



Government of Newfoundland and Labrador
Department of Municipal and Intergovernmental Affairs
Land Use Planning, Lands Branch

COR/2015/04117

September 5, 2015

Les Spurrell
Town of Portugal Cove- St. Philips
1119 Thorburn Road
Portugal Cove-St. Philips, NL A1M 1T6

Dear Mr. Spurrell:

**PORUGAL COVE-ST. PHILIP'S
Development Regulations Amendment No. 2, 2015**

I am pleased to inform you that the **Town of Portugal Development Regulations No 2, 2015**, as adopted by Council on the **25th day of August, 2015**, has now been registered.

Council must publish, within 10 days of this letter, a notice in the **Newfoundland and Labrador Gazette**. This Amendment will come into effect on the date that this notice appears in the Gazette. The notice must also appear in a local newspaper.

The Newfoundland and Labrador Gazette is published every Friday. **Notices must be submitted a week in advance**. Council can submit the notice by email (queensprinter@gov.nl.ca), by fax (729-1900) or by mail (Queen's Printer, P.O. Box 8700, St. John's, and NL, A1B 4J6).

Council's registered copy of the Amendment is enclosed. As it is a legal document, it should be reserved in a safe place.

Yours truly,

A handwritten signature in black ink, appearing to read "Corrie Davis".

Corrie Davis, MCIP
Manager
Land Use Planning, Lands Branch

Encls.

/ch

**TOWN OF PORTUGAL COVE-ST. PHILIP'S
MUNICIPAL PLAN 2014 - 2024**



DEVELOPMENT REGULATIONS AMENDMENT No. 2, 2015

JULY 2015



URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF PORTUGAL COVE-ST. PHILIP'S
DEVELOPMENT REGULATIONS AMENDMENT No. 2, 2015

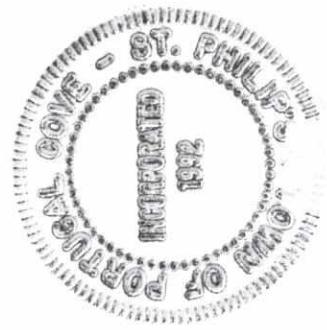
Under the authority of Section 16 of the *Urban and Rural Planning Act*, the Town Council of Portugal Cove-St. Philip's adopts the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 2, 2015.

Adopted by the Town Council of Portugal Cove-St. Philip's on the 25th day of August, 2015.

Signed and sealed this 26 day of August, 2015.

Mayor: Mr. Tucker (Council Seal)

Clerk: Judy Adams



CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 2, 2015, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

Development Regulations/Amendment	
REGISTERED	
Number	4000-2015-045
Date	September 4, 2015
Signature	<u>Reginald J. Garland</u>



TOWN OF PORTUGAL COVE-ST. PHILIP'S DEVELOPMENT REGULATIONS AMENDMENT No. 2, 2015

BACKGROUND

The Town of Portugal Cove-St. Philip's proposes to amend its Development Regulations. In 2014, the Portugal Cove-St. Philip's Development Regulations 2014-2024 came into effect. These new Development Regulations rescinded and replaced the 1994-2004 Development Regulations. The Town has become aware that some standards and conditions in the 1994-2004 Development Regulations were not brought forward into the 2014-2024 Development Regulations.

The purpose of this amendment is to bring forward standards and conditions that existed in the previous Regulations that the Town would like to form part of the 2014-2024 Development Regulations.

ST. JOHN'S URBAN REGION REGIONAL PLAN

The proposed Development Regulations Amendment No. 2, 2015 consists of text changes to 2014-2024 Development Regulations and conforms to the St. John's Urban Region Regional Plan. It is concluded that no Regional Plan Amendment is required.

PUBLIC CONSULTATION

During the preparation of this amendment Council undertook the following initiative so that individuals and groups could provide input to the proposed amendment. The Town Council of Portugal Cove-St. Philip's published a notice in *The Telegram* newspaper on August 1st, 2015, advertising the proposed amendment seeking comments or representations from the public. A copy of the Public Notice was posted on the Town's website and the draft amendment was placed on display at the Town Council office. Residents were invited to view the documents between August 3rd, 2015, and August 13th, 2015 and to provide any comments or concerns in writing to Council by the August 13th, 2015 deadline. No written comments or objections were received.

