there was a -10.6% 5-year change in employment. In 2011, there was a 2.3% 5-year change in employment. Across Newfoundland and Labrador there was a -6.3% 5-year change in employment in 2020.

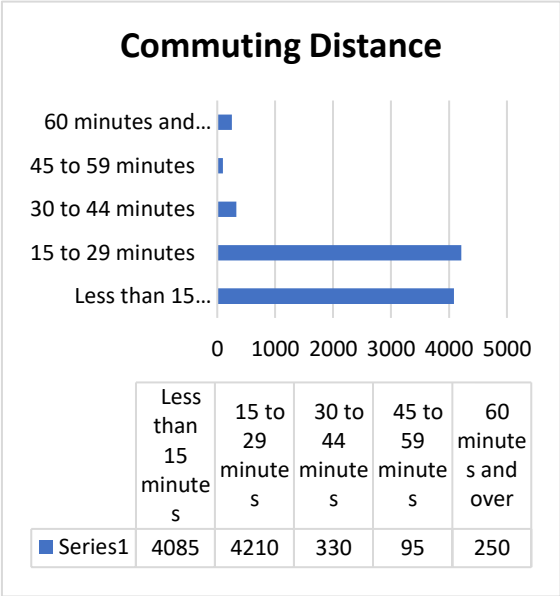
For the City of Mount Pearl in 2021 Census, of the total employable population 15 years or over (19,590):

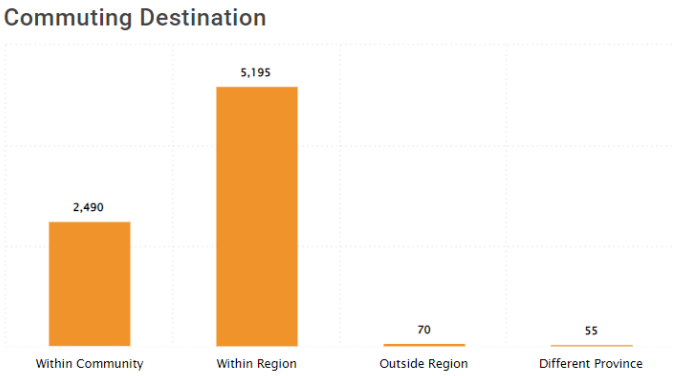
- 40% (7440) did not work,
- 35% worked full-time for the full year (7085) and
- 25% worked part of the year/part-time (5065).

- Commuting

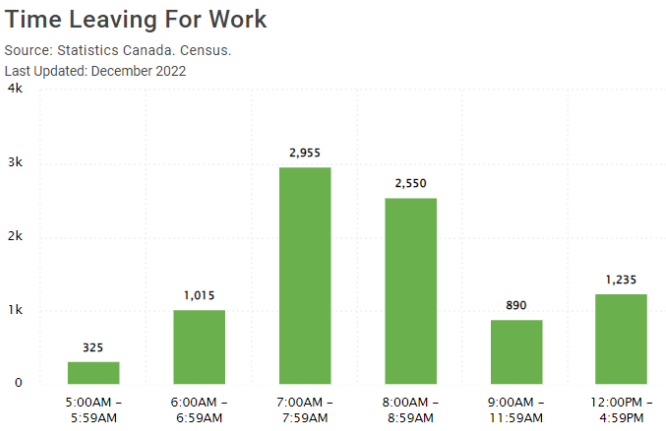
For the City of Mount Pearl in 2021 Census: of the 8,975 respondents that commuted, 45.5% commute less than 15 minutes, 47% commute 15 to 29 minutes, 4% drove up to 44 minutes, 1% drove between 45-59 minutes and only 3% drove over 60 minutes.

Regarding commuting destinations, 66% within the region, 32% commute within the community, 2% outside the region or to a different province.

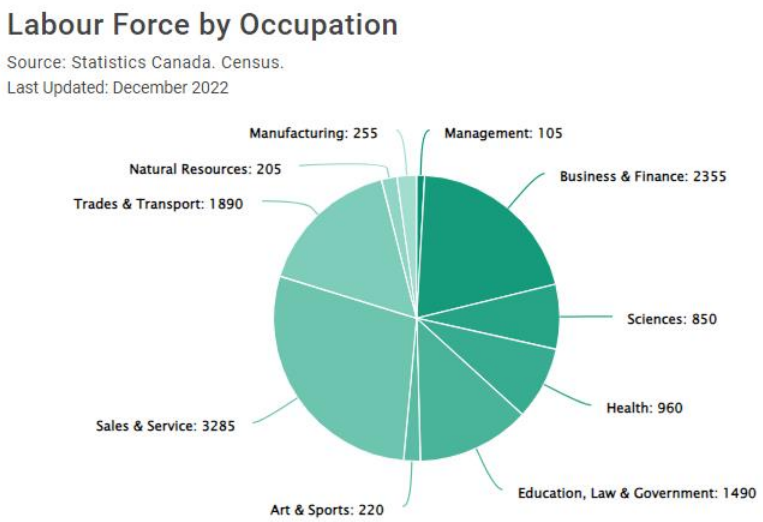




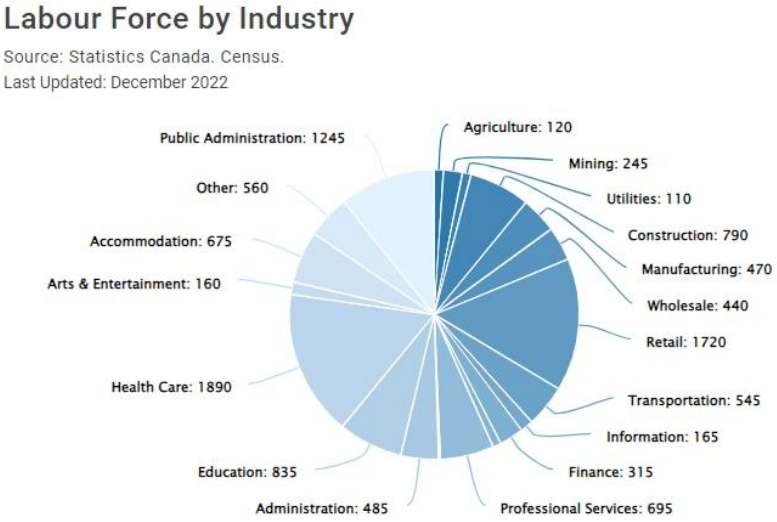
For morning traffic, the peak tie occurs between 7-7:59 a.m. and 8-8:59 a.m. according to the Census data.



It is interesting to see that when classified by occupation, there are only 10 categories and 'sales & service' is by far the highest in the list with 'business & finance' and 'trades and transport' and 'education, law & government' as the next cluster of occupations.

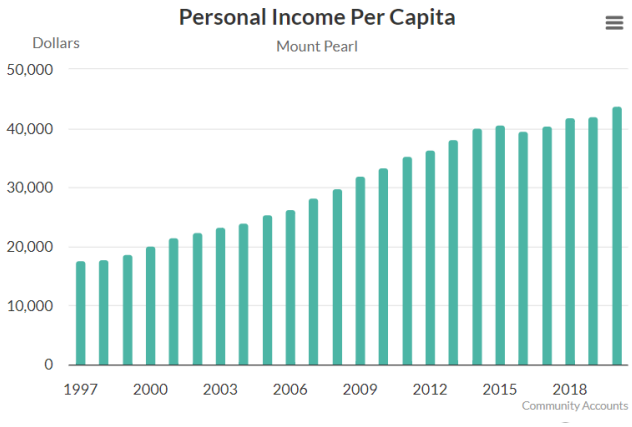


Whereas, when categorized by industry, the labour force is spread out over almost twice as many categories and the lead contenders are: 'Health care 'followed closely by 'Retail' then 'public administration'. These suggest a more regional location, most likely St. John's for the location of the employers.



1.3.2.2 Income

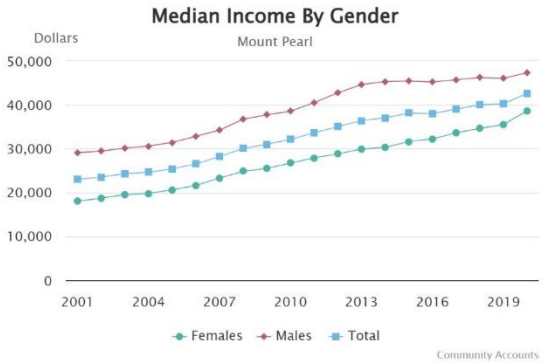
The 2020 gross income for every man, woman, and child (gross personal income per capita) in Mount Pearl was $43,900. For the province, gross personal income per capita was $39,900. After tax personal income per capita, adjusted for inflation, for Mount Pearl was unavailable. Personal income per capital is higher over the past ten years and generally stable in recent years.



Individual and Family Income

Half of the males in Mount Pearl received more than $47,300 in income during 2020 (compared to $42,100 for Newfoundland and Labrador), while half of females received more than $38,600 (compared to $32,300 for Newfoundland and Labrador). The national values were $46,200 for males and $36,300 for females.

Half of the couple families in Mount Pearl had incomes of more than $106,600 in 2020. Half of the couple families in the province had incomes of more than $95,500. The national value was $104,400. Half of the lone parent families in Mount Pearl had incomes of more than $56,800 in 2020. Half of the lone parent families in the province had incomes of more than $50,800. The national value was $57,100.



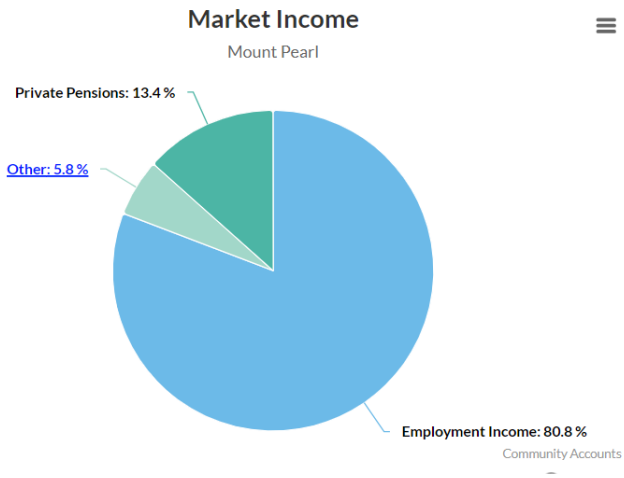
The average couple family income in Mount Pearl was $127,300 in 2020. The average couple family income in the province was $115,800. The national value was $128,900.

Self-Reliance Ratio

The 2020 self-reliance ratio for Mount Pearl was 80.1%. This is a measure of the community's dependency on government transfers such as: Canada Pension, Old Age Security, Employment Insurance, Income Support Assistance, etc. A higher self-reliance ratio indicates a lower dependency. The self-reliance ratio in the province was 74.7%.

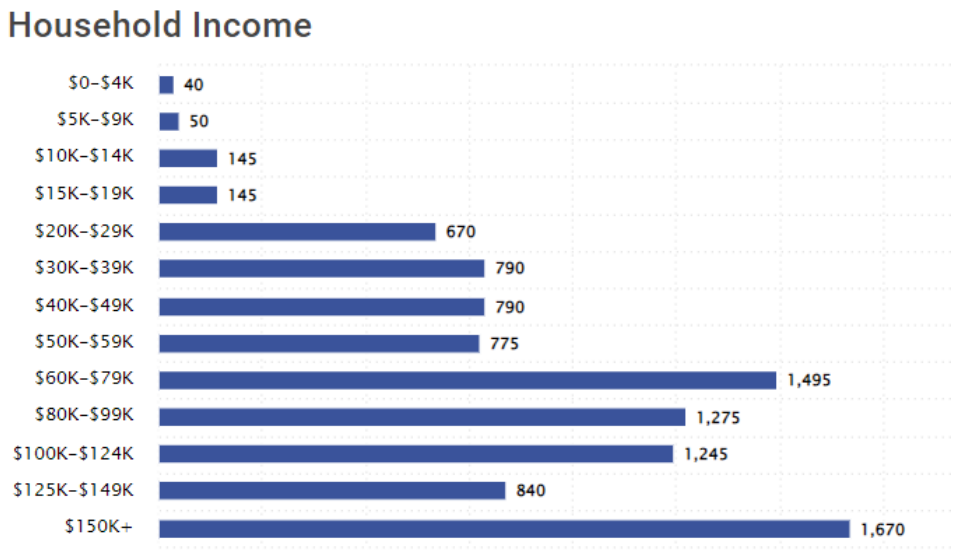
Market and Other Income

In 2020, the sources of market income for persons in Mount Pearl were:



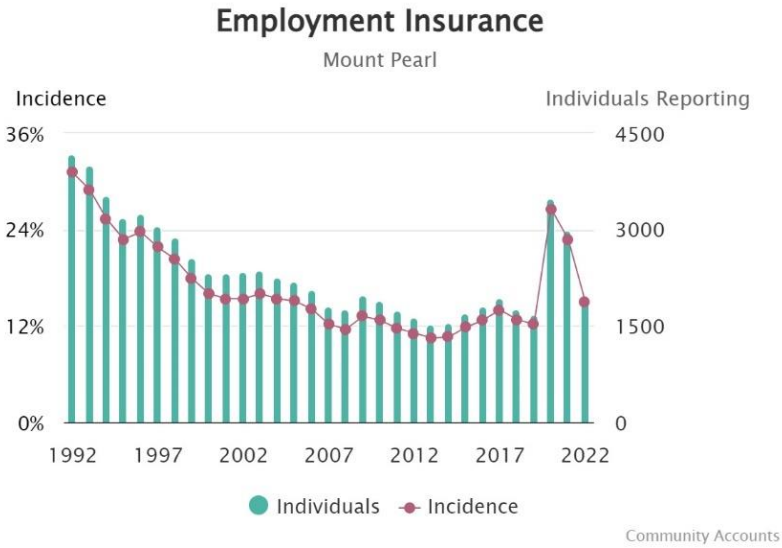
- Employment Income (12,880 persons reporting $48,400 average income)
- Investment Income (3,000 persons reporting $5,500 average income)
- RRSP Income (65 and older) (310 persons reporting $10,800 average income)
- Private Pension (4,110 persons reporting $25,000 average income)
- Other Income (2,980 persons reporting $8,300 average income) Other categories include: RRSP Income (0.4%), Investment Income (2.1%), Other Income (3.2%)

The household incomes chart shows how many household fall in each of the income brackets specified by Statistics Canada, Last Updated: August 2022.



Employment Insurance

The employment insurance incidence, the percentage of the labour force in Mount Pearl who collected Employment Insurance at some point in the year 2022 was 15.0% (,1960 people), higher than 2011 which was about 13%. The 1992 figure was 31.1% (4,180). For the province, the percentage of the labour force who collected Employment Insurance at some point in the year 2022 was 32.7%.



Benefits paid in 2020 include amounts paid to individuals for the Canada Emergency Response Benefit (CERB) that were processed by Service Canada via the EI program.

Income Support Assistance

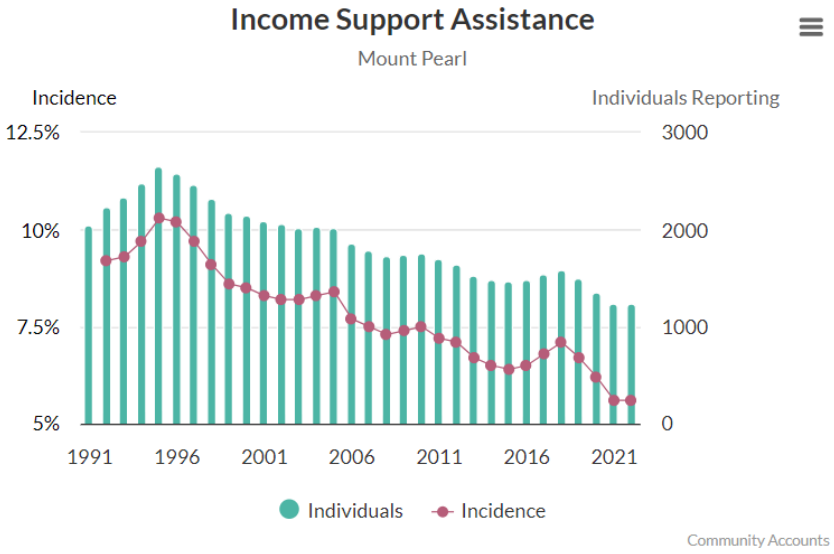
The number of individuals in Mount Pearl who received Income Support Assistance at some point in 2022 was 1,235 or 5.5% of the population. For 1991, the figure was 2,050 (9.2%).

The total number of children ages 0 to 17 in Mount Pearl who were in families receiving Income Support Assistance in 2022 was 335. For 1991, the figure was 920.

The average benefits for those people collecting Income Support Assistance in Mount Pearl in 2022 was $9,300. (Provincially=$8,900).

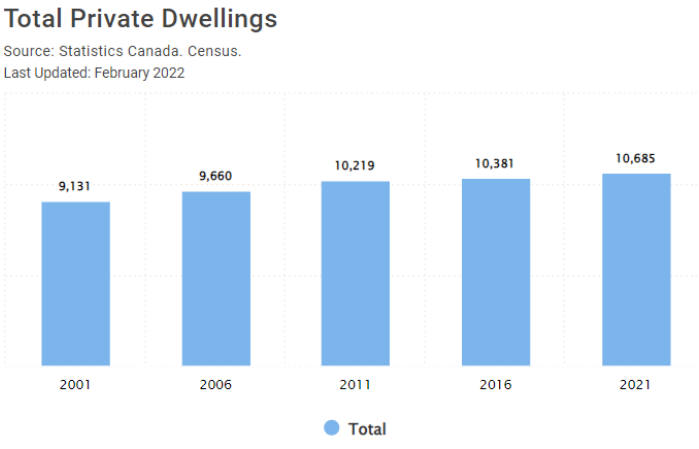
The average duration or the average number of months people were collecting Income Support Assistance in Mount Pearl in 2022 was 10.3 months. The average duration in 1992 was 7.9 months. The provincial average was 10.2 months of the year in 2022.

At the provincial level, 6.6% received Income Support Assistance at some point during the year 2022.



