

SUNNYSIDE MUNICIPAL PLAN
2006 - 2016
AMENDMENT NO. 1, 2010

Remove Bull Arm Freeze Area
Add NALCOR Corridor
Add Public Utility Designation for NF Power Corridor
Allow Seasonal Residential as a Discretionary Use in the Rural Designation
Expand Town Designation Boundaries
Expand Environmental Protection Designation for Wetlands and Coastal Areas
Private Water Supply and/or Waste Disposal Development Standards Replaced
Other Housekeeping Amendments

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF SUNNYSIDE
MUNICIPAL PLAN AMENDMENT NO. 1, 2010**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Sunnyside adopts the Sunnyside Municipal Plan Amendment No. 1, 2010

Adopted by the Town Council of Sunnyside on the 23rd day of February, 2011.

Signed and sealed this _____ day of _____, 2011.

Mayor: _____
Robert Snook

Clerk: _____
Philip Smith

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP: Arvo McMillan

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF SUNNYSIDE
MUNICIPAL PLAN AMENDMENT NO. 1, 2010**

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

- a) adopted the Sunnyside Municipal Plan Amendment No. 1, 2011 on the 23rd day of February, 2011.
- b) gave notice of the adoption of the Sunnyside Municipal Plan Amendment No. 1, 2010 by advertisement inserted on the 3rd day of March, 2011 and the 10th day of March, 2011, in the Packet newspaper.
- c) set the 30th day of March, 2011 at 7:30 p.m. at the Town Hall, Sunnyside for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Sunnyside approves the Sunnyside Municipal Plan Amendment No. 1, 2010 on the 13th day of April, 2011

SIGNED AND SEALED this _____ day of _____, 2011

Mayor: _____
Robert Snook

Clerk: _____
Philip Smith

**Town of Sunnyside
Municipal Plan Amendment No. 1, 2010**

BACKGROUND

This municipal plan amendment is designed to:

- (a) Remove Bull Arm Freeze Area – this is no longer relevant;
- (b) Add the NALCOR Corridor – an area in which all development is subject to review by NALCOR and the Public Utility Designation for the Newfoundland Power Corridor;
- (c) Add Seasonal Residential as a discretionary use in the Rural Designation;
- (d) Expand the Town Designation while at the same protecting additional wetlands in and near the built-up areas through the Environmental Protection Designation;
- (e) Extend the Environmental Protection Designation along the south side of Bull Arm taking in a proposed trail and taking in McKay (or Frenchman's) Island (archaeological site);
- (f) makes other minor adjustments in the wording and contents, including agency names, as needed.

Sections 1, 2 and 3 are not amended.

PUBLIC CONSULTATION

The public briefing session for October 4, 2010, advertised in the September 23rd and 30th editions of the Packet was cancelled due to the lack of representations.

THE AMENDMENT

- 1. Future Land Use Maps 1 and 2 are replaced.
- 2. Municipal Plan 2006 - 2016 is replaced with the revised text as set out in this amendment.

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**SUNNYSIDE
MUNICIPAL PLAN 2006 - 2016
MUNICIPAL PLAN AMENDMENT NO. 1, 2010**

1 INTRODUCTION

This document is a municipal plan for the Town of Sunnyside that has been prepared in accordance with the provisions of the Urban and Rural Planning Act of Newfoundland and Labrador. It is accompanied by the Town of Sunnyside Development Regulations which provides the land use controls necessary to implement certain land use policies of this municipal plan.

The Municipal Plan and Development Regulations are seen as a tool to achieve certain community goals over a five to ten year period which will enable the Town to capitalize on its assets and to provide a means whereby development is guided in a fair and open manner.

2 INTERPRETATION

Sections 4 and 5 and the Future Land Use Maps, constitute the legally effective parts of the Sunnyside Municipal Plan. These sections set out the land use policies for the Sunnyside Municipal Planning Area. These policies are given effect and implemented under the Urban and Rural Planning Act 2000 and the Sunnyside Development Regulations.

The boundaries between the different land use designations in the Municipal Plan are meant to be general, except in the case of roads or other prominent physical features, where they are intended to define the exact limits of each category.

The Development Regulations which are deemed to implement the Municipal Plan, shall, in addition to any other matter set out under Section 13 (2) of the Urban and Rural Planning Act 2000 and other Sections of the Act and the Development Regulations under the Urban and Rural Planning Act 2000 provide for non-conforming uses, appeals and variances.