DEVELOPMENT REGULATIONS AMENDMENT No. 2, 2015

The Town of Portugal Cove-St. Philip's Development Regulations are amended by **Deleting** ~~with highlighted strikeout~~, and **Adding** the following text to the following conditions and standards as shown below.

A) Development Regulation 39 (3) Accessory Buildings

Notwithstanding Regulation 39 (2), Council may approve a location of an accessory building closer to the **street building** line than the main dwelling where **Council**:

- (a) **Council** considers that the proposed location complements the historical development pattern in the surrounding area, such as the heritage homes near the harbour areas that have reduced setbacks;
- (b) **Council** considers that the location as required **under Regulation 39 (2)** would pose a threat to road safety;
- (c) **Council** finds that the physical limitations of the property would not allow for the development of an accessory building as required **under Regulation 39 (2); and**
- (d) **Council** considers that the proposed location as required **under Regulation 39 (2)** would adversely affect the view from neighbouring homes, **and**
- (e) **at Council's discretion, when the property has a minimum lot area of 4,000 m² and a front yard that is sufficient enough so that the proposed location will not have an adverse effect on the enjoyment of surrounding properties or pose a threat to road safety.**

B) Development Regulation 48 Existing Lot Area and Size Exceptions

Where, at the time of the coming into effect of **these this Town of Portugal Cove-St. Philip's Municipal Plan and Development Regulations (2014-2024) Regulations**, a lot existed, **which had a legal land survey**, been previously surveyed, and registered with the Registry of Deeds, but which does not comply with the lot area and lot frontage requirements **of these Regulations**, then these Regulations shall not prevent the issuing of a permit by Council for the erection of a building thereon, provided that:

C) Development Regulation 88 Subdivision of Land

(1) Land for Public Open Space

Where a parcel of land is proposed to be subdivided into four (4) lots or more, the developer shall dedicate to Council, at no cost to Council, **an a** useable area of land equivalent to not more than 10% of the gross area of the subdivision or 25.0 m² (269 square feet) for every dwelling unit permitted in the subdivision, whichever is the greater, for public open space, provided that:

D) Development Regulation 90 Subdivision Design Standards

(C) The maximum length of any cul de sac shall be:

- i) 200.0m (656.2 feet) in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by the Municipality and the Minister in connection with municipal five-year capital works program eligibility;
- ii) 300.0m (984.2 feet) in areas not served by or planned to be served by municipal piped water and sewer services; and
- iii) greater in length as described in Regulation 90(2)(ii) where it can be determined that the cul de sac will round out an existing subdivision only and where no alternative means of access can be acquired;
- iv) ***determined at the discretion of Council to a maximum of 300.0m (984.2 feet), in areas served by or planned to be served by only one municipal service (semi-serviced development).***

E) **Deleting** ~~with highlighted strikeout~~ and **Adding** the following highlighted text to the Residential Medium Density (RMD) Land Use Zone Table, Schedule C:

RMD Semi-Serviced Lots (municipal water and on-site sewer)		
STANDARDS	Single Dwelling	
	Existing & New Streets	Pond Frontage
	1,860	3,000
	80	80
	23	30
	<i>Min. Pond Frontage (m)</i>	<i>30</i>
	6	9
	32	
	2.5	<i>30-See General Provision 10</i>
	9	<i>36</i>
Max. Lot Coverage (%)		9
Max. Height (m)		33
* per unit		10

RMD Semi-Serviced Lots (on-site water and municipal sewer)		
STANDARDS	Single Dwelling	
	Existing & New Streets	Pond Frontage
	1,400	3,000
	80	80
	23	30
	<i>Min. Pond Frontage (m)</i>	<i>30</i>
	6	9
	32	
	2.5	<i>30-See General Provision 10</i>
	9	6
Max. Lot Coverage (%)		9
Max. Height (m)		33
* per unit		10

RMD Un-Serviced Lots (on-site water and on-site sewer)			
STANDARDS	Single Dwellings		
	Existing Streets	New Streets	Pond Frontage
	1,860	4,000	8,000
	80	80	80
	23	23	30
	<i>Min. Pond Frontage (m)</i>		<i>30</i>
	9	9	9
	32	32	
	3	3	<i>30-See General Provision 10</i>
	9	9	6
Max. Lot Coverage (%)		25	9
Max. Height (m)		10	25
* per unit		10	10