1.3.3 Housing and household overview

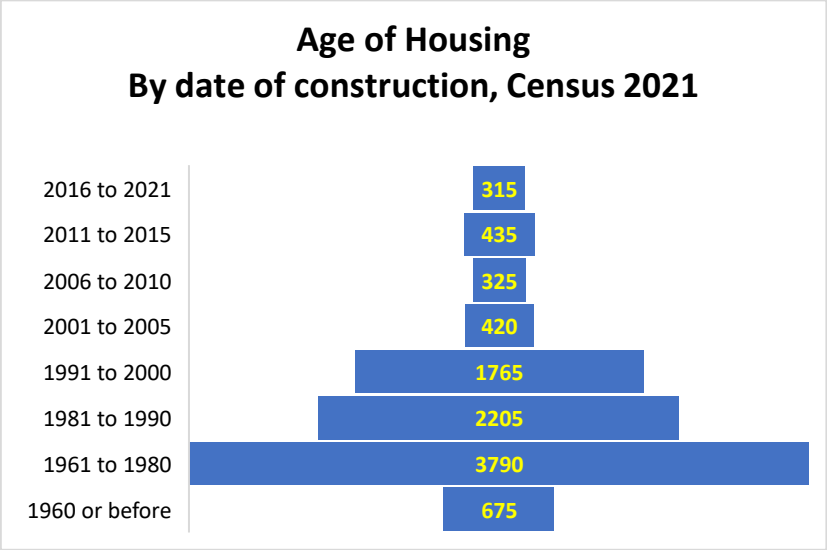
According to Census Canada, there are about 464 more private dwellings in the City of Mount Pearl Between 2022and 2021 (an increase of 3%) since the 2010 plan was brought into effect. As can be seen in the graph, development of new homes has slowed in the last decade.



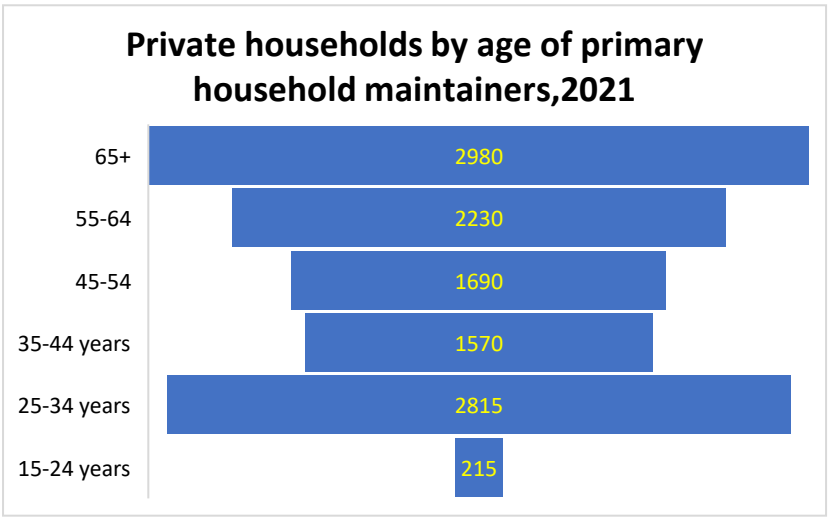
To obtain a general breakdown of the type of housing available at the last census, list of types by occupied dwelling indicates that **45%** of the house consists of singe detached dwellings, and **34%** consists of apartments in a duplex, 9% of housing can be found n row housing and 7% as semi-detached housing and only 3% consist of apartments in buildings with less than 5 storeys and no housing is found in apartments with greater than 5 stories.

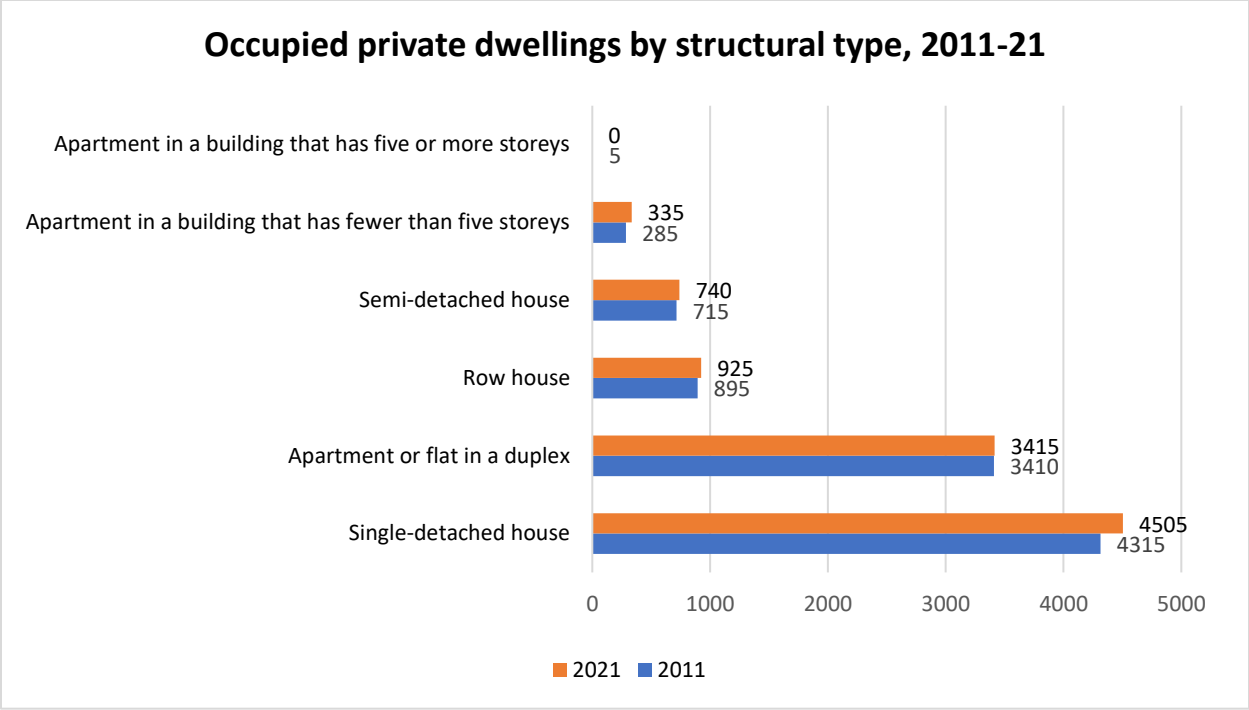
Most of the housing stock consist of 3-bedroom homes (46%) with 27% having 4 or more bedrooms, 18% having 2 bedrooms and only 8% consist on one-bedroom housing. The large number of homes with 4+ bedrooms might be explained by the age of housing stock, as older homes were built for larger families.

Age of housing stock: 45% of the housing over 43 years old; 22% between 34-42 and 18% between 24-33 years old.



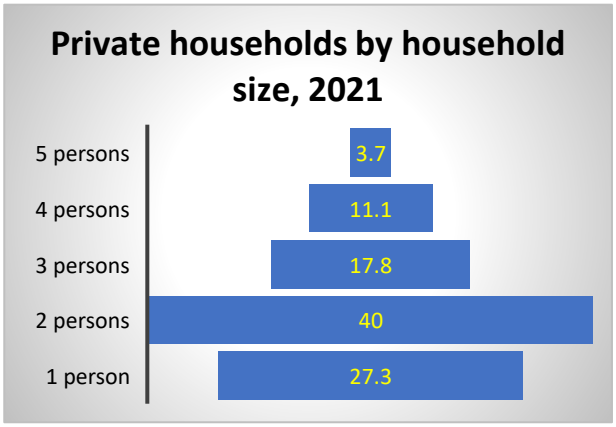
A profile of primary household maintainer indicates that post-retirement individuals (aged 65+) own the most homes (30%). The group that would be potentially put together the age groups as the young family category (25-34 years) represent 28% of the household maintainers. Followed by pre-retirement (55-64) are second in line at 22% followed by mature working force (45-54) at 17%.





The size of households is also important for projecting the type of housing needed. Census Canada data shows that for the time period of the previous plan, household size has grown smaller. This is particularly true for 1-person and 2-person households.

Trend in household size for private households				
	2011	**%**	**2021**	**%**
Total	9645	100	9930	100
• 1 person	2035	21	2710	27.3
• 2 persons	3490	36	3970	40
• 3 persons	2045	21	1770	17.8
• 4 persons	1580	16	1105	11.1
• 5 persons	495	5	370	3.7



The aging housing does not necessarily meet the needs of either the aging population or the younger entry-level home buyers. The aging home maintainers are staying in their homes for various reasons ranging from attachment or lack of other suitable senior alternatives within the City of Mount Pearl where they wish to 'age in place' and remain in their community of choice.

With the rising cost of purchasing a home creating a 'missing middle' for affordable housing for working people, and seniors seeking senior-friendly housing in order to 'age in place', there is an opportunity for a new approach to housing in terms on type and density to meet these needs.

1.4 Framework for a Sustainable City: Objectives and Policies

1.4.1 The Mission, Vision & Strategic priorities for the City of Mount Pearl

The City Plan 2025 has its foundation in the City of Mount Pearl Strategic Plan: 'Building Tomorrow", 2023-2027. Goal #1 of this strategy was the review and renewal of the City Municipal Plan. The Strategic Plan makes the clear statements regarding the City's mission, vision and strategic priorities that inform the objectives of the City plan.

MISSION:

Leading the way as an independent, progressive, family-oriented, inclusive, accessible, and business-friendly city that provides outstanding municipal services and community programs.

VISION:

A progressive, independent city with a strong sense of home.

STRATEGIC PRIORITIES

- **Attractive:** Position Mount Pearl to be the most appealing city in Atlantic Canada in which to live, work, and do business
- **Unique:** Capitalize on our resources to make Mount Pearl a unique and desirable place to work, play, and socialize
- **Agile:** Ensure an agile approach to opportunities, minimizing barriers and maximizing success in everything that we do.
- **Smart Planning:** Ensure smart, effective planning around development and redevelopment.

This chapter outlines objectives of the Municipal Plan designed that apply throughout the City of Mount Pearl Planning area to meet this mission, vision and strategic priorities (Section 13 (2) of the Urban and Rural Planning Act, 2000). These objectives provide a sustainable framework for the land use and development policies set out in this Municipal Plan.

1.4.2 Integrated Transportation: Complete streets, complete community

[to be inserted upon adoption of the Integrated Transportation Plan]

1.4.3 Economic Sustainability A Connected City

1.4.3.1 Objectives

1) To build on the shared vision of the City Centre celebrating Centennial Square, St. David's Park and the Waterford River as a downtown core and supporting area;
2) To grow the city economy by building on Mount Pearl's economic strength as a major commercial and industrial hub based on the regional competitive advantages of the city;
3) To diversity and enhance the City's retail, office, service, cultural and leisure opportunities;
4) To enable growth and expansion of existing businesses and attract new businesses through clearly articulated land use policies designed with flexibility to meet the future needs combined with streamlined, smart operations and management
5) To provide a land base for commercial and industrial growth by:
    a. maximizing the use of land through mixed use development both as mixed use buildings and mixed use zoning,
    b. providing standards that allow for intensification or densification and better use of the land base
    c. locating development in optimal areas though land use zones that maximize utility and minimize conflict and inspire a sense of identity and purpose
6) To maximize the use of federal, provincial and municipal programs to attract new business, retain and enhance existing businesses, and foster constructive relationships between public and private sectors, such as: [need a list of current programs and initiatives]

1.4.3.2 Policies

It is the policy of the City to:

1) Enable the implementation of the vision and objectives of the 'Find Your Centre' (FYC) Mount Pearl City Centre Renewal Plan (May, 2021) plan through City Centre-specific zones tailored different aspects that are fundamental to achieving the City Centre, as follows:
    a. City Center: To establish a City Centre core area including Centennial Square, the adjacent portion of Commonwealth Avenue and including St. David's Park which would allow greater flexibility in permitted and discretionary uses in a mix that is conducive to fostering a resident destination for retail, cultural and entertainment; including more intensive commercial and higher density residential development to support these businesses;
    b. City Centre-River's Edge: Enabling the higher density mixed development recommendations of the FYC plan at strategic locations for low-rise residential development that can take advantage of a view of the Waterford River and access to a proposed north Waterford River trail system;

c. City Centre-Topsail Road Gateway: Creating a sense of 'arrival' at the gateway to the Mount Pearl City Centre on the highly travelled north-south/east-west intersection of Topsail Road and Mount Carson/Commonwealth Avenues;
d. City Centre-Waterford River: Allowing for development consistent with the flood risk designations and protections put in place by the provincial government and allowing a wide range of uses complementary to the enjoyment of the Waterford River Valley to be considered where they will not compromise the integrity of the watershed and riparian ecosystem;
e. City Centre-Topsail Road: allowing for the Find Your Centre higher, mixed use density on both sides of Topsail Road and at the key gateway location for the City Centre;

2) Enhance growth of existing and new businesses within the industrial and business park land base (Donovan's, Beclin and Kenmount Business Parks) by providing for a wider range of permitted and discretionary uses and creating greater flexibility with regard to lot coverage, setbacks parking and height development standards.

3) Maximize commercial exposure opportunities on primary road corridors in a manner that allows for businesses suitable to these connectors and respecting or enhancing the adjacent land uses as follows, by creating opportunities for a:
   a. mix of commercial and high density residential development on Kenmount Road;
   b. focus of highway commercial, higher density commercial uses on Topsail Road
   c. combination of City's service, cultural and leisure businesses to complement the amenities of Centennial Square and St. David's Park to enhance the feeling of arrival at the 'Heart of the City';
   d. creating a regional service anchor off Pitt's Memorial Drive and the intersection of Team Gushue/Topsail which allows for higher density mixed development and flexibility in uses that create street appeal;

4) Provide for the growth of home businesses by clarifying the type and development standards for permitted and discretionary home businesses in a manner that allows flexibility for residents to augment their income without negatively impacting the residential character of their neighbourhoods;

1.4.4 Environmental Sustainability: City within a Park

1.4.4.1 Objectives

1) To protect the City's waterbodies including rivers, streams and wetlands for their environmental integrity, contribution to nature-based recreation opportunities and incorporation into the surface water management system for the city.
2) To integrate natural features into the streetscape [see ITP recommendations-to be included here]
3) To integrate climate change measures into city growth and design planning.

1.4.4.2 Policies

It is the policy of the City to

1) Preserve the Waterford River Valley and tributaries with appropriate designations (Conservation, City Centre-Waterford River) to protect the integrity of the river and riparian landscape as well as to allowing for passive recreation uses and related recreation and tourism-related development that has a focus on the river;
2) Protect rivers, streams and wetlands with a Conservation designation and Integrate them into the surface water management plans wherever practicable;
3) Incorporate natural features into streetscapes, such as street trees, natural buffers and landscaping features.
4) Preserve and expand the city system of Open Space, Parks and Trails in accordance with the City Recreation Master Plan and Master Plan for City of Mount Pearl's Trail Network, 2019 as amended from time to time;
5) Implement the recommendations of the "Setting Roots and Growing Forward – Mount Pearl Urban Forestry Plan, 2022"in the streetscape and landscaping requirements of the City Development Regulations; including protect existing trees and wooded area and planting of new trees.
6) Promote protection natural vegetation and native species and explore the 'wilding' of parks and open spaces to minimize environmental impacts and costs of maintaining lawns;
7) Take action to achieve the targets of the City of Mount Pearl Climate Change Action Plan including reduction of greenhouse gas emissions, fuel switching, energy efficiency, solar panels, eco-driver training, vehicle improvements, anti-idling technology, water conservation, leak detection, commercial metering, recycling, composting, annual emissions tracking and public engagement.

1.4.5 Sustainable Governance: Smart Mount Pearl

1.4.5.1 Objectives

1) To strive to become a 'smart city' by maximizing digital solutions at all levels in order to achieve operational efficiency, share information and provide improvements in terms of government services and citizen welfare
2) To strengthen fiscal sustainability in providing municipal services by
    a. maximizing return on investment regarding infrastructure and services, and
    b. efficiency in operations and customer service,
    c. achieving economies through regional cooperation

1.4.5.2 Policies

It is the policy of Council to:

1) Implement an Asset Management Program in order to maintain city infrastructure -streets, water, sewer and storm water management- to meet the needs of residents and businesses allowing for growth in an orderly, efficient and cost-effective manner
2) Continue to apply effective and responsive technology to communicate City initiatives in an open, transparent and inclusive manner that welcomes the involvement of citizens and civic groups in ongoing city initiatives; Local Governance and the strong relationship of Council to its citizens is an important component of managing change;
3) Maintain relationships with regional partners to provide services such as, but not limited to, water, waste management, transit, recreational and other facilities functioning at a regional level
4) Implement green technologies for infrastructure and climate change initiatives
5) Enable higher density development to maximize city investment in municipal services taking into consideration the following factors:
    a. Compatibility with the character of the neighbourhood and adjacent properties;
    b. Features of the proposed structure: Size, mass and shape of proposed building
    c. Urban design elements that enhance the aesthetic quality of the neighborhood; good design can improve the visual appeal, functionality, and overall livability of the area
    d. accessibility and transportation
    e. capacity of infrastructure
6) Ensure prudent fiscal management of City resources and to allow for access to information;
7) conduct a regular review of all strategic initiatives to ensure clarity of vision for the City, consistency with Strategic Plan;
8) Undertake regular reviews to ensure that the City's organizational structure be adjusted whenever necessary to respond to the changing needs and resources of the City.

9) Require that the City Plan policies are part of during all major strategic initiatives of Council, to ensure that the initiative is consistent with the 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.
10) Strive for excellence in the delivery of municipal services to its citizens and taxpayers. Initiatives and principles to guide service delivery shall include: ongoing 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.

1.4.6 Community and Social Sustainability: A Happy City

1.4.6.1 Objectives

1) To make Mount Pearl a desirable place to live by providing recreation and public service amenities in an environmentally-friendly manner;
2) To advocate a new approach to housing is required to meet market demands with deliberate housing policies aimed at increasing supply, more options for housing types/sizes and locations for intensification.
3) To manage the City of Mount Pearl in a fiscally sustainable manner
4) To make the City of Mount Pearl a 'Happy City' through high quality urban design.
5) To improve liveability of Mount Pearl as a winter city
6) To ensure that the municipal plan policies and land use designations are integrated and compatible with the surrounding and existing land use pattern and development.
7) Crime prevention through environmental design guidelines shall be developed. These guidelines would be utilized to encourage the adoption and application of CPTED (Crime Prevention through Environmental Design) principles and strategies by providing the criteria by which applications and developments will be reviewed.