3 BACKGROUND

Sunnyside is a Trinity Bay community located on the Isthmus linking the Avalon Peninsula to the rest of the Island. It is very close to the Placentia Bay communities of Arnold's Cove and Come By Chance, and borders on the Bull Arm Special Management Area. It is approximately twenty-five minutes east of Clarenville and an hour and fifteen minutes from St. John's.

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The community extends some 11 kilometres along the northern side of Bull Arm. The Town's municipal water system is supplied from the Center Cove River Protected Water Supply Area. The Town also has a municipal sewer system with sewer outfalls into Bull Arm.

The Town is very proud of its initiatives in recreation, particularly the Centre Hill Trail that winds its way along the Centre River high into the country back of Sunnyside.

The population of Sunnyside was 477 in 2001, which is fewer than the 621 recorded in 1996. The area of the Town is 37.95 square kilometres. The number of dwellings is approximately 249. (Source: Statistics Canada Community Profiles 2001.)

The Town owns and operates the Sunnyside Waste Management Site, a well run landfill accessed by a road off the Trans Canada Highway. This landfill serves the Come By Chance Oil Refinery and Bull Arm as well as the Towns of Sunnyside and Come By Chance.

Universal Services Incorporated, a privately operated soil recycling facility is located next to the landfill.

There is potential for appropriate industrial development along the access road to the Landfill, although environmental issues would have to be addressed.

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SUNNYSIDE MUNICIPAL PLAN
OBJECTIVES AND POLICIES

4 OBJECTIVES

The municipal plan is designed to assist in securing certain basic objectives for the Town, namely:

- a) to secure the basis for orderly development and promote future growth;
- b) to make the Town of Sunnyside a hospitable and physically attractive place for residents, visitors and businesses.

5 LAND USE POLICIES

5.1 General Development

5.1.1 Future Land Use Designations and Policies

All development within the Sunnyside Planning Area shall be managed in accordance with the general land use policies and designations set out in the ensuing sections. These designations are shown on the Future Land Use Maps.

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

- a) Town
- b) Solid Waste Disposal
- c) Rural
- d) Trans Canada Highway
- e) Protected Water Supply
- f) Environmental Protection
- g) Public Utility

5.1.2 General Development Policy

Council shall ensure that new development makes efficient use of existing roads and infrastructure. Council shall further ensure that new development will not create unreasonable servicing demands or costs.

Larger scale subdivision development will be subject to a comprehensive evaluation by Council to ensure that it will mesh with adjacent

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development and the existing road system. Access to adjacent undeveloped land shall be reserved for future development.

In addition to any other considerations under this Municipal Plan, Council may refuse permission for a subdivision or any development where in its opinion it is uneconomical to provide all requisite services, including road maintenance, garbage pickup and fire protection.

Development on private water and/or waste disposal systems shall be approved by the Department of Government Services and all other appropriate agencies before a permit is issued by the Town.

5.1.3 Conditions - All Development

(1) Services and Access

Services and access must be appropriate to the type and scale of development. The Town can require that development be connected to municipal water and/or sewer services.

(2) Uses Permitted In All Designations

Accessory buildings and uses, antenna, conservation, public services and public utilities, roads, utilities (wind mills, wind turbines and wind farms) and recreational open space and trails are or may be permitted in all designations unless specifically prohibited.

(3) Compatibility of Uses, Buffers and Screening

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

negative off-site effects.

5.1.4 Advertisements and Signs

Signs within 100 metres of the centre-line of the Trans Canada Highway (Highway 1) are subject to the approval of the Government Service Centre, Department of Government Services and must be in accordance with the Highway Sign Regulations - Province of Newfoundland and Labrador.

5.1.5 Agriculture and Forestry

Agriculture and forestry uses are deemed to be permitted uses under the Rural designation, subject to all other provisions of this Municipal Plan and the implementing Development Regulations.

The Agrifoods Development Branch of the Department of Natural Resources has identified pasture-lands to the main town. These pasture-lands are to be protected. Development applications within these areas are to be referred to the Agrifoods Development Branch before the Town grants a permit.

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

The Province has identified a number of productive forest stands in the Planning Area which lie within the Rural designation. Development applications within the Rural designation shall be referred to the Department of Natural Resources, Forestry Services Branch before any permit is issued to ensure that the integrity of the forest resource is maintained.

5.1.6 Archaeological and Heritage Resources

(1) Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Also, if any major development is proposed, this Office shall be advised before an approval is granted by the Town so that the necessary research can be carried out before construction begins.

