

Town of Portugal Cove-St. Philip's
Delegation of Planning Authority By-Law

Pursuant to the authority conferred in sections 35 and 285 of the *Towns and Local Service Districts Act*, and section 109 of the *Urban and Rural Planning Act, 2000* the Town Council of Portugal Cove-St. Philip's has adopted the following by-law on January 21, 2025.

1. TITLE

- 1.1. This document will be known and cited as the Delegation of Planning Authority By-Law.

2. PURPOSE

- 2.1. The purpose of this by-law is to property authorize the current practice of staff approving permitted use applications, decreasing application processing time for some discretionary use applications (where no written comments are received in response to notices), and prioritizing Council's time and attention to more critical Planning and Development matters.

3. INTERPRETATION/DEFINITION

- 3.1. "**Council**" shall mean the Town Council of Portugal Cove–St. Philip's.
- 3.2. "**Employee**" or "**Employees**" shall mean any individual under an employment contract with the Town of Portugal Cove-St. Philip's including all members of staff, volunteers, contractors and members of Council.
- 3.3. "**Employer**" shall mean the Town of Portugal Cove-St. Philip's Municipal Plan as represented by the Chief Administrative Officer or his/her designate.
- 3.4. "**Town**" shall mean the Town of Portugal Cove–St. Philip's.

4. APPLICATION

- 4.1. This by-law applies to all employees of the Town of Portugal Cove-St. Philip's including, without limitation, Council, full-time, part-time, contract, seasonal, permanent, students, and volunteers.

5. AUTHORITY

- 5.1. Council appoints the following Town employee classifications to fulfill planning responsibilities. This includes any subordinate decisions or actions required to fulfill these responsibilities.

Planning Authority	Designated Employee
<ul style="list-style-type: none"> • Processing of Applications • Approval in Principle (Applications in Compliance with the Town's Municipal Plan and Development Regulations) • Variance* • Issuance of Permits • Subsidiary Apartment Applications* • Home-Based Business Applications (ex. office, personal service)* • Boarding House Residential Applications (Air Bnbs only)* • Applications for Residential Agriculture (including keeping of animals)* • Accessory Building Applications: <ul style="list-style-type: none"> ○ In the front yard of property $\geq 4,000 \text{ m}^2$ (in accordance with Development Regulation 39 (3) (e))*; ○ Application for second accessory building measuring either \leq or $\geq 30 \text{ m}^2$ on a residential lot • Requests for Separate Electrical Service to Accessory Buildings (Residential Use or Commercial Use (with permit) only) 	<p>Planning Technologist Planning Technician Planning and Development Coordinator</p>
<ul style="list-style-type: none"> • Signing of Permits • Issuance of Compliance Letters • Compliance Letter Tolerances 	<p>Planning and Development Coordinator, or in their absence:</p> <ul style="list-style-type: none"> • Planning Technologist • Planning Technician
<ul style="list-style-type: none"> • Distribution of Public Notices** • Minor modifications to approvals involving development in environmental features (ex. minor changes to plot plan, building plans) 	<p>Director of Planning and Development</p>
<ul style="list-style-type: none"> • Non-Conforming Uses (in accordance with Development Regulation 49) • Issuance of Stop Work or Removal Orders (requires ratification at the next Council meeting) 	<p>Chief Administrative Officer</p>

*Provided no written representations are received.

**Notices for proposed subdivision developments (in accordance with Plan Policy SD-5) will be electronically forwarded to members of Council.

1. Council retains the authority to refuse an application except in accordance with Section 6.0.
2. All written representations submitted in response to public notice shall be considered by Council.
3. Chief Administrative Officer may delegate their authority to the Director of Planning and Development or Designate.

6. PROTECTED WATERSHED

6.1 Where the property subject of an application is located within the Protected Watershed land use zone (or the protected watershed area as recognized by the City of St. John's) and the application was rejected by the City of St. John's, Council delegated their authority to reject the application to the Chief Administrative Officer.

7. REPEAL OF PREVIOUS REGULATIONS AND AMENDMENTS

7.1. This by-law repeals the Delegation of Planning Authority Policy, enacted on January 24, 2023, with amendments.

7.2. This by-law repeals the Compliance Letter Policy, enacted on January 11, 2005, with amendments.

8. CAME INTO EFFECT

8.1. This by-law first came into effect on January 21, 2025, through a resolution of Council, # 2025-011.

Carol McDonald, Mayor

Claudine Murray, Town Clerk