

Town of Portugal Cove-St. Philip's

Unauthorized Development Policy

Pursuant to the authority vested in the Town Council of Portugal Cove- St. Philip's, the following policy was adopted on May 6, 2025.

1.0 TITLE

1.1 This document shall be known and cited as the *Unauthorized Development Policy*.

2.0 INTERPRETATIONS

2.1 ***“Urban and Rural Planning Act”*** means the Urban and Rural Planning Act, 2000, SNL 2000, c. U-8, as amended.

2.2 ***“Municipal Plan”*** means the Town of Portugal Cove-St. Philip's Municipal Plan, as amended.

2.3 ***“Development Regulations”*** means the Town of Portugal Cove-St. Philip's Development Regulations, as amended.

2.4 ***“Towns Act”*** means the Towns and Local Service Districts Act, as amended.

2.5 ***“Council”*** means the duly elected Council of the Town of Portugal Cove–St. Philip's.

2.6 ***“Town”*** means the Town of Portugal Cove–St. Philip's as incorporated under the Towns Act.

2.7 ***“Unauthorized Development”*** means:

- i. Building and/or development activity, in accordance with the Towns Act, Urban and Rural Planning Act, Municipal Plan, Development Regulations, or any By-Law of Council related to building and/or development activity, undertaken within the Town for which a permit has not been issued by the Town or in which the building and/or development activity has exceeded the details and/or conditions specified on the permit or in the Development Regulations; and/or,
- ii. Noise generated in relation to building and/or development activity in contravention of the Noise and Nuisance By-Law.

2.8 ***“Committee”*** means the Committee of the Whole.

2.9 ***“Management”*** means the Chief Administrative Officer and/or the Director of Planning & Development.

3.0 POLICY STATEMENT AND SCOPE

3.1 The purpose of this policy is to provide guidance for managing the resolution of Unauthorized Development identified within the Town.

4.0 APPLICATION

4.1 This policy shall apply to Staff, Council, and the Public regarding resolution of Unauthorized Development.

5.0 POLICY PROCEDURE

5.1 An Unauthorized Development may be identified by Staff or reported by a member of Council or the Public.

5.2 At any point in this procedure, Council may issue an Order regarding the Unauthorized Development.

5.3 Once identified, the Unauthorized Development will be assigned an initial criticality level, as follows, with updates as additional information becomes available:

Criticality 1 – Very Low

- Unauthorized Development that has minor potential to cause public interest concerns.
- Unresolved Unauthorized Development which Council has advised Staff to take no further action.

Criticality 2 – Low

- Unauthorized Development identified by Staff that has potential for public interest concerns.

Criticality 3 – Medium

- Unauthorized Development that has been reported by the Public.

Criticality 4 – High

- Unauthorized Activity that has been identified by Council and/or Management as being of moderate public interest concerns.

Criticality 5 – Very High

- Unauthorized Development whereby safety, environmental, etc. implications are present and require immediate attention as identified by Council and/or Management.

5.4 Staff will contact the property owner to discuss the Unauthorized Development and schedule a site visit, if required. Property owners will be advised to stop work until a permit is issued. If Staff is unable to contact the property owner, the matter will be referred to Management for direction on how to proceed.

5.5 If an Unauthorized Development can comply with the Municipal Plan and Development Regulations by obtaining a permit, Staff will work with the property owner to resolve the matter, issue a permit, and apply any warnings and/or fees in accordance with the Town's Tax Structure and Schedule of Fees current at the time of permit issuance.

5.6 With respect to noise, if the property owner acknowledges the Noise and Nuisance By-Law and commits to abiding by them, the matter will be recorded as resolved.

5.7 If the Unauthorized Development is determined non-compliant with the Town's Municipal Plan and Development Regulations or Noise and Nuisance By-Law, Staff will advise the property owner of such and that work must stop and/or be reinstated accordingly. The property owner will be asked to provide a corrective action plan in writing providing details as to when any corrective action can be completed.

- i. If a property owner submits a written corrective action plan that can be completed within 30 calendar days or less, management may approve the corrective action plan.
- ii. Where no corrective action plan is provided, or a corrective action plan requires more than 30 days to be completed, the matter will be added to the Committee agenda for discussion/direction.

5.8 If Council issues an Order regarding the matter, and after the Order deadline has passed, Staff will contact the property owner to discuss the status of compliance and schedule a site visit, if required. The Order will be added to the next Committee agenda for discussion to determine if the conditions of the Order have been complied with.

- i. If the Committee determines that the Order has been complied with a recommendation will be made to Council to revoke the Order.
- ii. If the Committee determines that the Order has not been complied with, the Committee may make a recommendation that Council engage the Town's Solicitor for further actions which may be undertaken as authorized by the *Towns Act* and/or the *Urban and Rural Planning Act*.

5.9 If work required to carry out an Order is completed by the Town, the Order may be revoked by Council upon payment of any debt owing and any other applicable fees.

5.10 If at any point the property owner resolves the Unauthorized Development prior to an Order being issued, the matter will be recorded as resolved. If an Order had been issued, the matter will be added to the next Committee agenda for discussion.

6.0 REPEALS OF PREVIOUS POLICIES AND AMENDMENTS

6.1 None.

7.0 AMENDMENTS

7.1 Amendment No. 1 – May 6, 2025; Motion # 2025-152

8.0 INITIAL EFFECTIVE DATE / RESOLUTION

8.1 Date effective: October 3, 2023 Motion #: 2023-273



Carol McDonald, Mayor



Claudine Murray, Town Clerk