(2) There is a known archaeological site located on McKay Island

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(previously known as Frenchman's Island) which is protected under the Historic Resources Act. There is potential for other historic resources to be located within the Planning Area, particularly along the shoreline of Little Mosquito Cove and the southern shore of Bull Arm. Any development proposal in these areas shall be referred to the Provincial Archaeology office in the planning stages to ensure that potential historic resources are not disturbed or destroyed.

- (3) After proper notification and consultation, the Town may designate any property or structure a heritage property or building and require that certain conditions pertaining to appearance and upkeep be maintained.
- (4) The Town may designate an entire area containing groupings of archaeological and/or heritage sites a heritage area under which certain conditions designed to protect and best develop the resources are put into place.

5.1.7 Comprehensive Development

This provision is designed to allow a development that could reduce road frontage, make more effective use of services, yield more open space and/or protect certain environmental and heritage resources. This provision can be applied to sites that are difficult, if not impossible to develop, under the conventional zoning requirements - for example, sites that contain wetlands, and rocky outcrops.

The Town can allow a planned comprehensive development, in which frontage on a public road, lot frontage and lot area do not meet the requirements of the Town Zone under the Town's Development Regulations, provided:

- a) the development is planned as a single development with roads, services, lotting, open spaces and other features typically required in a plan of subdivision;
 - b) water and waste disposal systems are adequate;
 - c) adequate access is provided to the site;
 - d) the land use and overall density of the comprehensive development satisfies the requirements of the zone in which it is located.

5.1.8 Discretionary Uses

Unless it is specifically set out as a discretionary use under the Municipal Plan, the Town may determine that a use should be identified as

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discretionary use under the Development Regulations, where, in its opinion:

- a) the use is likely to have an impact on 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, issuing subject to conditions, or refusing a permit;
- b) that to ensure that the discretionary use is compatible with nearby uses and the predominant uses of the zone it is necessary to attach conditions to an approval that differ from the standard conditions under the Development Regulations.

5.1.9 Mineral Exploration

- (1) Mineral exploration which is not classed as development by virtue of appreciable soil disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- (2) Mineral exploration which is classed as development can be permitted in the Rural designation, provided that adequate provision is made controlling impacts on existing or future urban and conservation areas and provided that all necessary approvals are obtained.
 - a) Buffering may take the form of a separation between such mineral exploration and areas set aside for urban purposes within which higher impact mineral exploration is either prohibited outright, or is treated as a discretionary use.
 - b) Higher impact mineral exploration shall be subject to conditions that control noise, appearance, duration of the drilling or excavating program and the control of other impacts that may arise. The precise nature of these controls will depend upon the location of the mineral exploration in respect to built-up areas.
 - c) Where there is soil disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to the Town.

5.1.10 Mineral Workings

The Town may provide for mineral workings in areas where there is a

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known resource and where there is less likely to be conflict between mineral workings and other uses. Such mineral workings can be accommodated in the rural portions of the Planning Area, subject to controls that will minimize environmental damage, protect the amenities of nearby areas, foster restitution of sites and minimize land use conflict that could affect the proper exploitation of aggregate resources.

Regulations may include establishing buffer areas around mineral workings within which certain types of development are to be reviewed by the Department of Natural Resources, Mineral Lands Division, before approvals are given by the Town.

The Town may distinguish between classes of mineral workings, and regulate the removal of fill materials which occurs as part of a development and landscaping.

5.1.11 NALCOR Corridor

The NALCOR corridor overlay on the Future Land Use Maps is established at the request of NALCOR Energy to protect a corridor for the possible development of a high voltage transmission line designed to bring power from the Lower Churchill Project. Before a permit is issued by the Town, the Town shall consult with NALCOR. However, due to the manner in which the corridor overlaps built-up areas, the Town and NALCOR Energy may agree to waive referrals for individual developments where such development:

- a) lies within an existing built-up area and therefore constitutes infill; and/or
- b) is part of a subdivision or larger development which has already been approved by NALCOR Energy and the Town.

5.1.12 Site Development

Before approving a development, the Town shall consider the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving run-off from the site, and other similar matters.

The Town shall ensure that the proposal is not inappropriate by reason of:

- a) precipitating or contributing to a pollution problem in the area; or

- b) causing erosion and/or sedimentation.

5.1.13 Solid Waste Disposal Buffer

Any development within 1.6 kilometres of the centre of Sunnyside Waste Management Site as shown on the Future Land Use maps must be referred to the Department of Environment and Conservation for approval before a permit is issued by the Town.