1.4.6.2 Policies

It is the policy of Council to:

1) Provide facilities and programming for recreational, sport, active living., leisure and cultural enjoyment as well as the physical and mental health of the residents of Mount Pearl;
2) Enable the development of a wider range of housing to ensure attainable housing is available to residents and newcomers that meets their needs but also makes best use of the limited land base and higher costs of infrastructure; This will be achieved by:

a. Supporting a growth strategy that allows for compact and higher density new and re-development in fully serviced areas that have road and service capacity with development standards that protect the sense of home in Mount Pearl neighbourhoods;
b. allowing a wider range of housing mix and density within the residential zones
c. creating commercial zones with distinctive character related to types of products and services, type of street and the needs of both the business and the public and allowing for and mixed-use buildings and land use zones incorporating higher density residential development;
d. enabling gentle intensification to provide alternative housing through accessory residential dwelling units on existing residential properties in any zone provided that development standards including parking are met and the character of the neighbourhood is preserved;
e. streamlining conversion of existing commercial, office or public use buildings to residential use;
f. creating greater flexibility in development standards regarding yards, lot coverage, floor area ratios and alternative layouts including cluster development and plex housing;

3) Continue to support the Façade Improvement Program and offer other incentives to update and improve the existing buildings; [if the program is discontinued, it needs to be revived]

4) Protect and enhance the "City in a Park" character of the City of Mount Pearl by:
   a. The development of Urban Design Guidelines which provide standards and conditions regarding building design and City character, the style, size, scale, colour and form of buildings in Mount Pearl and create a quality urban environment which may incorporate a signature style contributing to a unique identity for Mount Pearl
   b. Prohibit or require mitigation of uses or development that detracts from the visual beauty of the city or negatively impacts adjacent properties by requiring buffers, landscaping or fencing, separation distances, removal of unsightly or unsafe structures, or other measures as determined by Council
   c. Considering the impact of development on the amenity features of a neighbourhood;

5) Consider winter climate issues to maximize year-round success and user-friendliness of proposed development;
6) Streets and sidewalks slope: These shall be designed to
   a. minimize grades where possible so as to reduce the danger of accidents in icy and snowy conditions.
   b. consider the location of vertical infrastructure and street furniture to minimize obstruction of snow clearing/removal operations.

7) Infrastructure: When retrofitting of street infrastructure (such as utility poles, fire hydrants, and signage poles) decisions regarding new locations shall take into account service implications due to weather conditions, such as snow removal/storage considerations.

2.0 POLICY FOUNDATION FOR THE CITY DEVELOPMENT REGULATIONS

2.1 Statutory and policy context for the Development Regulations

The statutory requirements for Development Regulations are set out in the following sections of the *Urban and Rural Planning Act, 2000:*

- **Section 13:**

"13. (1) A plan and development regulations made under this Act and amendments to them shall be certified by a person who is a fellow or full member of the Canadian Institute of Planners.

(2) A 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 35:**

"35. (1) A council or regional authority shall, to ensure that land is controlled and used only in accordance with the appropriate plan or scheme, make development regulations

(a) respecting land use zoning and shall require for that zoning, a map that divides the planning area into land use zones;

(b) indicating permitted, prohibited and discretionary uses of land in each land use zone;

(c) respecting the requirements for residential lots and access to residential lots;

(d) respecting the development of and requirements for subdivisions;

(e) respecting development permits including

(i) different types of permits,

(ii) the application for and issuance of permits,

(iii) required fees, forms and information with respect to permits,

(iv) approval in principle of permits,

(v) processing, cancellation, suspension and refusal of permits,

(vi) conditions applicable to a permit or type of permit,

(vii) length of time for which permits are valid, and

(viii) the discretion and variance powers available to the council or regional authority with respect to the issuance of a permit;

(f) requiring that an applicant for a permit be provided with available information and requirements applicable to the application;

(g) requiring that a decision of a council or regional authority with respect to a permit be in writing and state reasons for a refusal of or conditions placed upon a permit;

(h) respecting reasonable minimum notice periods for the council or regional authority for decisions respecting discretionary land use, non-conforming land use and variances;

(i) respecting public notice for permit applications and requiring that the cost of that notice be borne by the applicant;

(j) respecting the non-conforming development and use of land;

(k) respecting financial guarantees of applicants with respect to a proposed development;

(l) respecting appeals of decisions to adjudicators; and

(m) respecting the enforcement of permit requirements."

The following sections of this chapter set out the policies relating to the establishment of the Development Regulations that apply throughout the Mount Pearl Municipal Planning area in conformance with Section 13 (2) 2) and Section 35 of the *Urban and Rural Planning Act, 2000.*

It is Council policy in Chapter 1 of the Development Regulations to:

1) Articulate the authorities, statutory compliance, legal context and delegation of authority in the Development Regulations;

2.2 Administration of the regulations

It is Council policy in Chapter 2 of the Development Regulations to:

1) Clarify when a permit is required;

2) Clarify when a permit is not required and allowing for Council to issue an Order regarding the need to address a public concern;

3) Establish a transparent application review process that enables Council to comprehensively evaluate proposed development, involve the public where appropriate, and consider alternatives during the review process of development proposals. The regulations shall address: the submission requirements for all applications, discretionary use applications and planned unit development applications; the obligations of the applicant and City in the application process; and the decision-making process whereby Council may approve, approve with conditions, defer or reject an application with reasons;

4) Set out provisions in the Development Regulations for:
    a. variances (Section 36 (1) (B) *Urban and Rural Planning Act, 2000* and Sections 12 and 13 of the Minister's *Development Regulations 3/01*);
    b. non-conforming use (Section 108 of the *Urban and Rural Planning Act, 2000*; and Sections 12 and 13 of the Ministers *Development Regulations 3/01* and,

c. the amendment process for the Municipal Plan and/or Development Regulations as per the *Urban and Rural Planning Act, 2000* and Minister's *Development Regulations 3/01*.

5) Set out the application decision-making process in the Development Regulations including, but not limited to, the decision-making authority of Councill, including:
    a. Discretionary decision-making: In considering an application for a permit to carry out development, take into account the policies expressed in the Municipal Plan and any further scheme, plan, or Regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in these Development Regulations, approve with conditions or refuse the application;
    b. Timely decision-making: establish a time-line for decisions on applications;
    c. Deferment of applications: state procedure for deferral;
    d. Public notice: Indicate when public notice is required or discretionary and set parameters regarding notification and deadlines;
    e. Briefing sessions: Set out procedure for briefing sessions;
    f. Approval in Principle: Confirm requirement for full Approval before development can begin and set out timeline for completion of pre-requisite studies, provincial government approvals, information to be provided to complete the application;
    g. Approval of a Permit: Clarify approval process and conditions to approval;
    h. Permit responsibilities of the Applicant: Emphasize applicant responsibility to provide sufficient data, information, analysis to enable comprehensive evaluation;
    i. Correction of errors and remedial work: Enable approved permits to be corrected;
    j. Revoke a permit: Set out conditions whereby a permit can be revoked;
    k. Fee for Permit: Enable Council to apply a schedule of fees for permits;
    l. Written reasons for refusal of a permit: Require Council to set out reasons in writing;
    m. Refusal; Premature development: Provide authority to Council to refuse development that is premature, or that adds unnecessary financial burden to the City where public costs exceed public benefits.
    n. Appeal: Set out Council responsibility to inform applicants of the appeal process in writing;
    o. Register: Require Council to maintain a registry of applications.

6) Set out special conditions and tools to manage development in the Development Regulations such as

a. Development Agreements: The City may enter Development Agreements with developers in any situation where Council considers that there is a public interest to be protected. The City shall enter into agreements for new developments involving the subdivision and/or consolidation of lands for development for subdivisions greater than 5 lots or where there is a public interest. (see 2.6 for details). Such agreement shall be negotiated between the developer and the Municipality for financing and development of services provided to the site, constructed to municipal standards and consistent with the policies of this Plan and the Development Regulations;

b. Planning Impact Analysis: Where an application for development or an application for an amendment to the Municipal Plan and/or Development Regulations is considered by Council to potentially have a significant effect on the community, Council may require that a Planning Impact Analysis undertaken to address Council concerns and provide mitigative measures to address impacts on the environment, community (quality of life) and any other land use, architectural traffic or environmental concerns, at the discretion of Council; Council shall approve a Terms of Reference. The PIA shall be prepared at the expense of the applicant unless otherwise determined by Council; and may include public consultation.

c. Service levies and Development Guarantees: 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:

   i. Ensuring compliance to municipal standards of public services and roads, public purpose uses and structures;
   ii. The payment of service levies;
   iii. Ensuring landscaping and site reinstatement; and,
   iv. To enforce any other condition attached to a permit or license.
   v. Requirement for land conveyed for public work purpose and restoration of land:

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.

7) Set out the enforcement responsibilities in the Development Regulations according to the authorities of the *Urban and Rural Planning Act, 2000* including delegation of enforcement authority, right of entry and enforcement authorities.

2.3 Land Use Designations, Zones and Policies

It is Council policy in Chapter 3 of the Development Regulations to:

1) Within the designations set out in Municipal Plan and Future Land Use Map, set out the land use zones to be indicated on the Land Use Zoning Map of the Development Regulations. The associated policies in Chapter 3 of the City Plan shall indicate permitted and discretionary uses including uses permitted in all zones and any conditions specific to the uses in the zone. The Development Regulations shall set out the development standards for the zone and types and conditions regarding accessory uses and buildings, and home businesses.

2) Clarify the interpretation of the line for designations on the Future Land Use map and the zones on the Land Use Zoning mapping and associated Use Zone tables, as follows:
    a. Interpretation of boundaries are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No Development Regulation amendment shall be required in order to accommodate minor adjustments of the Use Zone boundaries.
    b. Where the lines overlaps municipal and provincial roadways, there shall be no encroachment of development onto the roadway owned by the City of the Department of Transportation and Infrastructure (TI) without the express written consent from the City or the Deputy Minister of TI. Any proponent shall be fully responsible to identify property and highways owned by the City or TI.
    c. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Use Zone delineated on the Land Use Zoning Maps.
    d. Where there is uncertainty regarding the existence of a watercourse identified on the zoning map, this can be confirmed in the field. If it is determined that the watercourse does not exist, the area in question shall be treated as if it is occurring within the surrounding zone.
3) Set out the matters to be considered for any application for development;

2.4 General Development Policies

It is Council policy in Chapter 4 of the Development Regulations to:

1) Address protection of the community character of Mount Pearl by:
    a. Requiring that development shall laid out and designed in a manner that:
        i. Is compatible with the neighborhood regarding building design, character, style, size, scale, colour and building form in Mount Pearl;
        ii. minimizes potential nuisance factors such as, the impact of traffic, noise, lighting, and signage on adjacent residential areas. Where necessary, screening shall be required through the provision of trees, shrubs, banks and berms, landscaping or fencing;

iii. reduces light pollution and control sky glow and light pollution from external lighting by requiring that exterior lighting on buildings and properties be directed down and into the property to prevent excessive spill light into adjacent dwellings or land use; and
iv. Prohibiting development that is unsightly or creates a nuisance.

b. Address potential conflict between sites by require buffering, screening and separation distances for a proposed development within the site of the development to be installed and maintained by the owner; the buffer area can also form part of the City's linear walkway system.
c. Define nuisance and unsightly development for the purposes of prohibition.
d. Crime prevention through environmental design guidelines shall be developed. These guidelines would be utilized to encourage the adoption and application of CPTED principles and strategies by providing the criteria by which applications and developments will be reviewed.

2) Set out standards regarding lot and building siting, including
   a. Lot size integrity: No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof, such that:
      i. the lot area, frontage, front yard, rear yard, and side yards are less than the minimums permitted by these Regulations for the zone in which such lot is located; and
      ii. the lot coverage of all buildings exceeds the maximum permitted by these Regulations for the zone in which such lot is located.
   b. Unsubdivided land: Development is not permitted on unsubdivided land unless the development of the land would not prejudice its ability to be subdivided and further developed in the future and sufficient area is reserved to satisfy the yard and other allowances required in the Use Zone in which the property is located. These requirements shall be retained when the adjacent land is developed.
   c. Lot to front on a publicly maintained road: Require that all development must front on to a publicly maintained road (Provincial or Municipal) and have independent, approved access except for the following exceptions: (1) a development within a Planned Unit Development where there may be an internal road plan (which shall be set out in the Development Regulations); however, the Planned Unit Development area must front onto a publicly maintained road; and (2) natural resource uses and associated industries, i.e., agriculture, forestry, mineral working, etc. (3) 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.
   d. Building lines and setbacks:

i. Ensure that building setbacks from property boundaries are sufficient to allow required landscaping standards, snow clearing and off-street parking.
ii. Require infill development and outdoor storage to be sited in conformance with the building line setback with the following exceptions:
    - where it is desirable to be respectful of existing street lines within established streetscapes and a different building setback is allowed in the development standards of the zone in which the development occurs;
    - 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.

e. Define and set conditions regarding flanking/corner lots and double fronting lots
f. Set out conditions regarding yard encroachments
g. Set out conditions regarding an outdoor display court
h. Indicate where and how to address multiple uses on one lot and how to apply development standards including parking requirement
i. Set out requirements for civic numbering
j. Indicate municipal protections for heritage: Council shall protect the heritage resources in the city by designation under the Town and Local Services District Act, and shall develop Heritage bylaw under that Act to protect specific buildings, lands or locations in a manner that is appropriate to the site and protection needed;
k. Set out development standards for Cluster development
l. Define the maximum number of buildings and dwelling units per lot
m. Address additional maximum building height
n. Set out Building Height Exceptions
o. Provide Building Height Considerations
p. Address below grade development considerations
q. Set out conditions regarding heat pumps, mini-split heat pumps, air conditioners or external fans

3) Set out requirements for Landscaping which may meet or exceed but must be consistent wit the City's landscaping policies, regulations and guidelines, such as:
    a. the planting of trees, bushes and natural vegetation in the front, side and rear yards of lots and along streets.
    b. Public spaces to be dedicated to the City shall be landscaped in accordance with a landscape plan as approved by the City
    c. The natural vegetation of the lot, especially trees and shrubs, shall be maintained by the property owner.
    d. As a condition of a permit, Council may require a fence, berm, wall, landscaping, or combination of these, depending on the type of use or development proposed and the potential visual impact or conflict with adjacent properties;

e. 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
f. Required landscaped front yards shall not be used for the display of equipment or materials unless such display is permitted in the zone in which the development occurs.

4) Set out standards in the Development Regulations regarding municipal services and public utilities, such as,
   a. The requirement that all development in the City of Mount Pearl shall have full municipal services
   b. Control number and type of access points to the public street in terms of number, location, and design in order to keep the street safe and efficient for both vehicles and pedestrians; 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.
   c. Ensure that the Development Regulations contain provisions storm water management and surface drainage to protect adjacent properties, wetlands and waterbodies
      a. By achieving zero net runoff for new development applications;
      b. ensuring relevant approvals from the Water Resources Management Division;
      c. consideration of green approaches, where practicable including restriction to development on sites having soil and drainage suitable for proper siting and development
      d. taking into consideration the implications of impervious surfaces and storm water management;
   d. Council may, for a development not involving a subdivision, require a portion of the land to be developed to be conveyed to the City for a public purpose where public works are required to accommodate the proposed development. Ownership of new streets and service infrastructure shall be required to be transferred, at no cost to the Municipality upon satisfactory completion.
   e. Antenna: Although telecommunications are within federal jurisdiction, the policy of the City with regard to antennae include:
      i. Insignificant antennas which 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 antennas may be permitted at the discretion of Council in all designations, provided there is no negative impact on adjacent lands or uses.
      ii. Significant antennas are fifteen metres (15 m) or more in height and may be permitted at the discretion of Council in all designations except Residential, Public Institutional, and Conservation designations and subject to a discretionary use public consultation process. [does this

need to be a plan policy or can we have it only as a standard in the regulations-that would be my preference]

5) Require the following environmental standards to be applied as conditions to new development applications for new builds, retrofitting, repair or conversion of existing buildings including:
    a. All newly constructed buildings shall be designed and incorporate construction methods that meet the National Energy Code as a minimum standard.
    b. New housing constructed shall meet or exceed EnerGuide 75 standards;
    c. Minimizing the amount of grading and earthworks should be minimized and buildings should be slope adaptive in design where possible to avoid excessive disturbance of the natural topography. Land sloping at 15% or more is generally not recommended for urban development with exceptions allowed at the discretion of council based on the merit of the overall site design; 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.
    d. Consideration of 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.
    e. Installation of energy efficient lighting, appliances and heating systems which are low in greenhouse gas emission and do not place excessive demand on the power network.
6) Optimize the use of existing infrastructure while minimizing the need for new infrastructure.
7) Improve the transportation network by developing a local residential road pattern that efficiently serves the residential neighbourhood without compromising the function of the overall transportation functionality of the City;

2.5 Land Use and Development: definitions & conditions

It is Council policy in Chapter 5 of the Development Regulations to:

1) Set out Land Use Definitions and any specific conditions related to such development in the Development Regulations according to Land Use Class.

