



**Town Council of the Town of Fogo Island  
Policies and Procedures**

<b>Policy Topic: Building Permit Requirements</b>		
<b>Policy No:</b>	<b>Motion of Council:</b>	<b>Effective Date: Sept 20, 2011</b>
<b>Section: Public Works</b>	<b>Amendment Motion: 2017-184</b> <b>Amendment Motion: 2023-012</b>	<b>Amendment Date: July 31, 2017</b> <b>Amendment Date: January 31, 2023</b>
<b>Issued By: Public Works Committee</b>		

**Policy Statement:**

It is the policy of the Town of Fogo Island to issue building permits for all development within the Town planning area.

**Purpose:**

To ensure that all requirements of the Town Municipal Plan and Development are met and applied consistently for all permit applications.

**1. Regulations**

- a) No person shall erect, construct, demolish or alter any building, or subdivide any building lot, except under a permit issued by the Town of Fogo Island.
- b) Application shall be made on the form provided by the Council.
- c) Permits shall be valid for a period of not more than 2 years from the date of issue, whether or not the development has been started a permit may be renewed for not more than one additional year at a cost of 50% of the set permit fee pending nothing has changed since the original application.
- d) The Authority may revoke a permit for failure by the holder to comply with the Regulations or any condition attached to the permit or was issued in error or on incorrect information.
- e) Referrals may be required from Dept. of Transportation, Hydro, Telephone and Cable companies.

**2. General conditions for all permits**

- a) Applicant must be able to provide proof of title to the land or hold a valid lease or license to occupy the property before a permit can be issued for new construction.
- b) Permits will not be issued until approved water and sewer hookup is arranged or an approval for onsite water and/or sewer is issued by the Department of Environment.
- c) Each residential and commercial property shall have its own water and sewer service.

- d) Adequate clearances must be provided between buildings and from all property and street lines.
- e) All property must have frontage on a public road or street before it may be built on.
- f) Minimum lot frontage shall be fifteen (15) metres.
- g) Minimum lot area for fully serviced residential lots shall be 450 square metres.
- h) Minimum residential floor area shall be 80 square metres.
- i) Minimum building line set back 6 metres.
- j) Minimum side yard width 1.5 metre;
- k) Minimum rear yard depth 5 metres.
- l) Separation between buildings 1.5 metres.
- m) Maximum lot coverage of All Buildings 33%
- n) Maximum floor area of all accessory buildings 30 square metres.
- o) Maximum height 10 metres.
- p) Existing lots may have deeded access rather than actual frontage.
- q) Only one residential building shall be permitted per lot.
- r) All construction debris must be disposed of at the Waste Transfer Station.

### **3. Approval of permits**

- a) The Chief Administrative Officer, Town Clerk or designated employee may approve any residential permit that meets the conditions of the current regulations and this policy.
- b) Approval of Council is required for all commercial and institutional permits for new construction and renovations or extensions.
- c) Prior approval of Government Services is required for commercial and public occupancy uses and accessibility before Council will consider an application for commercial permits.
- d) All applications for Tourist Establishment must be referred to the Department of Tourism via referral to Government Service NL.

### **4. Permit Required to be Issued**

- a) A permit shall be issued for development within the Planning Area that conforms to:
  - i) The general development standards, the use classes, standards, requirements, and conditions as prescribed set out in the Town Development Regulations and the use zone in which the proposed development is located;
  - ii) The standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings.

### **5. Permit Not to be Issued in Certain Cases:**

- a) Neither a permit nor approval in principle shall be issued for development within the Planning Area when, in the opinion of the Authority:

- i) It is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or lacking adequate removal or mitigation of hazardous materials or contaminants on the lot, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by the Authority and such cost shall attach to and upon the property in respect of which it is imposed, or;
- ii) The applicant is not able to demonstrate ownership of the lot upon which the development is proposed.
- iii) The applicant is not able to provide building plans or other assurance that any building or structure will be erected upon a competent permanent foundation (except where specifically exempted as a temporary use such as a beach kiosk erected for the season).
- iv) The applicant is not able to demonstrate the location of one or more lot boundaries which are related to required yards, building lines, or other relevant boundary matter involved in the proposed development. The Authority may require the applicant to provide a plan of survey prepared by a Newfoundland Land Surveyor to determine the location of such boundaries as are relevant to the application at hand.

## **6. Variance Required**

- a) Where an approval or permit cannot be given by the Authority because a proposed development does not comply with development standards set out in development regulations, the Authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the Authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.
- b) The Authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
- c) The Authority shall not permit a variance from development standards where the variance is specifically prohibited in its Development Regulation, or if the proposed development would increase the non-conformity of an existing development.
- d) Notice of Variance - Where the Authority is to consider a proposed variance, the Authority shall give written notice, at the expense of the applicant, of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance, at least fourteen days before the Authority convenes to consider the proposal.

## **7. Submission of Application**

- a) An application for a development permit or approval in principle shall be made only by the owner or by a person authorized by the owner to the Authority on such form as may be

prescribed by the Authority, and every application shall include such plans, specifications and drawings as the Authority may require, and be accompanied by the permit fee required by the Authority.

#### **8. Register of Application**

- a) The Authority shall keep a public register of all applications for development and shall enter therein the Authority's decision upon each application and the result of any appeal from that decision.

#### **9. Deferment of Application**

- a) The Authority may, with the written agreement of the applicant, defer consideration of an application.
- b) Applications properly submitted in accordance with these Regulations which have not been determined by the Authority and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Authority, and on which consideration has not been deferred in accordance with the Regulations shall be deemed to be refused.

#### **10. Approval in Principle**

- a) The Authority may grant approval in principle for the erection, alteration or conversion of a building if, after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.
- b) Where approval in principle is granted under this Regulation, it shall be subject to the subsequent approval by the Authority of such details as may be listed in the approval in principle, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of approval in principle.

#### **11. Reasons for Refusing Permit**

- a) The Authority shall, when refusing to issue a permit or attaching conditions to a permit, state the reasons for so doing.

#### **12. Environmental Buffer Along Water Bodies; Protection of Fish Habitat**

- a) Any development within a body of water, including streams, rivers, ponds and wetlands, and within 15 metres of the high-water marks thereof, shall be subject to approval under Section 48 of the Water Resources Act, in addition to any requirements of the Development Regulations. Further, development associated with water bodies shall be carried out in conformance with the requirements of the federal Fisheries Act and the Guidelines for Protection of Fish Habitat and other guidelines provided by the Department of Fisheries and Oceans Canada.
- b) Subject to the requirements of the first paragraph, the following may be approved in any area:

- c) Wharves and sheds along the coast to allow for traditional small scale marine operations; drainage or filling in of poorly drained areas in order to make them suitable for development; and, public works and utilities.
- d) Notwithstanding the permissibility of development of wharves and sheds or any other structure along the seacoast, infill of coastal waters shall be limited to the footprint of the structure or feature constructed in the sea, and shall not have the effect of extending the land beyond what is required for the construction within the footprint of the structure and shall not create a hazard to watercraft moving in navigable water, or encroach on the seabed related to the marine access to an adjacent structure.
- e) Notwithstanding the permissibility of development of wharves and sheds or any other structure along the seacoast, infill of coastal waters shall be prohibited within 15 Meters of a Municipal Sewer Outfall and within 5 Meters of a single residential outfall.