5.1.14 Trails

Trails, most notably the Centre Hill Trail and a portion of the old Cabot Highway are protected by a 200 metre wide buffer - 100 metres in each direction from the centre of the trail - within which no development is allowed to occur until the Town has determined that the use and appearance of the trail is not negatively affected. The buffer along the Old Cabot Highway is designated on Future Land Use Map 2 as Environmental Protection. The Centre Hill Trail is not shown.

Other trails deemed significant by the Town shall be protected by a suitable buffer.

5.1.15 Trans Canada Highway

The Town and Municipal Planning Area boundaries run along the right of way of the Trans Canada Highway (Highway 1). A new interchange is proposed (Future Land Use Map 2) which crosses over into the Town and Planning Area. This interchange is protected from development by the Trans Canada Highway designation.

Development within 100 metres of the centre-line of the Trans Canada Highway, Highway 1) is subject to review by the Government Service Centre of the Department of Government Services before a permit is issued by the Town.

5.1.16 Waterways - Buffers

- (1) A protective buffer of undisturbed soil and vegetation shall be preserved along the shoreline of all waterways. The buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat.
- (2) Subject to the appropriate approvals and reviews, only trails and accessory uses, and uses requiring direct access to a body of water may be permitted in these buffer areas.

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- (3) The matter of adequate and usable legal public access to the waterway may be used as a consideration in the review of an application for a structure within a buffer and/or waterway.
- (4) Any activity that has the potential to affect fish habitat shall be forwarded to Fisheries and Oceans Canada for review.

5.1.17 Wind Mills, Wind Turbines and Wind Farms - Utility

Utilities, which include wind mill, wind turbines, wind farms, together with access roads and associated facilities, are subject to the approval of relevant provincial and federal departments and agencies and public utilities.

The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Town, along with other matters that the Town may deem to be significant.

Utilities within the built-up areas are limited to single wind mills or wind turbines designed and sized to serve particular properties.

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

The design, construction and location of a windmill shall be certified by a competent professional who has consulted with the required agencies.

5.2 Town Designation

The Town Designation is designed to sustain and develop the existing character of Sunnyside along Bull Arm. This designation allows the Town to zone for an array of residential, assembly, mercantile, service, non-hazardous industrial, institutional and recreational uses as permitted or discretionary uses, in addition to other uses that may be compatible with the primarily residential character of the Town.

The Town will carefully regulate non-residential uses to ensure that they are located and designed in such a way to as to be compatible with the residential uses of the area.

5.3 Solid Waste Disposal Designation

The Solid Waste Disposal Designation is designed to allow solid waste disposal along with scrapyards, industrial general, light industrial and hazardous industrial uses along with other compatible uses, including transportation uses.

Because of issues associated with the former incinerator and the proximity of water bodies and other environmental concerns, development in this designation is subject to the approval of the Department of Environment and Conservation.

5.4 Rural Designation

The Rural Designation allows rural uses and uses appropriate to a location in a rural area, including agriculture, campground, cemetery, forestry, marina, mineral exploration, recreational open space, seasonal residential and transportation. Mineral working, seasonal residential and solid waste disposal are discretionary uses.

Solid Waste Disposal discretionary use in the Rural designation is limited to the expansion of the Sunnyside Solid Waste Management Site.

Any requests for development in the Rural designation shall be reviewed by the Departments of Government Services and Natural Resources. Other agencies shall be consulted as appropriate.

5.5 Trans Canada Highway Designation

The only use allowed in this designation is conservation. All development in this designation is subject to the approval of the Department of Transportation and Works.

5.6 Protected Water Supply Designation

Development within the Protected Water Supply designation is subject to the approval of the Department of Environment and Conservation.

5.7 Environmental Protection Designation

The Environmental Protection Designation is applied to well-defined areas along or around selected waterways and wetlands and undeveloped coastal areas. It is also applied to a portion of the Old Cabot Highway.

The intent is only to allow those uses which are entirely compatible with the conservation of environmentally sensitive areas. Only conservation

uses are permitted uses in this designation. However, subject to the appropriate approvals and reviews, trails and accessory uses, and uses requiring direct access to a body of water may be permitted in this designation.

5.8 Public Utility Designation

The Public Utility Designation is applied to the major Newfoundland Power transmission line corridor and substation. Along with the continued operation of the Sunnyside Solid Waste Management Site, only antenna, conservation and recreational open space and trails can be permitted – subject to the approval of Newfoundland Power and NALCOR.

5.9 Trans Canada Highway Protected Road Zoning Plan

Development within 100 metres of the centre-line of the Trans Canada Highway, Highway 1) is subject to review by the Government Service Centre of the Department of Government Services before a permit is issued by the Town.