2.6 Subdivision of Land

It is Council policy in Chapter 6 of the Development Regulations to:

1) Provide requirements for the subdivision of land and the standards of development, including the requirement for a Subdivision Agreement for subdivisions greater than 5 lots or where Council determines that it is in the public interest;
2) Require a permit from Council for all subdivision of land;

3) For subdivision development greater than 5 lots, a Subdivision Plan must be submitted to Council which addresses all issues related to the development of the site including but not limited to:
    a. Conformity to the goals, objectives, and policies of this Municipal Plan and Development Regulations;
    b. Conformity to a Planned Unit Development plan or a Development Scheme as approved by Council, which accounts for the development of lands abutting the site;
    c. Undertake a comprehensive evaluations which shall include, but not limited to, the following:
        i. A description of the subject lands: topography, vegetation, waterbodies, context within city including servicing, and outline opportunities and constraints of development
        ii. Consideration of land ownership as it will affect the layout of streets and access to the site from existing roads and internal road layout;
        iii. Provision of potable water, groundwater assessments where onsite wells are used for water, storm runoff management, and sanitary waste services;
        iv. Provision for comprehensive subdivision and engineering plane, including cost estimates and conformity with City standards, and phasing of development;
        v. Provision for retention of existing vegetations and plans for landscaping;
        vi. Consideration of community connectivity in terms of surrounding land uses, both existing and future, including active living opportunities, such as, parks and trails;
        vii. Ensure that the local transportation system adequately and safely provides access to meet the needs of residents and businesses;
        viii. Assessment of impact on municipal finances and any potential environmental effects.

4) Include Section 37 of the *Urban and Rural Planning Act, 2000* which allows Council to require up to 10% of the subdivision or land to be developed shall be dedicated to the City as public open space. Council may accept from the developer in lieu of such area of land, payment of a sum of money equal to the market value of the land which may otherwise be required to be dedicated. The City sets the following parameters regarding this 10% public open space:
    A. 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.

B. 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.

C. 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.

d. The location of the open space area shall be approved by the City and shall not include lands that have topographical constraints, include designated flood zoned (floodway or floodway fringe), or are intended for conservation.

2.7 Signs (and advertisements)

It is Council policy in Chapter 7 of the Development Regulations to:

1) Include standards and conditions in the Development Regulations pertaining to the design and location of signs and advertisements.
2) 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.

2.8 Parking

It is Council policy in Chapter 8 of the Development Regulations to:

1) Include standards and conditions pertaining to the parking and loading
2) Set out the number of parking spaces required for specific types of development and uses

2.9 Schedules

It is Council policy in Chapter 9 of the Development Regulations to:

1) Notwithstanding the comprehensive compliance provision set out in 1.3 include specific standards, conditions and permitting requirements in the Development Regulations pertaining to the federal and provincial statutes, regulations, guidelines and standards. (Schedule A)
2) Include definitions of technical terms, including those from the Urban and Rural Planning Act, 2000 and the Minister's Development Regulations, 01/03, 1996. (Schedule B)
3) Include *Minister's Development Regulations, 01/03, 1996* (Schedule C);

4) Include the relevant authorities regarding Non-conforming uses in the Development Regulations (Schedule D)
5) Include a Land Use Zoning Map in the Development Regulations (Schedule E)

3.0 LAND USE DESIGNATIONS AND POLICIES

3.1 LAND CLASSES AND DESIGNATIONS

3.1.1 Classification

In accordance with Section 13 (2) (c) of the *Urban and Rural Planning Act, 2000* the land in the Municipal Planning Area of the City of Mount Pearl is divided into land use classes. Within each land use class, a land use designation shall be defined and mapped on the Future Land Use Map. Within the designation, the Municipal Plan shall set out the Land Use Zones that shall be shown on the Land Use Zoning Map of the Development Regulation. This classification system is set out on the following table.

Land Use Class	LAND USE DESIGNATION Future Land Use Map Municipal Plan	LAND USE ZONE Land Use Zoning Map Development Regulations
CITY CENTRE	**CITY CENTRE**	1. City Centre (CC)
		2. City Centre-Rivers' Edge (CC-R)
		3. City Centre-Topsail Road Gateway (CC-TR)
		4. City Centre-Waterford River (CC-W)
		5. City Centre-Waterford River-Riverview/Winston Avenue (CC-WRW)
COMMERCIAL	**COMMERCIAL**	6. Commercial Corridor (COM-C)
		7. Commercial-Regional (CR)
CONSERVATION	**CONSERVATION**	8. Environmental Protection (EP)
		9. Open Space, Parks and Trails (OSPT)
INDUSTRIAL	**INDUSTRIAL**	10. Industrial-Commercial (IC)
RESIDENTIAL	**RESIDENTIAL**	11. Residential Compact (RC)
		12. Residential Commercial (CR)
		13. Residential High Density (RHD)
		14. Residential Low Density (RLD)
		15. Residential Medium Density (RMD)
		16. Residential Multi Unit (RMU)
		17. Residential Single Detached Dwelling (RSDD)
PUBLIC INSTITUTIONAL	**PUBLIC INSTITUTIONAL**	18. Community and Public Service (CPS)
		19. Utility (UT)
		20. Cemetery (CEM)

3.1.2 Interpretation

It is a policy of Council to:

1) Establish Future Land Use designations on the Future Land Use Map.
2) Refine each Municipal Plan land use designation into land use zones for the Land Use Zoning map in the Development Regulations.
3) Indicate the uses in each zone in the Development Regulations, as follows:
    a. Set out permitted uses in each zone and that can be approved, with or without conditions or refused with reasons;
    b. Set out discretionary uses in each zone where Council determines that the use may negatively affect the predominant uses of the zone and that in order to mitigate this impact, it is desirable to consult with the public and possible affected parties prior to issuing (with or without conditions) or refusing a permit; Council shall consider the submissions as part of the application review;
    c. Indicate the following considerations when accepting or refusing a permitted or discretionary use:
        i. whether the use is appropriate for the site and the immediate surrounding area;
        ii. the policies of the Municipal Plan as it pertains to the City in general and as they pertain to the designation show shown on the Future Land Use Maps in which the use is located.

4) Clarify the interpretation of boundaries between land use designations and zones: the boundaries between land use designations and zones are meant to be general, except where they coincide with roads or other prominent physical features, where they are intended to define the exact limits.

3.1.3 Uses that allowed in all zones

It is a policy of Council to:

1) Set out the uses that are permitted in all Future Land Use designations and Land Use zones which shall include:
    a. Conservation uses (environmental protection and open space, parks and trails);
    b. Mineral exploration that is not a 'Development' (as defined under the *Urban and Rural Planning Act, 2000*);
    c. Public infrastructure such as, utilities and municipal services;
    d. Accessory uses and buildings provided the buildings are clearly incidental and complimentary to the main buildings' character, size and use; and

3.1.4 Requirements for all Development

It is a policy of Council that:

1) All Development within the Municipal Planning Area shall conform to:
    a. Policies set out in the Municipal Plan;
    b. Development standards and conditions set out in the Development Regulations;
    c. Any other municipal bylaw or regulation in force under the *Towns and Local Service Districts Act*; and,
    d. Requirements of Federal and Provincial legislation, regulations, policies and guidelines and standards, as amended from time to time.

2) If Council is aware that a proposed development may not comply with (1) (d) requirements, Council may require the applicant to provide confirmation that necessary government approvals have been obtained before issuing a development permit.

3) Where the Municipal Plan and/or Development Regulations are more stringent than (1) (d), the Municipal Plan policy or regulations in the Development Regulations shall apply.

4) Apply high urban design standards to applications for new development and restoration, renovation, retrofitting and conversion of existing development, taking into consideration, but not limited to, the following:
    a. The layout, setbacks, height, bulk of buildings, and exterior appearance of proposed buildings, including exterior finish, material palette, colour, and texture.
    b. The relationship of the proposed buildings to one another and to existing developments in the area and potential for nuisance or hazard effects and application of buffers, landscaping, fencing, berms, separation distance mitigative measures
    c. The effect of the proposed development on the future development of nearby undeveloped lands
    d. Parking, vehicular access, traffic volume
    e. Outdoor lighting
    f. Signs and advertisements
    g. Landscaping: 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. This may also include open space around the proposed buildings, buffering, and dedicated pedestrian walkways, where required by Council. Council may require

a landscape plan prepared by a professional landscaped architect licensed to practice in the province.

h. Prohibit unsightly development, including abandoned/discontinued uses and buildings and require rehabilitation, maintenance, or removal

5) Consider winter climate issues to maximize year-round success and user-friendliness of proposed development as follows:
    a. on-site snow clearing and storage: ensure no negative impact onto adjacent properties or the public road network
    b. Ensure phasing of construction and landscaping appropriate to seasonal constraints;
    c. site and building design: Consider the impact of weather conditions, such as:
        i. snow and wind loading for the buildings
        ii. placement and orientation of the building on the site with respect to wind and lighting
        iii. vehicular and pedestrian infrastructure: access, sightlines, maintenance under all season conditions
        iv. vegetation and landscaping: survival, wind breaks, sightlines, and potential obstruction for snow clearing operations, etc.
        v. building design features to maximize solar gain and provide protection from the elements (for example: fenestration, awnings, and wind breaks) where appropriate;

6) The City shall consider measures to preserve natural features such as water bodies (including wetlands), shorelines, beaches, trees, the urban forest, areas of steep slopes for the preservation of ecosystems and areas of cultural landscape significance and the beautification of the City. New development shall adhere to conditions specified by Council to preserve such features and minimize adverse environmental impacts.

7) Require that nothing in these Regulations shall prevent the designation of conservation areas or the establishment of public parks and playgrounds in any designation provided that such parks and playgrounds are not located in areas which may be unsafe and hazardous to their use, are not operated for commercial purposes, and are within the financial resource capacity of the City for any future potential ongoing maintenance costs.

8) Require infill development and outdoor storage to be sited in conformance with the building line setback with the following exceptions:
    a. where it is desirable to be respectful of existing street lines within established streetscapes and a different building setback is allowed in the development standards of the zone in which the development occurs;

b. 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.

3.2 CITY CENTRE

3.2.1 The City Centre

In May of 2021, the City completed the 'Find Your Centre' report. The recommendations have been enabled with the policies and expanded upon in the following sections.

3.2.2 Objectives

The objectives of the City Centre designation are:

1) To build on the success of Centennial Square as a downtown core and develop Centennial Square as an attractive, vibrant, and sustainable urban form that will function as Mount Pearl's civic, cultural, social, and economic centre;

2) To integrate St. David's Park, which is a space that fosters community identity and is a source of great civic pride for City of Mount Pearl, into the City Centre core area and build on a synergy between the festivals and events at this location and Centennial Square;

3) To facilitate the transition of Commonwealth Avenue, from the 'City Centre' sign at Smallwood Avenue northwards to the heart of City Centre, into a commercial mix that supports, enhances and bridges the two jewels of City Centre: Centennial Square and St. David's Park and provides a link to Waterford River;

4) To develop a City Centre as a public realm that is inclusive and dynamic;

5) To enable a long-term commercial transition in the City Centre from auto-centric services to a mix of City Centre, downtown-oriented businesses and services that complement civic and entertainment events, pedestrian-friendly streetscapes as places where people can meet and socialize and contributes to an environment that attracts and fosters new businesses that reinforce the City of Mount Pearl downtown character;

6) To enable City Centre businesses to be supported by residents through:
    a. higher density housing options in proximity of City Centre as supporting neighbourhoods to enhance viability of businesses and events and quality of life for residents;

b. enhancing attractive, safe active transportation year-round as access to City Centre from the supporting neighbourhoods, the T'Railway and Waterford River and the main road gateway corridors to the City Centre;
c. enable the opportunity to provide parking within City Centre buildings or as a separate parking structure and thereby reduce land footprint of automobiles and re-purpose greyfields for City centre functions;

7) Establish the Waterford River valley as a destination within the city;

8) To integrate the Waterford River into the overall City Centre:
    a. with active transportation links to the river and across Commonwealth Avenue;
    b. and allow for complementary residential and commercial opportunities that are environmentally compatible with the T'Railway

9) To create a gateway experience that provides an awareness of the Mount Pearl City Centre from main access corridors: Topsail Road and Commonwealth Avenue

3.2.3 City Centre: Overall Policies

It is the policy of Council to:

1) Establish the City Centre designation on the Future Land Use map, and within this designation, allow for the following zones:
    a. City Centre (CC)
    b. City Centre-River's Edge(C-R)
    c. City Centre-Gateway (Topsail Road) (CC-TR)
    d. City Centre-Waterford River (CC-W)
    e. City Centre-Waterford River-Riverview and Winston Avenue (CC-WRW)

2) Develop preliminary built form guidelines to guide future development;

3) Focus on connection points to the Waterford River, St. David's Park, and adjacent residential neighbourhoods.

4) Create public spaces that are inclusive, fun, and that support the businesses in the area;

5) Explore the use of pilot projects to create successful public spaces;

6) Address the crossing point where the T'Railway and Commonwealth Avenue meet.

7) Consider all modes of transportation in the design of future infrastructure. [need approved recommendations from ITP inserted here]

8) Allow the conversion or re-development of existing residential buildings or land to commercial or residential higher density buildings where the lot meets the development standards of the zone and the design elements and architectural styling established by Council for the area, including:
    a. landscaping 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
    b. provision of on-site parking and loading facilities.

3.2.4 City Centre Policies

It is the policy of Council to:

1) Allow for the following uses within the City Centre-Centennial Square zone:

    a. Permitted:
        - Amusement Establishment/Use
        - Bar/Licensed Liquor Establishment
        - Business Support Service
        - Child Care – Non-Residential
        - Convenience Store
        - Custom Manufacturing Service and Sales
        - Garage, Public Parking/Taxi Stand
        - General Service/Repair Shop
        - Hotel or Inn
        - Medical or Dental Clinic/Office
        - Outdoor Commercial Patio)
        - Outdoor Market
        - Personal Service
        - Offices: Professional and Financial & related Support Services
        - Restaurant-Full-Service Restaurant
        - Retail
        - Veterinarian Clinic
        - Hostel
        - Environmental Protection
        - Open Space, Parks and Trails
        - Institutional Use
        - Public Gathering Places -Indoor
        - Public Gathering Places - Outdoor

- Sports and Recreation Facilities
- Apartment over Permitted use
- Apartment Building
- Plex housing-greater than 4 units
- Keeping of bees

b. Discretionary:

- Shopping Centres/ Retail Warehouse/Strip Mall
- Hostel
- Short Term Residential Rental

2) Apply the City Centre zone to:
    a. the commercial and residential areas area on both sides of Commonwealth Avenue focusing on Centennial Square and St. David's Park as primary destination features therefore including a commercial bridge between them and the 'entrance' areas to the north (Waterford River and Topsail Road) and south (Commonwealth Avenue) which support the City Centre and including the City Hall complex.
    b. adjacent residential areas which have the potential to support the city centre with higher density residential uses, such as the lands to the north of Park Avenue and lands around St. David's Park which represent residential lands with potential for future intensification that would support the vison of the city centre as articulated in the 'Find Your Centre' report adopted by the City of Mount Pearl.

3) Provide for a safe crossing point where the across Commonwealth Avenue to allow for T'Railway and users and to provide a connection between the primary civic attraction, St. David's Park with Centennial Square and a connection for future higher density residential development needed support the activities and businesses in the City Centre on a day-to-day basis.
4) Encourage the development of a building pattern in Centennial Square that creates strong building edges to define the spaces within the square.

5) Facilitate the development of City Centre by upgrading the needed supporting infrastructure with a continuation of the Centennial Square Revitalization Initiative

6) Enable a greater concentration of downtown commercial and public gathering developments in Centennial Square through:
    a. infilling of undeveloped or underdeveloped sites within the Square and redevelopment or conversion of existing land and buildings for a greater variety of downtown-oriented uses;
    b. allowing for development of increased densities for new and existing businesses;

c. allowing for buildings up to six storeys to be permitted, and provide flexibility for consideration of higher structures at the discretion of Council;
d. allowing for a lower parking standard than is normally required for commercial areas in the City and permit parking garages and parking incorporated into high rise buildings;
e. enabling beautification of the Square in both 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.

7) Consider to following factors for the redevelopment of the existing residential properties in this area:
    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. Ensure commercial uses are compatible with any adjacent residential uses;
    d. Require special attention 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. Control the number of access and egress points from Commonwealth Avenue, Park Avenue and Ruth Avenue to the abutting commercial areas 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.

3.2.5 City Centre-River's Edge Policies

It is the policy of Council to:

1) Allow for the following uses within the City Centre-River's Edge zone:

    a. Permitted:

- Amusement Establishment/Use
- Business Support Service
- Custom Manufacturing Service and Sales
- Hotel or Inn
- Medical or Dental Clinic/Office
- Personal Service
- Offices: Professional, Financial & related Support Services
- Restaurant-Full-Service Restaurant
- Retail
- Veterinarian Clinic
- Environmental Protection
- Open Space, Parks and Trails
- Public Gathering Places -Indoor
- Sports and Recreation Facilities
- Townhouses
- Apartment over Permitted use
- Apartment Building-only on lots facing Topsail Road & Riverview/Winston Avenue area
- Plex Housing-greater than 4 units -Only on lots facing Topsail Road
- Plex Housing-less than 4 units-only on lands described in Development Regulations
- Non-Market Housing -Assisted Living-Residential Personal Care Home
- Keeping of bees

    b. Discretionary:

- Bar/Licensed Liquor Establishment
- Garage, Public Parking/Taxi Stand
- General Service/Repair Shop
- Outdoor Commercial Patio
- Resort-Accommodation Only - only on lands described in Development Regulations

2) Apply the City Centre-River's Edge zone to:
    a. Lands which back onto or have a view of the Waterford River valley and identified in the 'Find your Centre' report and adjusted to accommodate property boundaries:
        i. Northside:

- an area of land from the south-east corner of the Topsail Road/Commonwealth Avenue intersection and eastwards to the Forsey subdivision then continuing to a point where the potential developable land is set too far back from the river;
- allowing for high-rise development only on the lands fronting directly onto Topsail Road and Commonwealth Avenue in order to create opportunities for more commercial and office businesses with a view over the Waterford Valley and the city and designed in such a manner to provide opportunities for shared parking land landscaping with the proposed residential development on the slope; and
- allowing low-rise residential development on the land behind the high-rise development on new local road which will have views of the valley and access to the Waterford River northside trail in a manner indicated in the Find Your Centre' report;

ii. Southside: lands to the north of Park Avenue and Riverview, east of the core City Centre-Centennial Square zone which have potential for access to the Waterford River zone and T'Railway and provide potential for a wide range of options from three storey mixed development (commercial/office/residential in one building) to low=rise residential multi-unit residential development and other developments complementary to adjacent zones;

3) Encourage taller structures on Topsail Road with internal parking that will provide opportunities for a wide range of business that complement Centennial Square;

4) Preserve viewshed of Kenmount Hill;

5) Encourage new development north of Park Avenue 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.

