



**PLANNING & DEVELOPMENT DEPARTMENT**

**FREQUENTLY ASKED QUESTIONS**

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## **1. What is a Municipal Plan?**

A Municipal Plan is a policy document that provides a 10-year blue-print for the future development of the Town. The Plan establishes goals, policies, and regulations to achieve the community's vision for its economic, social, cultural, and physical growth and development. These policies deal with goals, objectives and strategies on topics ranging from development and environmental issues to social and economic concerns.

## **2. What are the Development Regulations?**

The Town of Portugal Cove-St. Philip's "Development Regulations" is a document containing the regulations governing the development of land within the Town. It divides the town into a number of *land use zones* and identifies the development standards for each. As an example it determines where a house may be placed on a lot or what type of business can operate in a specific zone. The Development Regulations is the legal tool that implements the Municipal Plan.

## **3. What is a Land Use Zone?**

A land use zone is an area of the town, identified on the zoning map which defines the type of uses that may be carried out and the conditions that apply to development in that zone. The Town of Portugal Cove-St. Philip's is divided into 14 land use zones the most common of which is Residential Medium Density.

## **4. What is the difference between a Development Permit, a Building Permit and an Occupancy Permit?**

A Development Permit deals with the development of land, the placement of buildings on the property, landscaping, access, and parking issues, etc. A Building Permit deals with the construction of the building. An Occupancy Permit is a permit that advises the builder that the building has been constructed in accordance with the appropriate codes and may now be occupied. When an Occupancy Permit is issued the owner has the comfort of knowing the building has been constructed in a sound manner and is safe to occupy.

## **5. What are permitted and discretionary uses?**

Each land use zone has a corresponding use zone table contained in the Development Regulations. This use zone table identifies the uses that are permitted in that zone. As an example the Residential Medium Density use zone table identifies a single dwelling as being permitted. There are other uses however that may or may not have an adverse effect on surrounding properties. These *discretionary uses* can be approved or refused at the discretion of Council following a technical review of the proposal by town staff and a public briefing session on the matter. An example of this is a convenience store in the Residential Medium Density zone. The Town is obligated under the Development Regulations to advertise notice of all discretionary use applications.

## **6. What is a variance?**

If a proposed development does not meet the requirements of the Development Regulations, the applicant has the option of requesting Council to *vary* the specific requirements in that particular instance. The Town is required to give written notice of the proposed variance to all persons whose land is in the immediate vicinity of the land that is subject of the variance and allow a minimum period of seven (7) days for response.

## **7. What is a non-conforming use?**

The current Portugal Cove-St. Philip's Development Regulations came into effect in 1996. At that time a number of areas were rezoned to recognize a change in development policy. Contained within these areas were (and still are) land uses that are not permitted in the new zone. These *non-conforming uses* are uses that were legally in effect at the time of adoption of the Development Regulations. A residential use in the commercial zone is an example of a non-conforming use.

**8. Are there conditions or regulations that apply to the development of property?**

The Town has adopted a Municipal Plan and Development Regulations that establishes guidelines for the use and development of all land and resources within the Municipality.

No person shall carry out any development within the Municipal Planning Area (Town of Portugal Cove-St. Philip's) unless the Town has issued a permit for the development. Except where otherwise provided in the Town's Municipal Plan and Development Regulations

Council implements the Plan and Regulations by issuing Permits.

**9. How do I find information on the Town's zoning requirements?**

Information on the Town's zoning requirement can be viewed on the Town's web site ([www.pcsp.ca](http://www.pcsp.ca)) or you can contact the Planning Department Staff at 709-895-8000.

**10. What process does an individual have to follow to develop land?**

Individuals or land developers is required to fill out a "Building Permit & Development Application Form" (Application available at the Town Office) and provide a copy of land survey for the proposed property and a scaled plot plan showing the location of the proposed development in relation to all boundaries and the length, width and height of the proposed development. The Planning Staff along with the Planning and Development Committee of Council will review the application in relation with the Town's Municipal Plan and Development Regulation the Committee will than recommend either a conditional approval or rejection of the application to Council who may ratify the Committee's recommendation or reject. The applicant will then be notified regarding Council's decision.

**11. What fees are involved in developing property?**

An application-processing fee of \$50.00 is required for the processing of applications. Once an application is processed, and pending on the proposed development there may be other fees such as: Zoning fees, Plan Amendment fees, Engineering fees, Lot development fee, Recreation fee, and Permit fees. For more detailed information on fees, please refer to the Town's Fee Structure Table.

**12. How long does it take to process a building application?**

An application that requires Councils decision will usually vary from three weeks to six weeks, pending on the time of the application submission. Applications that can be processed by the Planning and Development Department will usually vary from one week to three weeks depending on the number of applications pending review.

**13. When should I apply for a Permit?**

A person should apply for a permit well in advance to ensure that all necessary approvals and permits are in place before construction is due to start.

**14. Does a person need a permit to repair a dwelling?**

Yes, all development within the boundaries of the Town requires the issuance of a permit, as per Municipal Plan and Development Regulations.

**15. What is the fee to repair a dwelling?**

All general repairs and maintenance repairs made to existing dwellings requires that the applicant pick up a "General Repairs and Maintenance" Permit at a cost of \$ 50.00.

**16. Does a person require a permit to build a garage or shed?**

Yes, no development shall be carried out within the “Planning Area” (Town of Portugal Cove-St. Philip’s) without a permit being issued by the Town, as per Municipal Plan and Development Regulations.

**17. What is the maximum size of a garage or shed?**

The maximum size of a garage or shed (Accessory Buildings) is lot coverage not greater than 7% of the lot area, up to a maximum of 56 square meters (603 square foot). The height of accessory buildings shall be to a maximum of 4 meters (13 feet).

**18. What is the distance from boundaries does a garage or sheds have to be?**

An accessory building shall not be closer than three (3) metres from another building, not closer than one (1) metre from the side and rear property line and not closer than one (1) metre from any utility easement.

**19. What is the fee to build a garage or shed?**

The cost of an accessory building permit is \$ 3.00 per square metre.

**20. When does my permit expire?**

A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Part III of these Regulations.

**21. How close to the road can I build a fence?**

The Town requires a fence to be 3 meters from the edge of asphalt on streets without side-walks. On streets that have side-walks, suggesting the side-walk is 1.5 meters wide, we would ask the owner to keep the fence 1.5 meters from the closest point of the side-walk to the property line.

**22. Do I need a permit to construct a fence?**

Currently the Town does not issue permits for the construction of fences as we do not have any regulations that govern the development.

**23. Do I need a permit to subdivide my property?**

Yes, no land in the Planning Area shall be subdivided unless a permit for the development of the subdivision is first obtained from the Town. Development is not permitted on unsubdivided land unless sufficient area is reserved to satisfy the yard and other allowances called for in the Use Zone in which it is located and the allowances shall be retained when the adjacent land is developed.

**24. Do I need a permit to finish my basement?**

Yes, a permit is required to finish construction on the basement of a dwelling.