F) **Deleting with highlighted strikeout**, and **Adding** the following text to Condition 1, Accessory Buildings, in the Residential Medium Density (RMD) Land Use Zone Table, Schedule C:

Accessory Building Development Standards				
Standards	Less than 1,860m ²	1,861m ² to 4,000m ²	larger than 4,000m ²	
Max. Floor Area	56m ² or 9% of total lot size (whichever is less)	70m ²	94m ²	<i>Discretion of Council with Public Notice where proposed size is greater than 94m²</i>
Max. Height	4.0m	4.5m	5.0m	
Min. Front Yard	9.0m 6.0m			
Min. Side Yard & Rear Yard	1.5m			
Min. Distance from Another Building	3.0m			
Min. Distance from a Utility Easement	1.5m			

(e) An accessory building will be permitted only in the rear yard or side yard of the main building except as otherwise authorized by Council **as per Development Regulation 39**;

G) **Deleting** *with highlighted strikeout*, and **Adding** the following highlighted text to the Residential Low Density (RLD) Land Use Zone Table, Schedule C:

RLD Fully-Serviced Lots (municipal water & municipal sewer)				
STANDARDS	Single Dwellings			Multiple Dwellings
	Existing Streets	New Streets	Pond Frontage	Double Dwelling
Min. Lot Area (m ²)	690	1,400	3,000	1,400*
Min. Floor Area (m ²)	80	80	80	80*
Min. Frontage (m)	23	23	30	23*
Min. Pond Frontage (m)			30	
Min. Front Yard (m)	9.6	9.6	9	9.6
Max. Front Yard (m)	32	32	30-See General Provision 10	32
Min. Side Yard (m)	2.5	3	6	3
Min. Rear Yard (m)	9	9	9	9
Max. Lot Coverage (%)	25	25	25	25
Max. Height (m)	10	10	10	10
* per unit				

RLD Semi-Serviced Lots (municipal water and on-site sewer OR municipal sewer and on-site water)				
STANDARDS	Single Dwellings			
	Existing Streets	New Streets	Pond Frontage	

Min. Lot Area (m ²)	1,860	3,000	8,000
Min. Floor Area (m ²)	80	80	80
Min. Frontage (m)	30	30	45 30
Min. Pond Frontage (m)			30
Min. Front Yard (m)	9	9	9
Max. Front Yard (m)	32	32	30-See General Provision 10
Min. Side Yard (m)	3	3	6
Min. Rear Yard (m)	9	9	15 9
Max. Lot Coverage (%)	25	25	25
Max. Height (m)	10	10	10

**RLD Un-Serviced Lots
(on-site water AND on-site sewer)**

STANDARDS	Single Dwellings		
	Existing Streets	New Streets	Pond Frontage
Min. Lot Area (m ²)	1,860	4,000	8,000
Min. Floor Area (m ²)	80	80	80
Min. Frontage (m)	30	30	30
Min. Pond Frontage (m)			30
Min. Front Yard (m)	9	9	9
Max. Front Yard (m)	32	32	30-See General Provision 10
Min. Side Yard (m)	3	3	6
Min. Rear Yard (m)	9	9	9
Max. Lot Coverage (%)	25	25	25
Max. Height (m)	10	10	10

H) **Deleting with highlighted strikeout**, and **Adding** the following text to Condition 1, Accessory Buildings, in the Residential Low Density (RLD) Land Use Zone Table, Schedule C:

Accessory Building Development Standards				
Standards	Less than 1,860m ²	1,861m ² to 4,000m ²	larger than 4,000m ²	
Max. Floor Area	56m ² or 9% of total lot size (whichever is less)	70m ²	94m ²	<i>Discretion of Council with Public Notice where proposed size is greater than 94m²</i>
Max. Height	4.0m	4.5m	5.0m	
Min. Front Yard	9.0m 6.0m			
Min. Side Yard & Rear Yard	1.5m			
Min. Distance from Another Building	3.0m			
Min. Distance from a Utility Easement	1.5m			