3.2.6 City Centre-Topsail Road Gateway

It is the policy of Council to:

1) Allow for the following uses within the City Centre-Topsail Road Gateway zone:

    a. Permitted:
        - Amusement Establishment/Use
        - Business Support Service
        - Custom Manufacturing Service and Sales
        - Hotel or Inn
        - Medical or Dental Clinic/Office
        - Personal Service
        - Offices: Professional, Financial & related Support Services
        - Restaurant-Full-Service Restaurant
        - Retail
        - Veterinarian Clinic
        - Environmental Protection
        - Open Space, Parks and Trails
        - Public Gathering Places -Indoor
        - Sports and Recreation Facilities
        - Townhouses (5.7.3)-only lands described in Development Regulations
        - Apartment over Permitted use
        - Apartment Building -only on lots facing Topsail Road & Riverview/Winston Avenue area
        - Plex Housing-greater than 4 units -Only on lots facing Topsail Road

    b. Discretionary:
        - Bar/Licensed Liquor Establishment
        - Garage, Public Parking/Taxi Stand
        - General Service/Repair Shop
        - Outdoor Commercial Patio

2) Apply the City Centre-Topsail Road Gateway zone in the area immediately adjacent to the prominent intersection of Topsail Road and Commonwealth Avenue and extending eastward along the north side of Topsail Road directly opposite to the lands in the City Centre-River's Edge zone;

3) Creating a sense of arrival and anticipation for the City Center-Centennial Square destination by having a balanced streetscape of high-rise development on both sides of the street with businesses and signage;

3.2.7 City Centre-Waterford River Policies

It is the policy of Council to:

1) Allow for the following uses within the City Centre-Waterford River zone:

    a. Permitted:
    - {Parking} Garage, Public Parking/Taxi Stand
    - Outdoor Commercial Patio
    - Outdoor Market
    - Restaurant-Full-Service Restaurant
    - Retail
    - Environmental Protection
    - Open Space, Parks and Trails
    - Public Gathering Places - Outdoor
    - Townhouses
    - Apartment Building
    - Keeping of bees

    b. Discretionary:
    - Hotel or Inn
    - Resort-Accommodation Only

2) Apply the City Centre-Waterford River zone to the areas that have been identified by the Water Resources Management Division (WRMD) of the Department of Environment and Climate change as having 1:20 (Floodway) and 1:100-year (Floodway Fringe) potential for flooding. This ensures that the Waterford River and adjacent riparian zone is protected through implementation of the WRMD policy regarding development in flood risk areas.

3) Continue ongoing improvements and additional connections to the trail as part of the Mount Pearl Walks initiative, including the trail on the north side of the river and other initiatives set out in the Find Your Centre report.

4) Establish the Waterford River valley as a destination within the city by animating the riverfront with new public spaces, event spaces, and small commercial developments, such as, modular kiosks to provide flexible retail opportunities for local businesses, and a destination for trail users;

5) Develop public spaces to enhance the overall river valley, while also protecting the valley from undesirable development. For any development that will occur near the river, encourage thoughtful development that embraces, faces, and showcases the river;

6) Create better connections to the river valley by upgrading existing and adding additional trail access points including more trails to create alternate walking and cycling routes for user, extend a pedestrian connection from Centennial Street to the T'Railway and continue the extension to the new northern trail;

7) Undertake Park Avenue beautification including street trees, an on-street cycling connection to the T'Railway, and reduced traffic lane widths, and create a more comfortable pedestrian environment;
8) Develop public spaces to enhance the overall river valley, while also protecting the valley from undesirable development. For any development that will occur near the river, encourage thoughtful development that embraces, faces, and showcases the river.

9) Encourage and support townscape improvements by promoting and enforcing compatible development/ redevelopment and improvements to public spaces such as the Newfoundland T'Railway, Arboretum Walkway and other open spaces and public rights-of-way.

3.2.8 City Centre-Waterford River-Riverview/Winston Avenue Policies

It is the policy of Council to:

1) Allow for the following uses within the City Centre-Waterford River-Riverview/Winston Avenue zone:

    a. Permitted:
    - Community Garden
    - Townhouses
    - Apartment Building
    - Plex Housing -up to and including 4 units
    - Plex Housing -greater than 4 units
    - Environmental Protection
    - Open Space, Parks and Trails
    - Keeping of bees

    b. Discretionary:
    - Assisted Living-Residential Personal Care Home

2) Apply the City Centre-Waterford River-Riverview-Winson Avenue zone to the area at the end of these streets near the entrance to the trail accessing the T'Railway which are also in the 1:100-year Floodway Fringe;

3) Create a 'gateway to the trail' experience at this location by encouraging uses that would be allowed under the Water Resources Management Division policy;

4) Encourage the development of mixed development buildings with commercial offerings at the ground level that complement activities and needs of trail visitors using this gateway to the T'Railway and with residential these low-rise buildings backing onto the Waterford River valley;

3.3 COMMERCIAL LAND USE CLASS

3.3.1 Commercial Objectives

The objectives for the Commercial land use designation Mount Pearl are to:

1) Enable the City to develop a vibrant economy and that attracts and retains resident who will live, work and play in the City of Mount Pearl thereby building and maintaining the City's sense of community;

2) Have a diversified economy offering a full range of goods and services from the local to regional level;

3) Provide commercial designations maximizing the transportation pattern around and inside the City in order to achieve the City's long-term vision for commercial development as follows:
    a. To concentrate highway corridors uses on Topsail Road for the purpose of serving vehicle-oriented needs from sales, servicing through to drive-through services;
    b. To accommodate local neighbourhood commercial needs on collector roads adjacent to neighbourhoods rather than on local roads for the purpose of servicing neighbourhood level needs;
    c. To expand opportunities in the regional nodes for the purpose of providing regional scale products and services ranging from sports, recreation and the arts to commercial accommodation, large-scale retail and office serving a regional market catchment area; and,
    d. To create the opportunity for mixed commercial/higher density residential opportunities on lands adjacent Kenmount Road;
4) Support economic development initiatives to attract commercial development that:
    a. creates employment opportunities,
    b. promotes a high quality of life,
    c. contributes financially to the municipality, and
    d. respects the environment.

3.3.2 General Commercial Policies

It is the policy of Council to:

1) Provide for a Commercial land use designation on the Future Land Use mapping;

2) Within the commercial land use designation, create zones that reflect location specific opportunities and are designed to meet the City objectives of providing flexibility in zone uses, intensification of housing, meeting local and regional needs in a manner that does not erode the character and community identity of the City of Mount Pearl;

3) In the Commercial land use designation, provide for the following Land Use Zones on the Land Use Zoning Map in the Development Regulations:
    a. Commercial Corridor(COM-C)
    b. Commercial-Neighbourhood (CN)
    c. Commercial-Regional (CR)

4) Require that development consisting of new, expansion, conversion or re-development of an existing lot, have well-designed access points and parking that for the efficient and safe flow of vehicular, pedestrian and active transportation traffic;

9) Allow for the re-purposing of non-commercial buildings (i.e., public institutional light industrial, residential buildings) for commercial purposes in the commercial land use designation where the lot meets the development standards of the zone and the design elements and architectural styling established by Council for the area, including:
    c. landscaping 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
    d. provision of on-site parking and loading facilities.

5) Include in the Development Regulations the following conditions for development:
    a. New development will be permitted to the extent that it will not unreasonably affect nearby lands (occupied or zoned for specific uses) with respect to potential noxious or hazardous activities, such as, noise, dust, glare, vibration, smell, traffic, pollution, and related factors or, in the case or residential areas, create intrusion that reduces the residential use and enjoyment of a home (i.e., height or orientation of proposed structure);
    b. Council may impose conditions to require an industrial or commercial use to maintain an attractive appearance and minimize undesirable impacts on nearby residential areas. Conditions may address site layout, outdoor storage, parking areas, buffering, screening. Required screening may include and combination of the following: separation distances, fencing, berms, landscaping (trees and shrubs).

6) Provide for mixed-use development either within a building or within a commercial land use designation that combines higher density residential uses with commercial uses, such as retail shops, restaurants, and offices. This variety contributes to vibrant, walkable neighborhoods that support local businesses and improve the overall quality of life for residents.

7) Consider the compatibility with existing uses and the general character of the area.

8) Refuse residential development in commercial designations where the area is predominantly commercial in character and the proposed residential uses would impose restrictions and increase potential conflict with existing commercial activities and future expansion of current businesses.

3.3.3 Commercial Corridor Policies

It is the policy of Council to:

1) Allow for the following uses within the Commercial Corridor zone:

    a. Permitted:

- Amusement Establishment/Use
- Auto Body Shop
- Automotive Repair
- Automotive Sales and Service Establishment
- Bar/Licensed Liquor Establishment
- Building Supply Store
- Business Support Service
- Child Care – Non-Residential
- Service Club and Lodge
- Contractor, Limited (Small)
- Convenience Store
- Custom Manufacturing Service and Sales
- Garage, Public Parking/Taxi Stand
- General Service/Repair Shop
- Hotel or Inn
- Medical or Dental Clinic/Office
- Motel
- Outdoor Commercial Patio
- Outdoor Market
- Personal Service
- Offices: Professional, Financial & related Support Services
- Restaurant-Drive-Through and Take-Out

- Restaurant-Full-Service Restaurant
- Retail
- Shopping Centres/ Retail Warehouse/Strip Mall
- -Service Station – Residential
- Service Station –Highway
- Veterinarian Clinic
- Hostel
- Contractor, General
- Industrial - Light
- Environmental Protection
- Open Space, Parks and Trails
- Protective and Emergency Services
- Public Gathering Places -Indoor
- Sports and Recreation Facilities
- Apartment over Permitted use
- Apartment Building
- Plex Housing -up to and including 4 units
- Plex Housing -greater than 4 units
- Non-Market Housing -Assisted Living-Residential Personal Care Home
- Non-Market Housing -Non-Profit Housing
- Non-Market Housing -Supportive Housing
- Dormitory
- Keeping of bees

b. Discretionary:

- Kennel
- Amusement Park/Attraction
- Resort-Accommodation & Recreation Uses
- Short Term Residential Rental
- Composting Facility
- Industrial - General
- Non-Market Housing -Transitional Housing
- Campground

2) Apply the Commercial Corridor zone to the lands on both side of Topsail Road to provide for commercial and light industrial businesses which require exposure to the traveling public and convenient road access.

3) Protect the amenity of existing residential uses which are permitted to remain as existing legally non-conforming uses and can undertake expansion, repair, conversion, etc., as per the conditions set out 2.2 (4) (b), including home based business subject to the conditions of the Development Regulations. Buffering, screening and separation distance measures will be taken into account where a commercial or light industrial development is adjacent to

a residential use, or in close proximity to the lands designated as Residential. No new low density residential uses shall be permitted.

4) In the Commercial Corridor zone, Council shall permit buildings up to three storeys, and buildings beyond three storeys may be permitted at the discretion of Council.

5) Allow for residential intensification in the form of building conversions to residential use above the ground floor in commercial buildings, where compatible with the existing land uses;

6) 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.

7) Give special attention to compatibility of proposed new development to adjacent land owners due to the wide variety and intensity of uses and undertake measures to find mitigative measures that may be conditions to a development application;

3.3.4 Commercial-Regional Policies

It is the policy of Council to:

1) Allow for the following uses within the Commercial-Regional zone:

    a. Permitted:
        - Amusement Establishment/Use
        - Amusement Park/Attraction
        - Auto Body Shop
        - Automotive Repair
        - Bar/Licensed Liquor Establishment
        - Building Supply Store
        - Business Support Service
        - Garage, Public Parking/Taxi Stand
        - General Service/Repair Shop
        - Hotel or Inn
        - Medical or Dental Clinic/Office
        - Motel
        - Outdoor Commercial Patio
        - Outdoor Market
        - Personal Service
        - Offices: Professional - Financial & related Support Services
        - Restaurant-Drive-Through and Take-Out

- Restaurant-Full-Service Restaurant
- Retail
- Shopping Centres/Retail Warehouse/Strip Mall
- -Service Station – Residential
- -Service Station –Highway
- Veterinarian Clinic
- Hostel
- Industrial - Light
- Environmental Protection
- Open Space, Parks and Trails
- Institutional Use
- Protective and Emergency Services
- Public Gathering Places -Indoor
- Sports and Recreation Facilities
- Apartment over Permitted use
- Apartment Building
- Plex Housing (5.7.5)-greater than 4 units
- Non-Market Housing -Assisted Living-Residential Personal Care Home
- Non-Market Housing -Non-Profit Housing
- Dormitory
- Keeping of bees

b. Discretionary:
   - Short Term Residential Rental
   - Contractor, General

2) Apply the Commercial-Regional zone to locations with a concentration of existing businesses and services serving a regional market:
   a. Mount Pearl Square;
   b. the Pearlgate Centre area between Old Placentia Road and Pitts Memorial Drive extending from Richand Nolan Drive to the Glenhill commercial area including the Motor Vehicle Registration property, the Mount Pearl Summit area including the Glacier arena and surrounding sports grounds, existing commercial shopping centres and large retail warehouse

3) Give special attention to identify, prevent and/or mitigate any potential land use conflicts between regional centre developments and surrounding land uses;

4) Ensure that changes within regional centres address optimum orientation of land uses, street network, parking arrangements and landscaping within and particularly at the edges and entrance of the area;

5) Allow the parking requirements for businesses and services within the regional centres to be established at the discretion of Council;

6) Allow for the height of buildings up to (45 metres) or 15 storeys, with public consultation; and buildings beyond this height may be permitted at the discretion of Council.

7) Encourage consideration of mixed-use buildings with residential above commercial and parking levels and create landscaped urban amenity areas that cater to both residents and the public including outdoor patios, performance spaces, seating areas.

3.4 CONSERVATION LAND USE CLASS

The Conservation land use designation may be comprised of public and private open space; water bodies including buffers around ponds, shorelines, and wetlands; lands that contribute to important ecological functions and lands containing other natural physical features which are desirable for open space use or preservation in a natural state. It also includes landscapes with natural hazards such as shorelines susceptible to erosion or slopes with potential for landslides.

3.4.1 General Policies

It is the policy of Council to:

1) Provide for a Conservation Future Land Use designation on the Future Land Use mapping;

2) In the Conservation designation, provide for the following Land Use Zones in the Development Regulations:
   - Environmental Protection
   - Open Space, Parks & Trails

3) Protect natural areas which by reason of their intrinsic character, are sensitive, vulnerable, or ecologically significant, or have natural or recreation values or represented

4) Manage the use, development, redevelopment and maintenance of open space, parks and trails and recreation facilities which provide services to meet community and public use need in accordance with the direction of the Mount Pearl Parks and Recreation Master Plan 2005, as amended/updated from time to time.

5) Protect and enhance the city's interconnected open space linear parks, parklands, recreational fields, facilities, including connecting trails to T'Railway and the Waterford River Valley and connecting the various neighbourhoods of the City and trails of neighbouring municipalities.

6) Allow Open Space, Parks and Trails as a permitted use in all zones in order to encourage the beautification of the City as a 'city within a park', accommodate localized needs for connection with nature by all ages, and enable the provision of passive recreation opportunities for resident use anytime, anywhere.

7) 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.

8) Ensure that the inclusion of privately-owned lands within the Conservation designation does not imply that the land is accessible to the public. Permissions for public access to privately owned property within the Conservation designation shall be at the discretion of the property owner. 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.

9) Allow public streets and infrastructure in the Conservation designation if no alternatives are feasible, subject to conditions to minimize or mitigate environmental impacts

10) Ensure adequate access to parks and recreational and cultural facilities for persons with disabilities.

11) Wherever possible, design sidewalks, pathways, walkways, and trails access to and from bus stops, schools, places of worship, shopping areas and places of employment within and between neighbourhoods in order to encourage active living. To encourage participation, these connections should be located and designed to provide direct connection where possible.

12) Continue to support enhancement of the Newfoundland T'Railway as a part of the regional Grand Concourse open space network for non-motorized recreational uses including hiking, bicycling, and skiing. Support includes co-operation with local, regional, and province-wide efforts to promote the T'Railway as a recreational tourism attraction, and providing appropriate signage, including safety at crossing locations on Park Avenue.

3.4.2 Environmental Protection

It is the policy of Council to:

1) Allow for the following uses within the Environmental Protection zone:

    a. Permitted:
        - Environmental Protection
        - Open Space, Parks and Trails
        - Public Gathering Places -Indoor
        - Public Gathering Places - Outdoor

    b. Discretionary:
        - Outdoor Commercial Patio
        - Outdoor Market

2) Apply the Environmental Protection zone to lands that are considered to be environmentally or ecologically sensitive, significant, and/or vulnerable. They also include lands that are prone to flooding.

3) Limit development to roads and associated structures, service corridors, recreational open space, as well as non-building agricultural and forestry uses subject to environmental compatibility.

4) Require a permit for tree cutting within the environmental protection zone;

5) Provide pedestrian access at various points to the area designated Conservation; these may be developed by the City. These access points shall remain open to the public.

3.4.3 Open Space , Parks and Trails

It is the policy of Council to:

1) Allow for the following uses within the Open Space, Parks and Trails zone:

    a. Permitted:
        - Environmental Protection
        - Open Space, Parks and Trails
        - Institutional Use
        - Public Gathering Places - Outdoor
        - Sports and Recreation Facilities

    b. Discretionary:
        - Outdoor Commercial Patio
        - Outdoor Market
        - Public Gathering Places - Outdoor

2) Apply the Open Space, Parks and Trails zone to areas where the focus of the activities rely on the natural character of the setting for generally passive or non-structured recreational activities or community (public) gathering spaces; this would not include sports fields for competitive events which would be categorized as community and public service uses;

3) Maintain natural areas to accommodate a range of active and passive recreational needs of Mount Pearl residents.

4) Encourage public participation in the planning of open space recreation and conservation lands.

5) Encourage and support recreational groups and community organizations in organizing sports, recreation, and festival activities and events.

