

Town of Portugal Cove-St. Philip's

Fence Policy

Pursuant to the authority vested in the Town Council of Portugal Cove- St. Philip's, the following policy was adopted on March 4, 2025.

1.0 TITLE

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

2.0 INTERPRETATIONS

2.1 "**Council**" shall mean the Town Council of Portugal Cove – St. Philip's.

2.2 "**Environmentally Sensitive Area**" shall mean an environmental feature, and/or associated buffer. Identified on the Environmental Protection Overlay Map within Schedule E: Environmental Protection Overlay of the Town's Development Regulations.

2.3 "**Staff**" shall mean staff persons employed in the Town's Planning and Development Department.

2.4 "**Town**" shall mean the Town of Portugal Cove – St. Philip's.

3.0 POLICY STATEMENT AND SCOPE

3.1 The purpose of this policy is to establish a procedure for staff to assess applications for fence development within the Town.

4.0 APPLICATION

4.1 This policy shall apply to all applications received by the Town for the construction of a fence within the Town's municipal boundary.

4.2 This policy shall be binding on Council and staff.

5.0 POLICY PROCEDURE

5.1 Upon receipt of a completed Building and Development Application for a fence, along with any required fee(s), legal property survey, and plot plan, staff shall assess the submission in accordance with the following and grant approval in principle and issue a permit for the fence development where:

5.1.1 The plot plan submitted identifies that the fence will be constructed on, or within, the legal property boundaries for the property which is the subject of the application and is not on, into, or over land reserved for a highway or sidewalk.

5.1.2 The fence will not be located within an environmentally sensitive area.

5.1.3 Where the fence will be located on, or near, a property boundary common with a public road reservation or other public infrastructure, approval is received from the Town's Public Works Department (prior to approval in principle), or the provincial Department of Transportation and Infrastructure, or other applicable government department or agency (prior to the issuance of a permit).

5.2 Where a fence is proposed to be constructed within an environmentally sensitive area, or does not conform to 5.1, the application shall be reviewed and considered by the Planning and Development Committee and Council in accordance with the Town's Municipal Plan and Development Regulations.

6.0 NON-CONFORMING

6.1 A fence that exists at the time of this Policy coming into effect that is not in accordance with this Policy shall be considered non-conforming and may continue to exist.

6.2 A non-conforming fence shall not be enlarged, extended, reconstructed, replaced, or altered structurally except in accordance with this Policy.

7.0 REPEALS OF PREVIOUS POLICIES AND AMENDMENTS

7.1 This policy repeals the Fence Regulations enacted by Council on May 16, 2023.

8.0 AMENDMENTS

8.1 None.

9.0 INITIAL EFFECTIVE DATE / RESOLUTION

9.1 Date effective: March 4, 2025, Motion #: 2025-065.