6) Protect the city open space, parks and trails for their contribution to physical and mental health of city residents by providing opportunities for active and healthy lifestyles and connection with nature;

7) Expand the interconnected open space linear parks system that traverses city neighbourhoods to provide access to city parks ranging in scale from tot-lots, neighbourhood and city parks (Power's Pond Park) to sports fields and recreation facilities, and connect to the City Centre ,and areas where civic events are celebrated, such as St. David's Park; and to join new neighbourhoods and existing neighbourhoods not already linked and to the walkway/pathway systems of adjacent municipalities;

8) The walkway system within the open space system will be integrated with the neighbourhood 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;

9) Enhance the awareness of the Waterford River Valley and Newfoundland T'Railway as a destination within the city for recreation and city centre activities;

10) To implement the recommendations of the city of mount pearl Parks and Recreation Master Plan, as amended from time to time, which provides direction and guidance regarding the development of land for open space, parks and trails and recreation facilities.

11) Allow open space, park and trail uses in all zones as the City's Municipal Plan does not designate and zone all open space areas throughout the City as many of these consist of small walkways, tot lots, or parks within residential neighbourhoods.

12) 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 City shall also ensure adequate access to parks and recreational and cultural facilities for persons with disabilities.

13) 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.

14) 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;

3.5 INDUSTRIAL LAND USE CLASS

It is the policy of Council to:

1) Establish an Industrial designation on the Future Land Use Map;

2) In the Industrial designation, provide for the Industrial Commercial land use zone which shall have the following uses:

    a. Permitted:
        - Auto Body Shop
        - Automotive Repair
        - Building Supply Store
        - Business Support Service
        - Contractor, Limited (Small)
        - Custom Manufacturing Service and Sales
        - Garage, Public Parking/Taxi Stand
        - General Service/Repair Shop
        - Offices: Professional, Financial & related Support Services
        - Restaurant-Drive-Through and Take-Out

- Retail
- Service Station – Residential
- Service Station –Highway
- Veterinarian Clinic
- Crematorium
- Composting Facility
- Contractor, General
- Energy Generation Facilities
- Wind Turbines
- Industrial - General
- Industrial - Light
- Industrial Mall
- Natural Resource-Related Uses
- Environmental Protection
- Open Space, Parks and Trails
- Protective and Emergency Services
- Keeping of bees

b. Discretionary:
   - Kennel
   - Industrial – Heavy And/or Hazardous
   - Salvage/Scrap Yard
   - Solid Waste Recycling/Disposal& Composting Site

3) Apply the Industrial-Commercial zone to 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).

4) Encourage a range of industrial, manufacturing, commercial and service uses

5) Ensure that all industrial development is of a high urban design standard and the lots are well landscaped in accordance with the City's objective in creating a "City within a Park".

6) Allow hazardous and general industrial uses 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.

7) Prohibit 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;

8) Require that businesses with unsightly outdoor storage shall be screened from view of adjacent roads or surrounding neighbourhoods by means of a berm, fence or other landscaping measures or required to store their materials in the rear yard as determined by Council.

9) Ensure that development does not negatively impact on the nearby residential neighbourhoods. Where a proposed industrial development abuts lands used for residential or public purposes or isolated next to a high traffic corridor, buffering provisions such as space separations, landscaped screens and fencing require, as necessary, to preserve the amenity of the surrounding area. Higher standards for outdoor storage and general property appearance will be required.

10) Ensure a high standard of building design and appearance for industrial properties

11) Where residential development exists within the Industrial designation, allow home based business, subject to the conditions of the Development Regulations.

3.6 PUBLIC INSTITUTIONAL LAND USE CLASS

3.6.1 Public Institutional Designation General Policies

It is the policy of Council to:

1) Establish a Public Institutional designation on the Future Land Use Map;

2) In the Public Institutional designation, provide for following land use zones:
   a. Community and Public Use zone
   b. Utility zone
   c. Cemetery zone

3) Evaluate the effects of the proposed institutional use on neighbouring uses, including road access, parking advertisements, exterior lighting and buffers.

4) When existing institutional uses, such as schools, are closed, determine the need for and the feasibility of acquiring such properties, or part thereof, for public recreation purposes.

5) Encourage the provision of open space or recreation use as part of any redevelopment of institutional lands which have traditionally provided open space or recreational uses and acquisition of the property by Council is determined not to be desirable or feasible;

3.6.2 Community and Public Use Policies

It is the policy of Council to:

1) Allow the following uses In the Community and Public Use land use zone:

    a. Permitted:
        - Institutional Use
        - Protective and Emergency Services
        - Public Gathering Places -Indoor
        - Public Gathering Places - Outdoor
        - Sports and Recreation Facilities

    b. Discretionary:
        - Outdoor Commercial Patio
        - Outdoor Market

2) Apply the Community and Public Use zone to those major public uses that provide for publicly funded education, health and organized recreation/sport and artistic venues and safety of the public, including but not limited to: schools, the Team Gushue Sports Complex.

3.6.3 Utility Policies

It is the policy of Council to:

1) Allow the following uses In the Utility land use zone:

    a. Permitted:
        - Auto body shop
        - Automotive repair
        - Garage, Public Parking, taxi stand
        - Contractor, General
        - Energy Generation facilities

    b. Discretionary:
        - Natural Resource-related -limited to storage of materials

2) Apply the Utility zone to areas the major public and private sites for the distribution and collection systems of the City related to municipal infrastructure, telecommunications, and power.

3) Require a Planning Impact Analysis and environmental report for any development proposals involving the reuse of utility lands to ensure the safety of the environmental quality of the property and outline any remediation measures to bring the property to an acceptable environmental level for reuse.

4) Where deemed necessary require that the property be landscaped in accordance with an approved landscaping plan and pursuant to the Mount Pearl Development Regulations.

3.6.4 Cemetery Policies

It is the policy of Council to:

1) Allow the following uses In the Cemetery land use zone:

    a. Permitted:
        - Cemetery
        - Public Gathering-Indoor
        - Public Gathering-Outdoor
        - Crematorium

    b. Discretionary: none

2) Apply the Cemetery zone to existing or committed cemetery lands, including the Anglican Cemetery on Kenmount Road and to the Holy Sepulchre Roman Catholic Cemetery on Topsail Road.

3) Require that a landscape plan 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.

4) Require that the property owners or developers of cemetery lands 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.

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3.7 RESIDENTIAL

3.7.1 Residential General Policies

It is the policy of Council to:

1) Provide for a Residential land use designation on the Future Land Use mapping;

2) In the Residential designation, which represents about 48% of the total City land base, provide for the following residential zones on the Land Use Zoning map in the Development Regulations:

Land Use Zone	Percentage of residential land base
a. Residential - Compact	0.3
b. Residential - Commercial	3.4
c. Residential - High Density	13.4
d. Residential - Low Density	6.7
e. Residential - Medium Density	61.4
f. Residential - Single Detached Dwelling	5.2
g. Residential Multi-Unit	9

3) 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.

4) 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

5) Encourage a variety of housing types, sizes and affordability levels for people at all stages of life, abilities and income levels; Provide a range of residential concentrations, from low to high density, and a variety of housing types to meet the changing housing needs of the citizens of Mount Pearl and the needs of new residents;

6) Encourage appropriate development of single, double, and multi-unit housing in appropriate locations through infilling along existing streets, new subdivisions, and adaptive reuse of existing buildings in mixed use areas.

7) Ensure a pattern of development that reduces land use conflict between residential and non-residential land uses.

8) Provide neighbournood retail and personal service uses catering to the needs or local residents in the following zones: Residential Medium Density, Residential High Density, Residential-Commercial and Residential Multi Unit.

9) Ensure that the open space areas will respond to the recreational needs and population mix of the neighbourhoods of the city (refer to Section1.2.1), including natural areas, walking trails, tot lots, parks and possibly naturalized storm water retention areas. The use of individual Open Space, parks and trails and their connections and integration will be guided by the Mount Pearl Recreation Master Plan.

10) Provide flexibility in the development standards of the Development Regulations regarding minimum lot areas, frontages, setbacks, side yards and rear yards, maximum lot coverage and building height and adding standards for cluster development to facilitate neighbourhood compatibility of a wide range of housing forms;

11) Build on the Council policy for residential intensification as a means of improving the affordability and choice of housing available to its residents and to making more effective and efficient use of existing municipal infrastructure and services and to help alleviate the decreasing availability of land for new residential development; subject to physical site suitability and compatibility of proposed housing form, character, and density within the existing neighbourhood, impact on traffic, water and sewer capacity, and other factors at the discretion of Council;

12) Enabling residential intensification that is suitable and compatible with the existing neighbourhoods by:
    a. Setting out multi-unit dwellings as permitted and discretionary uses in the land use zones of the development regulations including townhomes, plex housing, apartments and personal care homes;
    b. Allowing infill on vacant or underdeveloped lots: redevelopment of an area by replacing existing structures with new dwelling units;;
    c. allow for a mix of residential and commercial uses in appropriate buildings or zones;
    d. Permitting up to four residential dwelling units on a lot with a single detached dwelling or double dwelling as a primary dwelling, and up to three accessory residential dwelling units consisting of the combination of subsidiary apartments, gardens suite or garage apartment, subject to meeting the development standards of the zone in which the lot is situated, including on-site parking;
    e. Encouraging adaptive re-use and conversion of non-residential buildings to full or partial residential use;
    f. Approaching residential intensification initiatives in a more comprehensive and systematic way.

13) Allow Infill development in the residential zone only on an Infill lot which is defined as follows: An Infill lot is a lot that does not meet the lot dimensions for the development standards for the zone and the lot and cannot be brought into conformance because existing development prevents the acquisition of land to bring it into conformance without putting those adjacent properties out of conformance. Infill shall allow the following:
    a. The side yards and rear yard requirements can be exchanged for infill lots only where the adjacent development has sufficient separation to ensure that the primary buildings on each lot are a minimum of 4 m.
    b. Primary buildings on each lot are must be a minimum of 4 m apart.

14) Require that, wherever possible, driveways on residential lots be situated such that they will not abut or be located immediately adjacent to the neighbour's driveway.

3.7.2 Residential Compact

It is the policy of Council to:

1) Allow the following uses In the Residential Compact land use zone:

    a. Permitted:
        - Community Garden
        - Single Detached Dwelling
        - Two Unit Dwellings -Semi-Detached Dwelling
        - Two Unit Dwellings -Duplex
        - Mini-Home
        - Dwelling Unit Associated with a Place of Worship
        - Accessory Residential Dwelling Units
        - Subsidiary Apartments
        - Garden Suite (Accessory Detached Dwelling Unit)
        - Garage Apartments
        - Environmental Protection
        - Open Space, Parks and Trails
        - Keeping of bees

    b. Discretionary:
        c. Dormitory
        d. Home Business

2) Apply the residential compact zone to Forsey Place and Jubilee Place;

3) Employ this zone as a residential infill opportunity for smaller, compact single detached dwelling enclave settings where smaller housing forms, including tiny homes, might not be appropriate;

3.7.3 Residential - Commercial Policies

It is the policy of Council to:

1) Allow for the following uses within the Residential-Commercial zone:

    a. Permitted:
        - Amusement Establishment/Use
        - Business Support Service
        - Child Care – Non-Residential
        - Convenience Store
        - Custom Manufacturing Service and Sales
        - Garage, Public Parking/Taxi Stand
        - General Service/Repair Shop
        - Hotel or Inn
        - Medical or Dental Clinic/Office
        - Motel
        - Outdoor Market
        - Personal Service
        - Offices: Professional & -Financial and related Support Services
        - Restaurant-Full-Service Restaurant
        - Retail
        - Veterinarian Clinic
        - Hostel
        - Environmental Protection
        - Open Space, Parks and Trails
        - Public Gathering Places -Indoor
        - Sports and Recreation Facilities
        - Apartment over Permitted use
        - Apartment Building
        - Plex Housing -up to and including 4 units
        - Plex Housing -greater than 4 units
        - Non-Market Housing -Assisted Living-Residential Personal Care Home
        - Non-Market Housing -Non-Profit Housing
        - Non-Market Housing -Supportive Housing
        - Accessory Residential Dwelling Units
        - Keeping of bees

    b. Discretionary:
        - Community Garden
        - Bar/Licensed Liquor Establishment
        - Campground

- Restaurant-Drive-Through and Take-Out
- Service Station – Residential
- Short Term Residential Rental
- Shopping centres/Retail warehouse/Strip mail
- Composting Facility
- Industrial - Light
- Industrial Mall
- Institutional Use
- Non-Market Housing -Transitional Housing
- Dormitory
- Assisted Living-Residential Personal Care Home

2) Apply the Residential-Commercial zone to the area on the south side of Kenmount Road from Mount Carson Avenue extending west to Brant Drive and bounded on the south by the Masonic Park 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-retail development;

3) 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 and commercial buildings up to three storeys. Request for additional height may be permitted at the discretion of council;

4) 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.

5) 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.

6) Apartment buildings up to seven storeys may be permitted by Council in appropriate locations within the Residential Commercial 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.

7) 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.

8) Developments in the Residential Commercial 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.

9) Where the Council deems is necessary and in the public interest, the City will acquire property to implement public purpose aspects to enable this development.

3.7.4 Residential High Density

It is the policy of Council to:

1) Allow the following uses In the Residential High Density land use zone:

a. Permitted:

- Community Garden
- Single Detached Dwelling
- Two Unit Dwellings -Semi-Detached Dwelling
- Two Unit Dwellings -Duplex
- Townhouses
- Apartment Building
- Plex Housing-up to and including 4 units
- Plex Housing-greater than 4 units
- Mini-Home
- Non-Market Housing -Assisted Living-Residential Personal Care Home
- Non-Market Housing -Non-Profit Housing
- Non-Market Housing -Supportive Housing
- Non-Market Housing -Transitional Housing
- Boarding House/Lodging House
- Dwelling Unit Associated with a Place of Worship
- Accessory Residential Dwelling Units
    - Subsidiary Apartments

    - Garden Suite (Accessory Detached Dwelling Unit)
    - Garage Apartments
- Environmental Protection
- Open Space, Parks and Trails
- Convenience Store
- Keeping of bees

b. Discretionary:

- Assisted Living-Residential Personal Care Home
- Dormitory
- Public Gathering Places -Indoor
- Short Term Residential Rental
- Home Business

2) Apply the Residential High Density zone those areas and neighbourhoods characterized by a variety of housing types, from small-lot single detached dwelling to the full range of multi dwelling buildings;

3) Allow multi unit buildings have a height of up to six storeys;

4) Ensure that enclaves of high density housing is compatible with adjacent neighbourhoods;

5) Require landscaping in front yards and streetscapes to enhance the aesthetics of these neighbourhoods;

6) Ensure sufficient open space, parks and trails amenities are within walking distance of high density developments to enhance the quality of urban living standard including connection with nature and opportunities for non-organized recreation and active living;

3.7.5 Residential Low Density

It is the policy of Council to:

1) Allow the following uses In the Residential Low Density land use zone:

a. Permitted:

- Community Garden
- Single Detached Dwelling (5.7.1)
- Non-Market Housing -Assisted Living-Residential Personal Care Home
- Dwelling Unit Associated with a Place of Worship

- Accessory Residential Dwelling Units
    - Subsidiary Apartments
    - Garden Suite (Accessory Detached Dwelling Unit)
    - Garage Apartments
- Environmental Protection
- Open Space, Parks and Trails
- Convenience Store
- Keeping of bees

b. Discretionary:
- Plex Housing-up to and including 4 units
- Two Unit Dwellings -Duplex
- Public Gathering Places -Indoor
- Short Term Residential Rental
- Home Business

2) Apply the Residential Low Density zone to those areas and neighbourhoods characterized by a predominance of single detached dwellings on larger lots, such as, Admiralty Woods area, Mortimer /Rodes Place/Gilham Cresent and the cul-de-sacs of Grey Place, Darby Place and Rideau Place and Pembury Close and area at the extension of Stonegate Crescent.

3) Prohibit the following uses in the residential low density zone: convenience stores, home businesses {check with city}, subsidiary apartments;

3.7.6 Residential Medium Density

It is the policy of Council to:

1) Allow the following uses In the Residential Medium Density land use zone:

a. Permitted:
- Community Garden
- Single Detached Dwelling
- Two Unit Dwellings -Semi-Detached Dwelling
- Two Unit Dwellings -Duplex
- Townhouses
- Apartment Building
- Plex Housing-up to and including 4 dwelling units
- Mini-Home
- Non-Market Housing -Assisted Living-Residential Personal Care Home
- Non-Market Housing -Non-Profit Housing
- Non-Market Housing -Supportive Housing

- Non-Market Housing -Transitional Housing
- Dwelling Unit Associated with a Place of Worship
- Accessory Residential Dwelling Units -Subsidiary Apartments
- Accessory Residential Dwelling Units -Garden Suite
- Accessory Residential Dwelling Units -Garage Apartments (
- Environmental Protection
- Open Space, Parks and Trails
- Personal Care home (Institutional)
- Public Gathering Places -Indoor
- Keeping of bees

b. Discretionary:

- Convenience Store
- Offices: Professional, Financial & related Support Services
- Retail
- Plex Housing-greater that 4 dwelling units
- Dormitory
- Protective and Emergency Services
- Sports and Recreation Facilities
- Child Care – Non-Residential
- Short Term Residential Rental
- Home business

2) Apply the Residential Medium Density zone to those areas and neighbourhoods characterized by a variety of housing types on larger lots than found in the Residential High Density Zone and smaller that the Residential Low Density zones to allow for a variety of housing types, styles, heights, onsite parking configurations, and accessory buildings to meet the needs of residents.

3.7.7 Residential Multi Unit

3.7.7.1 Residential Multi-Unit

It is the policy of Council to:

1) Allow the following uses In the Residential land use zone:

a. Permitted:

- Community Garden
- Townhouses
- Two Unit Dwellings -Semi-Detached Dwelling

- Two Unit Dwellings -Duplex
- Apartment Building
- Plex Housing-up to and including 4 units
- Plex Housing-greater than 4 units
- Tiny Homes
- Non-Market Housing -Assisted Living-Residential Personal Care Home
- Non-Market Housing -Non-Profit Housing
- Non-Market Housing -Supportive Housing
- Non-Market Housing -Transitional Housing
- Dwelling Unit Associated with a Place of Worship
- Accessory Residential Dwelling Units
    - Subsidiary Apartments
    - Garden Suite (Accessory Detached Dwelling Unit)
    - Garage Apartments
- Environmental Protection
- Open Space, Parks and Trails
- Convenience Store
- Offices: Professional, Financial & related Support Services
- Retail
- Keeping of bees

b. Discretionary:

- Keeping of bees
- Single Detached Dwellings
- Dormitory
- Boarding House/Lodging House
- Institutional Use
- Protective and Emergency Services
- Public Gathering Places -Indoor
- Public Gathering Places - Outdoor
- Sports and Recreation Facilities (
- Child Care – Non-Residential-Subject to Condition 4
- Home Business

2) Apply the Residential Multi Unit zone to areas where high density multi units are the optimum use of the land and amenity spaces are required as part of the design for this concentration of dwelling units;

3) Consider more locations for this zone in proximity to community and regional services and amenities and major collector and arterial roads in order to create a concentration of people who would benefit for access to public transit;

4) Encourage internal parking as part of the design of the multi-unit buildings

5) Apply the Residential Multi Unit=Kenmount Hill comprehensive development project area zone; Multi-unit structures such as townhomes, plex housing and apartments may be developed as cluster development and standards will be set out in the development regulations.

3.7.8 Residential Single Detached Dwelling

It is the policy of Council to:

1) Allow the following uses In the Residential land use zone:

a. Permitted:

- Community Garden
- Single Detached Dwelling
- Dwelling Unit Associated with a Place of Worship
- Accessory Residential Dwelling Units -Subsidiary Apartments
- Accessory Residential Dwelling Units -Garden Suite (Accessory Detached Dwelling Unit)
- Accessory Residential Dwelling Units -Garage Apartments
- Environmental Protection
- Open Space, Parks and Trails

a. Discretionary:

- Keeping of bees
- Dormitory
- Public Gathering Places -Indoor
- Home Business

2) Apply the Residential Single Detached Dwelling zone to areas of the city for the development of single detached dwellings only on lots which are smaller than the Residential Medium Density zone; and includes lands north of topsail road, such as, housing located east of Moffat Road, on either side of Moffat, La Salle And Maisonneuve Drives, Erikson Crescent, and east of Wyatt Boulevard (north of Montclair Street) and west Of Wyatt Boulevard surrounding Lady Ann Place;

3.8 Accessory Uses

It is the policy of Council to:

1) Set out examples of accessory uses in the Development Regulations which are incidental to the primary use and do not require a permit from the city;
2) Set out development standards regarding outdoor storage for residential and non-residential uses in the Development Regulations;

3.9 Accessory Buildings

It is the policy of Council to:

1) Set out development standards that apply to all accessory buildings and standards specific to residential and non-residential accessory buildings in the Development Regulations, including but not limited to size, location, number on a lot, exterior and architectural features, potential landscaping or buffering requirements;

3.10 Home Businesses

It is the policy of Council to:

1) Accommodate home businesses within residential neighbourhoods recognizing that such uses have the potential to add to the economic vitality of the municipality without detracting from the residential quality of these neighbourhoods.

2) Allow home businesses within residential dwellings provided the use is clearly subsidiary to the residential use of the property;

3) Classify home businesses as permitted use where there is no impact on the neighbourhood or discretionary use where the neighbouring property owners should be consulted with regard to the type and scale of home business proposed in the neighbourhood;

4) Require that the residence in which the home business is located is occupied by the owner of the dwelling;

5) Ensure that home businesses do not adversely affect the residential quality or safety of the area through increased traffic, noise, unsightly premises and similar considerations.

6) Prohibit open storage of materials, equipment or product;
7) Set out more detailed regulations regarding home businesses in the Development Regulations;

4.0 IMPLEMENTATION

4.1 AMENDMENTS TO THE MUNICIPAL PLAN

Council may consider amendments to the Municipal Plan when:

1. There have been significant changes to the community since the preparation of the Background Report that provided the factual basis for the policies in this Municipal Plan;

2. Studies have been undertaken by the City or the Provincial or Federal governments which contain recommendations or policies which should be incorporated into the Municipal Plan;

3. A development proposal is submitted to Council which provides sufficient information and rationale to support a change in the Municipal Plan;

As per Section 25 of the *Urban and Rural Planning Act, 2000*, an amendment to the Municipal Plan and Development Regulations must follow the process set out in Sections 14-25 of the *Urban and Rural Planning Act, 2000*.

A person may request to have the zoning of a parcel of land changed in order to accommodate a use or development not permitted under its' current zoning. This might only require an amendment to the Development Regulations without amendment to the Municipal Plan. Alternatively, a Development Regulations amendment may consist of a change to the text of the regulations. Where there is only an Amendment to the Development Regulations, then Section 35 (5) of the *Urban and Rural Planning Act, 2000* applies.

In considering requests for Development Regulation amendments, Council shall consider:

- all appropriate policies set out in this Municipal Plan;
- the provision of road, water, and sanitary and storm sewer services and the impact on existing infrastructure;
- the fiscal impact of the development on the City;
- community/neighbourhood context for the proposed development;
- environmental considerations, emissions, effluents, nuisance effects; and,
- site suitability: slope, groundwater, location of watercourses and wetlands.

Council is not required to approve an application for rezoning. A refusal cannot be appealed to the Regional Appeal Board as per Section 42 (2) of the *Urban and Rural Planning Act, 2000*.

The procedure for an amendment only to the Development Regulations is set out in the Development Regulations.

4.2 REVIEW OF THE MUNICIPAL PLAN

The Council for the City of Mount Pearl shall undertake a review of the Municipal Plan every five years in accordance with the requirements of Section 28 of the *Urban and Rural Planning Act, 2000*. This review may be comprehensive or it may consist of an audit of progress that confirms that the Municipal Plan is still relevant. The review process is valuable to the Council and residents to ensure that the administration of the community achieves the objectives of its residents.

This Municipal Plan and Development Regulations are developed for a 10-year period and each 5-year review must consider a 10-year period.

4.3 DEVELOPMENT REGULATIONS

In order for the City of Mount Pearl to achieve the vision, objectives, and policies articulated in their Municipal Plan, the Council shall need to:

- Adopt Development Regulations as a tool for administration and implementation;
- Implement a capital works program to support Municipal Plan implementation;
- Ensure a clear and efficient approach to the development review, decision-making, and appeal processes.

Development Regulations are one of the main vehicles through which Municipal Plans are implemented. The City shall review, revise, and adopt Development Regulations pursuant to Section 35 of the *Urban and Rural Planning Act, 2000*.

The Development Regulations are established to ensure that land is controlled and used only in accordance with the Mount Pearl's Municipal Plan. The policy foundation for the Development Regulations can be found in Chapter 2.

SCHEDULE A: PROVINCIAL AND FEDERAL INTERSTS

As set out in Section 1.3, the Development Regulations shall be subject to all Federal and Provincial legislation, regulations, policies, guidelines, and standards, as amended from time to time. Given that requirements of the federal and provincial agencies change over time and other exigencies, applicants are responsible to ensure that all appropriate federal and provincial permits and approvals have been secured prior to the use and/or development of land within the Municipal Planning Area boundary.

Notwithstanding this requirement, these Development Regulations shall incorporate specific compliance requirements as set out in the comments provided as part of the Intergovernmental Land Use Committee referral and Provincial Interest information provided on the Provincial Government Land Use Atlas, as follows:

As set out in Section 1.3, the Development Regulations shall be subject to all Federal and Provincial legislation, regulations, policies and guidelines. Given that requirements of the federal and provincial agencies change over time and other exigencies, applicants are responsible to ensure that all appropriate federal and provincial permits and approvals have been secured prior to the use and/or development of land within the Municipal Planning Area boundary. The federal and provincial departments are responsible for the administration and enforcement of their requirements.

Notwithstanding this requirement, the Municipal Plan shall incorporate specific compliance requirements as set out in the comments provided as part of the Intergovernmental Land Use Committee referral and Provincial Interest information provided on the Provincial Government Land Use Atlas, as follows:

A.1 Climate Change Division, Department of Environment and Climate Change

1) Take into consideration available data regarding provincial climate change projections for the nearest regional site to be considered in development stages. These projections suggest that extreme precipitation events will become more intense, for example:
    a. On a 24-hour basis, a 1-in-100 year storm is expected to bring 167 mm of precipitation by mid-century, an increase from the current climate's 137 mm (22% growth); and
    b. On a 12-hour basis, a 1-in-100 year storm is expected to bring 150 mm of precipitation by mid-century, an increase from the current climate's 122 mm (23% growth).

A.2 Crown Land Administration Division, Department of Fisheries, Forestry and Agriculture

1) The use of Crown land is subject to the City of Mount Pearl Municipal Plan and Development Regulations, including zoning and permitting requirements.
2) Approvals shall be obtained from the appropriate Regional Lands Office, Government of Newfoundland and Labrador; applications are made to the Regional Lands Office.

3) Crown land applications shall be recommended for approval by the Council regarding the use and development of the land prior to approval for issuance of title by the Lands Branch of the Government of Newfoundland and Labrador.

A.3 Department of Digital Government and Service NL

1) Service NL permits: Council shall require compliance with Department of Digital Government and Service NL requirements, before issuing permits. These include, but are not limited to: on-site services, highway signs; electrical permits; building accessibility; access to highways; tanning salon and/or Personal services establishment; Food establishment licence; public markets/farmer's markets; meat plant; pool; wastewater or water system approval; tobacco sales; water supply testing; cemetery; waste management; fuel storage and handling; asphalt, boiler; pressure vessel and compressed gas installation. The Development Regulations shall provide greater detail on: on-site services, highway signs; building accessibility; access to highways.
2) Signs along Highways: The City of Mount Pearl, by agreement with the Government of Newfoundland and Labrador administers the Highway Sign Regulations (under Section 3.1) as they apply to the erection or display of signs or advertisements on Provincial Highways in the City. Refer to Chapter 7.
3) Access to Highways: Any change in use or zoning of property which requires or uses direct or indirect access to a provincial road may be considered a change in use pursuant to the department's policy for highway access management. This policy applies to direct and indirect access points whether new, existing or historical in nature. Proponents shall be responsible to apply to the Department of Digital Government and Service NL for assessment or re-assessment of access. There is no guarantee of access approval.
4) 15 m Building Near Highway: Within 15-metres of either side of the provincial highway, the City shall refer development applications to the Digital Government and Service NL Division for comment, as per *Building Near Highways Regulations, 1997*.

A.4 Environmental Assessment, Department of Environment and Climate Change

1) Council shall review applications regarding requirements for registration for an Environmental Assessment review under Section 28 of the *Environmental Protection Regulations, 2003*. If Council is aware that a proposed development may trigger the requirements of the Environmental Protection Act, 2002, the proponent shall be advised to consult with the Environmental Assessment Division and a development permit cannot be issued until this process is complete. Note, however, that it remains the responsibility of the proponent to meet the requirements of the *Environmental Protection Regulations, 2003*.

A.5 GIS & Mapping Division, Department of Fisheries, Forestry and Agriculture

1) Control Survey markers are shown on the Land Use zoning map. Council shall inform the GIS and Mapping Division when a proposed development is proposed in the vicinity of a survey Control Monument.

A.6 Mineral Lands Division, Department of Industry, Energy and Technology

Note that the Division requires the statutory definitions for mineral exploration and mineral working and to be included in the Development Regulations (see chapter 5). The definition for mining was not included as the land are for the City is highly unlikely to be subject to this use.

1) Geological Hazards

a. Municipal planning and development should consider a 100-year planning period and incorporate the impacts of climate change on potential slope hazards. Proposed development on, above, or below steep slopes (>15°; 26.8%) and excavations into the toe of steep slopes should be evaluated to assess the risk of slope movements, particularly near slopes in unconsolidated materials or unstable bedrock. This should be conducted on a case by-case basis, as factors that could increase the risk (e.g. bedrock type or amount of overburden) will vary along a designated steep slope and may change over time. The GSNL recommends that proposed development on, above, or below steep slopes and excavations into the toe of steep slopes should be evaluated by a qualified geotechnical professional to assess the risk for slope movements, particularly in areas of thick till or other unconsolidated materials. The City addresses steep slopes in Chapter 4.

b. Planners should consider all risks associated with development in steeply sloping areas; a comprehensive risk assessment from a geotechnical engineer or other qualified professional may be warranted. Vegetative buffers and engineering solutions that will mitigate potential adverse effects and limit erosion near steep slopes should be considered. Municipalities with planning authority may choose to remove areas susceptible to slope-related hazards from future development through re-zoning efforts. For More Information, contact Project Geologist, Geological Survey of Newfoundland and Labrador.

c. Moderate to steep slopes have been identified on the south side of Kenmount Hill, north of Blackmarsh Road. Any development within this area should be guided by geotechnical experts who can advise on best approaches to mitigate slope hazards.

2) Quarries

a. For any quarry development within the Municipal Planning Area, a 300 m Quarry referral buffer is mandatory for the following reasons:

   i. Residential development shall not be allowed to encroach on the areas identified with aggregate potential by the Mines Branch;

   ii. Applications for development within the **300 m Quarry referral buffer** shall be referred to the Mineral Lands Division for comment prior to approval.

3) Mineral Exploration

a. Mineral exploration that is not a development is allowed as a permitted use in all zones.

b. Mineral exploration that is a development are allowed as a discretionary use in all zones.

4) Removal of Quarry materials, site grading, soil deposit

a. No development permit for removal or deposit of soil, or the excavation and removal of excavated material or grading is required if it is part of an approved development project or affects **less than 125 m^3** of soil, sand, gravel, rock or other substance down to and including bedrock. All other cut or fill work, excavation and removal and deposit of material or grading requires a development permit under these Development Regulations.

b. Removal or deposit of soil, topsoil, sods, or the excavation and removal of excavated material or grading requiring a development permit, shall meet the following conditions:
   i. land intended for the activity or grading has a slope of less than 25%;
   ii. resulting slopes are stable and without hazards;
   iii. when the work is completed, the area affected shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation;
   iv. drainage shall be provided to the satisfaction of Council and shall be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites; The above requirements may be incorporated in a grading plan

c. Development is restricted in environmentally sensitive areas such as steep slopes, and areas prone to landslides and rockfall.

d. For approved developments where the extraction of quarry materials is occurring or may be expected occur, the City shall send a copy of the development permit to the Quarry Materials Section, Mineral Lands Division, at quarries@gov.nl.ca. Note that quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat. It is important that the Mineral Lands Division have the documentation necessary to distinguish excavation associated with an approved development from excavation that constitutes quarrying; possessing development permits for developments which may involve excavation will assist greatly in making this distinction.

A.7 National Codes and Regulations

1) The National Building Code, and associated codes, such as the Plumbing Code, the Fire Code, the Electrical Code, the Life Safety Code, and any other ancillary code and other municipal regulations or bylaws regulating or controlling the development, conservation, and use of land shall, under these Development Regulations apply to the entire Municipal Planning Area.

A.8 Newfoundland and Labrador Hydro- Easements

1) Any development in the vicinity of the NL Hydro easements or structures shall be referred to NL Hydro and other utilities to ensure that there are no conflicts. The City shall consult NL

Hydro for all development applications at the time the application is made to the City. Requests for access roads underneath transmission lines shall be made to NL Hydro. Hydro shall not provide service to facilities, building, etc. in our right of ways and reserves the right to remove any buildings that impede our upgrade, maintenance or repair work. Any costs to remove impediments shall be at the owner's expense.

A.9 Parks Division, Department of Tourism, Culture, Arts and Recreation

1) The Newfoundland T'Railway Provincial Park: Management of the NL T'Railway Provincial Park lies within the Department of Tourism, Culture, Arts and Recreation – Parks Division. Specialized permits for the NL T'Railway are available through Parks Division for Temporary Vehicular Use and for Construction and Use.

A.10 Pollution Prevention Division, Department of Environment and Climate Change

1) **Waste Disposal and Litter** (Environmental Protection Act, 2002, Part IV)
    a. Waste receptacles shall be installed at all active areas for use by workers.
    b. All waste material shall be considered, prior to disposal, for reuse, resale or recycling.
    c. Waste materials not reused, resold or recycled, shall be disposed at an approved waste disposal site, provided the owner/operator is willing to accept such waste and the local Service Newfoundland and Labrador (SNL) has agreed with the disposal of the waste materials at the site.
2) **Air Quality Management** (Environmental Protection Act, 2002, Part VI)
    a. All activities associated with this proposal are subject to Air Pollution Control Regulations, 2004; http://assembly.nl.ca/Legislation/sr/regulations/rc040039.htm.
    b. Schedule E of the regulations prohibits the open burning of tires; plastics; treated lumber; asphalt and asphalt products; drywall; demolition waste; hazardous waste; biomedical waste; domestic waste; trash, garbage, or other waste from commercial, industrial or municipal operations; manure; rubber; tar paper; railway ties; paint and paint products; fuel and lubricant containers; used oil; animal cadavers; hazardous substances; materials disposed of as part of the removal or decontamination of equipment, buildings or other structures.
3) **Pesticides** (Environmental Protection Act, 2002, Part IX)
    a. All pesticide purchase, storage, and use is subject to compliance with the Pesticides Control Regulations, 2012, http://assembly.nl.ca/Legislation/sr/regulations/rc120026.htm. The regulations stipulate that an applicator shall be licensed for the class of pesticide which is intended to be applied. Also, the regulations stipulate that an operator cannot purchase pesticides without the appropriate license(s).
    b. If the use of a pesticide(s) is required (e.g. for the control of insects, diseases, weeds, vegetation), the Pesticides Control Section of the Department shall be notified.

4) **Storage and Handling of Gasoline and Associated Products** (Environmental Protection Act, 2002)
    a. Petroleum storage and handling, associated with construction and operation of this project/facility, shall be in compliance with the Storage and Handling of Gasoline and Associated Products Regulations, 2003, as amended, http://assembly.nl.ca/Leqislation/sr/requlations/rc030058.htm.
    b. All petroleum storage tanks shall be registered with Service NL in accordance with the GAP Regulations and all leaks/spills shall be reported to the 24-Hour Environmental Emergency spill Line at 709-772-2083 or 1-800-563-9089.
    c. Oils, greases, diesel, gasoline, hydraulic and transmission fluids should be stored at least 100 m from any body of water. Re-fuelling and maintenance activities should also occur at least 100 m from any body of water and on level terrain.
    d. An environmental emergency contingency plan shall be developed for alt storage tank systems. This plan details information regarding the location of spill response equipment and a trained contractor, in the event of a spill.
5) **Used Oil and Used Glycol Control Regulations (**Environmental Protection Act, 2002; Used Oil Control Regulations)
    a. The proponent shall maintain constant compliance with the Used Oil Control Regulations, http://assembly.nl.ca/LeqisIation/sr/requlations/rc020082.htm.
    b. Waste oils and used lubricating oil shall be retained in a tank or closed container, and disposed of by a company licensed for handling and disposing of used oil products.
    c. **Halocarbon** (Environmental Protection Act, 2002; Halocarbon Regulations)
    d. Any use of regulated substances, for example in fire suppression systems, associated with the proposed activity is subject to the Halocarbon Regulations, http://assembly.nl.ca/Leqislation/sr/regulations/rc050041. htm.6.5.10

A.11 Provincial Archaeology Office

1) If an archaeological site or artefact is discovered during development of a property, the development shall stop and Council shall consult with the Provincial Archaeology Office. Development shall not proceed until the Provincial Archaeology Office has evaluated the site or authorized the development to proceed. Any accidental discoveries of historic resources shall also be reported by the City to the Provincial Archaeology Office.
2) Before approval is granted for a major development such as a subdivision or a new commercial or public building, the application shall be referred to the Provincial Archaeology Office for comments.

A.12 Realty Services, Department of Transportation and Infrastructure (TI)

1) A referral to TI is required in situations where a property with an existing access point on a provincial road which is intended to be rezoned as it may constitute a change in use under TI's access policy.

2) There shall be no encroachment on property or highways owned by the Department of Transportation and Infrastructure (TI) without express written consent from the Deputy Minister. Any proponent shall be fully responsible to identify property and highways owned by TI.

A.13 Water Resources Management Division, Department of Environment & Climate Change

1) The City of Mount Pearl does not permit un-serviced subdivision development; therefore the sections of the Intergovernmental Land Use Report setting out the requirements for such subdivision has not been included in the following requirements. If this policy changes in the future, then the compliance requirements set out in Section 1.2 apply.
2) For the purposes of interpretation of the following requirements the definition from the *Water Resources Act, 2002,* for "body of water" is provided: "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water;

Conditions:

1) Water Resources Management Division Policies
Under the authority of the *Water Resources Act, 2002*, the Water Resources Management Division (WRMD) is responsible for the management of water resources of the province of Newfoundland and Labrador. The WRMD has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province. Protect rivers, streams, ponds, wetlands, riparian areas, and shorelines by ensuring conformance with requirements of the Water Resources Management Division of the Provincial government under the *Water Resources Act, 2002* and the *Environmental Protection Act*, *2002* including Policy Directives:

a. W.R.91-1-Infilling Bodies of Water;
b. W.R. 95-1- Policy for Land and Water Related Developments in Protected Public Water Supply Areas
c. W. R. 96-1-Policy for Flood Plain Management
d. W.R. 97-1-Development in Shore Water Zones;
e. W.R. 97-2-Development in Wetlands;
f. Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses; and,
g. Environmental Control Water and Sewage Regulations, 2003.

2) New residential development or treatment systems
3) New residential development or treatment systems connecting to the municipal water and sewer system obtains approval under Section 36 and 37 of the Water Resource Act, 2002.

4) **Any work in or within 15 metres of Bodies of Water**
The proponent must apply for and obtain a permit under the *Water Resources Act, 2002*, specifically Section 48 for any work in or within fifteen (15) metres of a body of water (including wetlands) prior to the start of the work. The application forms and requirements for when a Section 48 permit are required can be found here https://www.gov.nl.ca/ecc/waterres/regulations/appforms/

5) **Flood Risk Area**
The proposed work is within a designated flood risk area. The proponent must apply for and obtain a permit under the Water Resources Act, 2002, specifically Section 48 for any work within this designated flood risk area prior to the start of construction. Also, any work within this designated flood risk area must comply with this Department's Policy for Flood Plain Management: https://www.gov.nl.ca/ecc/waterres/regulations/policies/flood-plain/

6) **Non-Domestic Water Use for Any Purpose**
Prior to the start of construction, the proponent must apply for and obtain a water use licence under the Water Resources Act, 2002 for the use of water from any water source for any purpose. This must be stated for all non-domestic uses with an existing, new or planned water use from any water source.

7) **Development in Shore Water Zones**
   a. The proponent must apply for and obtain a permit under the Water Resources Act, 2002, specifically Section 48 for any work in Shore Water Zones prior to the start of construction. Also, any work in the Shore Water Zones must comply with this Department's Policy for Development in Shore Water Zones: https://www.gov.nl.ca/ecc/waterres/regulations/policies/shore-water/.

   b. On-site sewerage disposal systems are prohibited within 30 metres from a waterbody or watercourse.

8) **Groundwater**
Please use a licensed driller for your well installation. A full list of licensed drilling companies is available here https://www.gov.nl.ca/ecc/waterres/cycle/groundwater/well/well-drillinglicense-holders/

9) **Constructing a Non-Domestic Well**
The proponent must apply for and obtain a Permit for Constructing a Non-Domestic Well under the Water Resources Act, 2002, specifically Section 58 for drilled well(s) along with following necessary groundwater monitoring requirements prior to the start of construction. Contact: Groundwater Section

10) **Un-serviced Subdivision**
   a. A proponent will be required to complete a Level I Groundwater Assessment as per the Department's Guidelines: Groundwater Supply Assessment and Reporting Guidelines for

Subdivisions Serviced by Individual Private Wells https://www.gov.nl.ca/ecc/files/waterresregulations-appforms-unserviced-subdivision-gw-assessment-guidelines-dwh-revisions.pdf under the Water Resources Act, 2002, specifically Section 62.

b. These guidelines require a Level II Groundwater Assessment in the event of known water quality issues. A completed report must be submitted, reviewed and approved by this Department prior to any permitting by Service NL for waste disposal or septic systems within the proposed subdivision.
c. A proposed subdivision greater than 4 lots requires a Level I Groundwater Assessment. For proposed subdivisions between 5 to 14 lots, if a Level I Groundwater Assessment's findings recommend a Level II Groundwater Assessment this Department may request a Level II Groundwater Assessment be undertaken. A proposed subdivision of greater than 14 lots requires both a Level I and a Level II Groundwater Assessment. A Level I Groundwater Assessment generally will consist of a description of the hydrogeology, site characterization, and description of sustainable groundwater quality and quantity for the area. A Level II Groundwater Assessment will require the information in a Level I Groundwater Assessment and additional information as outlined in the Guidelines. Additional data includes information obtained from test well installation(s) and water quality testing. Contact: Groundwater Section.

11) **Water Resources Act - Environmental Control Water and Sewage Regulations**
    a. All waters discharged from the proposed site, during construction and operation, are subject to compliance with the Environmental Control Water and Sewage Regulations, 2003, http://assembly.nl.ca/Legislation/sr/regulations/rc030065.htm.

A.14 Wildlife Division, Department of Fisheries, Forestry and Agriculture

1) To protect general wildlife habitat and landscape connectivity, the City shall require the following measures to be considered when reviewing applications in the vicinity of waterbodies:

    a. a riparian buffer of 30 metres minimum undisturbed natural vegetated along wetlands and waterbodies (ponds, rivers, creeks etc.) or more for riparian areas near agricultural areas as recommended by the Wildlife Division;
    b. green belts connected to forested areas or other habitat patches to create wildlife travel corridors; and,
    c. indicate a minimum percentage of forest to be maintained during lot clearing.
    d. vegetation clearing to be done outside the May 01 to July 31 period, to minimize disturbance during that sensitive breeding/ young rearing (some Raptor species start breeding in March so their presence would need to be confirmed previous to development activity).

2) Under the *Endangered Species Act, 2001:* "A person shall not disturb, harass, injure, or kill an individual of a species designated as threatened, endangered, or extirpated". Prior to

permitting any large scale vegetation clearing such as residential developments, The City of Mount Pearl shall check with the Atlantic Canada Conservation Data Centre (ACCDC, adamdurocher@gov.nl.ca) for an up-to-date list of species listed under the Newfoundland and Labrador Endangered Species Act (NLESA) or designated as provincially “Rare” and follow recommended practices with regard to protection of identified species.

SCHEDULE C: USE ZONE TABLES

CITY CENTRE AND COMMERCIAL ZONES (2 pages) **Legend:** P=Permitted Use d=Discretionary Use Uses are defined in chapter 5-Note reference to section)	**City Centre (CC)**	**CC-Riverview**	**CC-Waterford**[1]	**Comm-Corridor**	**Comm-Neighbourhood**	**Comm-Regional**	**Comm-Resid.**	**Commonwealth**	**Industrial-Commercial**
COMMERCIAL USES									
Amusement Establishment/Use (5.3.1)	P	P		P		P	P	P	
Amusement Park/Attraction (5.3.2)				d		P			
Auto Body Shop (5.3.3)				P		P	P		P
Automotive Repair (5.3.4)				P		P	P		P
Automotive Sales and Service Establishment (5.3.5)				P					
Bar/Licensed Liquor Establishment (5.3.6)	P	d	d	P		P	P	d	
Building Supply Store (5.3.7)				P		P	P		P
Business Support Service (5.3.8)	P	P		P		P	P		P
Campground (5.3.9)							d		
Child Care – Non-Residential (5.3.10)	P			P	P		P	P	
Service Club and Lodge (5.3.11)				P	P			P	
Contractor, Limited (Small) (5.3.12)				P			P		P
Convenience Store (5.3.13)	P			P	P		P	P	
Custom Manufacturing Service and Sales (5.3.14)	P	P		P			P	P	P
Garage, Public Parking/Taxi Stand (5.3.15)	P	d	P	P		P	P		P
General Service/Repair Shop (5.3.16)	P	d		P	d	P	P	P	P
Hotel or Inn (5.3.17)	P	P	d	P		P	P	P	
Marina (5.3.18) -probably n/a; unless at Power's Pond									
Medical or Dental Clinic/Office (5.3.19)	P	P		P	d	P	P	P	
Motel (5.3.20)				P		P	P		
Outdoor Commercial Patio (5.3.21)	P	d	P	P	d	P		d	
Outdoor Market (5.3.22)	P		P	P	d	P	P	P	
Personal Service (5.3.23)	P	P		P	P	P	P	P	
Offices:Profess-Financial&relatedSupportServices (5.3.24)	P	P		P	d	P	P	P	P
Resort – Tourist Establishment (5.3.25)		d	d	d					
Resort-Accommodation Only (5.3.25.1)		d	d						
Resort-Accommodation & Recreation Uses (5.3.25.2)				d					
Restaurant-Drive-Through and Take-Out (5.3.26.1)	d			P		P	d		P
Restaurant-Full-Service Restaurant (5.3.26.2)	P	P	P	P	d	P	P	P	
Retail (5.3.27)	P	P	P	P	d	P	P	P	P
Shopping Centres/ Retail Warehouse/Strip Mall (5.3.28)	d			P		P	P		
-Service Station – Residential (5.3.29.1)				P	d	P	P		P
-Service Station –Highway (5.3.29.2)				P		P	P		P
Veterinarian Clinic (5.3.30)	P	P		P		P	P	P	P
Hostel (5.3.32)	d			P		P	P	P	
Short Term Residential Rental (5.3.33)	d			d		d	d	d	
INDUSTRIAL **U**SES									

[1] Subject to WRMD Policy 96-1 restrictions;

CITY CENTRE AND COMMERCIAL ZONES (2 pages) **Legend:** P=Permitted Use d=Discretionary Use Uses are defined in chapter 5-Note reference to section)	**City Centre (CC)**	**CC-Riverview**	**CC-Waterford[1]**	**Comm-Corridor**	**Comm-Neighbourhood**	**Comm-Regional**	**Comm-Resid.**	**Commonwealth**	**Industrial-Commercial**
Crematorium (5.4.1)									P
Composting Facility (5.4.2)				d			d		P
Contractor, General (5.4.3)				P		d			P
Energy Generation Facilities (5.4.4)-more discussion									
Wind Turbines (5.4.1)									P
Industrial - General (5.4.5)				d					P
Industrial – Heavy And/or Hazardous (5.4.6)									d
Industrial - Light (5.4.7)				P		P	d		P
Industrial Mall (5.4.8)							d		P
Mineral Exploration (Development) (5.4.9)									
Mineral Working (5.4.10)									
Natural Resource-Related Uses (5.4.11)									P
Salvage/Scrap Yard (5.4.12)									d
Solid Waste Recycling/Disposal& Composting Site (5.4.13)									d
CONSERVATION USES									
Environmental Protection (5.5.1)	P	P	P	P	P	P	P	P	P
Open Space, Parks and Trails (5.5.2)	P	P	P	P	P	P	P	P	P
PUBLIC/INSTITUTIONAL USES									
Cemetery (5.6.1)									
Institutional Use (5.6.2)	P					P	P		
Protective and Emergency Services (5.6.3)				P		P			P
Public Gathering Places -Indoor (5.6.4)	P	P		P	P	P	P	P	
Public Gathering Places - Outdoor (5.6.5)	P		P						
Sports and Recreation Facilities (5.6.6)	P	P		P		P	P	P	P
RESIDENTIAL USES									
Apartment over Permitted use	P	P		P		P	P	P	
Townhouses (5.7.3)			P		P			P	
Apartment Building (5.7.4)	P	P	P	P		P	P	P	
Plex Housing (5.7.5)-up to and including 4 units				P	P		P		
Plex Housing (5.7.5)-greater than 4 units		P		P	P	P	P	P	
Non-Market Housing -Assisted Living-Residential Personal Care Home (5.7.8.1)		P		P	P	P	P	P	
Non-Market Housing -Non-Profit Housing (5.7.8.2)				P		P	P	P	
Non-Market Housing -Supportive Housing (5.7.8.3)				P	P		P		
Non-Market Housing -Transitional Housing (5.8.4.1)				d			d		
Dormitory (5.7.9)				P	P	P	d		
Accessory Residential Dwelling Units (5.7.12)					P				

RESIDENTIAL ZONES Legend: P=Permitted Use d=**Discretionary Use** Uses are defined in chapter 5-Note reference to section)	RC	RHD	RLD	RMD	RMU	RSDD

RESIDENTIAL USES						
Single Detached Dwelling (5.7.1)	P	P	P	P	d	P
Two Unit Dwellings -Semi-Detached Dwelling (5.7.2.1)	P	P		P	P	
Two Unit Dwellings -Duplex (5.7.2.2)	P	P	d	P	P	d
Townhouses (5.7.3)		P		P	P	
Apartment Building (5.7.4)		P		P	P	
Plex Housing (5.7.5)-up to and including 4 units		P	P	P	P	d
Plex Housing (5.7.5)-greater than 4 units		P		d	P	
Mini-Home (5.7.6)	P	P		P		
Tiny Homes (5.7.7)-only allowed as a tiny home subdivision in RMU						
Non-Market HousingAssisted Living-ResidentialPersonal Care Home (5.7.8.1)		P	P	P	P	P
Non-Market Housing -Non-Profit Housing (5.7.8.2)		P		P	P	
Non-Market Housing -Supportive Housing (5.7.8.3)		P		P	P	
Non-Market Housing -Transitional Housing (5.7.8.4)		P		P	P	
Dormitory (5.7.9)	d	d		d	d	
Boarding House/Lodging House (5.7.10)		P		d	d	
Dwelling Unit Associated with a Place of Worship (5.7.11)	P	P	P	P	P	P
Accessory Residential Dwelling Units (5.7.12)	P	P	P	P	P	P
-Subsidiary Apartments (5.7.12.1)	P	P	P	P	P	P
-Garden Suite (Accessory Detached Dwelling Unit) (5.7.12.2)	P	P	P	P	P	P
-Garage Apartments (5.7.12.3)	P	P	P	P	P	P
CONSERVATION USES						
Environmental Protection (5.5.1)	P	P	P	P	P	P
Open Space, Parks and Trails (5.5.2)	P	P	P	P	P	P
PUBLIC/INSTITUTIONAL USESS						
Institutional Use (5.6.2)					d	
Protective and Emergency Services (5.6.3)				d	d	
Public Gathering Places -Indoor (5.6.4)	d	d	d	P	d	
Public Gathering Places - Outdoor (5.6.5)					d	
Sports and Recreation Facilities (5.6.6)				d	d	
SPECIFIC COMM/IND USES IN RES.ZONES (not HomeBusinesses)						
Child Care – Non-Residential (5.3.10)[2]				d	d	
Convenience Store (5.3.13)3		P	P	P	P	P
Offices:Profess-Financial&relatedSupportServices (5.3.24) [3]				P	P	
Retail (5.3.27) [3]				P	P	
Short Term Residential Rental (5.3.33)		d	d	d		d
Home Businesess (3.5)	P	P	P	P	P	P

[2] Subject to conditions related to location

CONSERVATION AND COMMUNITY & PUBLIC SERVICE ZONES **Legend:** P=Permitted Use d=**Discretionary Use** Uses are defined in chapter 5-Note reference to section)	OSPT	EP	CEMETERY	COMMUNITY & PUBLIC SERVICE	
CONSERVATION USES					
Environmental Protection (5.5.1)	P	P	P	P	
Open Space, Parks and Trails (5.5.2)	P	P	P	P	
PUBLIC/INSTITUTIONAL USES					
Cemetery (5.6.1)			P		
Institutional Use (5.6.2)	P[3]			P	
Protective and Emergency Services (5.6.3)				P	
Public Gathering Places -Indoor (5.6.4)				P	
Public Gathering Places - Outdoor (5.6.5)	P	P		P	
Sports and Recreation Facilities (5.6.6)				P	
SPECIFIC COMMERCIAL USES					
Outdoor Commercial Patio (5.3.21)					
Outdoor Market (5.3.22)					
Public Gathering Places - Outdoor (5.6.5)[4]					

[3] Limited to institutional facilities related to recreation

[4] Related to interpretation or Information centres for education or tourism only

SCHEDULE C: FUTURE LAND USE MAP