(e) An accessory building will be permitted only in the rear yard or side yard of the main building except as otherwise authorized by Council **as per Development Regulation 39**;

I) **Adding** the following highlighted text to the Residential Rural (RR) Land Use Zone Table, Schedule C:

RR Un-Serviced Lots (on-site water & on-site sewer)		
STANDARDS	Single Dwellings	
	Existing & New Streets	Pond Frontage
Min. Lot Area (m ²)	4,000	8,000
Min. Floor Area (m ²)	80	80
Min. Frontage (m)	30	30
Min. Pond Frontage (m)		30
Min. Front Yard (m)	9	15
Max. Front Yard (m)	32	30-See General Provision 10
Min. Side Yard (m)	3	6
Min. Rear Yard (m)	15	15
Max. Lot Coverage (%)	20	20
Max. Height (m)	10	10

J) **Deleting with highlighted strikeout**, and **Adding** the following text to Condition 1, Accessory Buildings, in the Residential Rural (RR) Land Use Zone Table, Schedule C:

Accessory Building Development Standards				
Standards	Less than 1,860m ²	1,861m ² to 4,000m ²	larger than 4,000m ²	
Max. Floor Area	56m ² or 9% of total lot size (whichever is less)	70m ²	94m ²	Discretion of Council with Public Notice where proposed size is greater than 94m²
Max. Height	4.0m	4.5m	5.0m	
Min. Front Yard	9.0m			
Min. Side Yard & Rear Yard	1.5m			
Min. Distance from Another Building	3.0m			
Min. Distance from a Utility Easement	1.5m			

(e) An accessory building will be permitted only in the rear yard or side yard of the main building except as otherwise authorized by Council **as per Development Regulation 39**;

K) **Deleting with highlighted strikeout**, and **Adding** the following highlighted text to the Traditional Community (TC) Land Use Zone Table, Schedule C:

TC Fully-Serviced Lots (municipal water & municipal sewer)			
STANDARDS	Single Dwelling		Multiple Dwellings
	Existing & New Streets	Pond Frontage	Double Dwelling
Min. Lot Area (m ²)	470	3,000	390*
Min. Floor Area (m ²)	65	65	65*
Max. Floor Area (m ²)	see Condition 3		
Min. Frontage (m)	15	30	20*
Min. Pond Frontage (m)		30	
Min. Front Yard (m)	6	6	6
Max. Front Yard (m)	32	See General Provision 10	32
Min. Side Yard (m)	1	6	1
Min. Rear Yard (m)	9	9	9
Max. Lot Coverage (%)	33	33	33
Max. Height (m)	8	8	8
* per unit			

TC Semi-Serviced Lots (municipal water and on-site sewer)			
STANDARDS	Single Dwelling		Multiple Dwellings
	Existing & New Streets	Pond Frontage	Double Dwelling
Min. Lot Area (m ²)	1,860	3,000	1,400*
Min. Floor Area (m ²)	65	65	65*
Max. Floor Area (m ²)	see Condition 3		
Min. Frontage (m)	23	30	23*
Min. Pond Frontage (m)		30	
Min. Front Yard (m)	6	9	6
Max. Front Yard (m)	32	See General Provision 10	32
Min. Side Yard (m)	1 2.5	6	1 2.5
Min. Rear Yard (m)	9	9	9
Max. Lot Coverage (%)	33	33	33
Max. Height (m)	8	8	8
* per unit			

TC Semi-Serviced Lots (on-site water and municipal sewer)			
STANDARDS	Single Dwelling		Multiple Dwellings
	Existing & New Streets	Pond Frontage	Double Dwelling
Min. Lot Area (m ²)	1,400	3,000	1,400*
Min. Floor Area (m ²)	65	65	65*
Max. Floor Area (m ²)	see Condition 3		
Min. Frontage (m)	23	30	23*
Min. Pond Frontage (m)		30	
Min. Front Yard (m)	6	9	6
Max. Front Yard (m)	32	See General Provision 10	32
Min. Side Yard (m)	1.25	6	1.25
Min. Rear Yard (m)	9	9	9
Max. Lot Coverage (%)	33	33	33
Max. Height (m)	8	8	8
* per unit			

TC Un-Serviced Lots (on-site water and on-site sewer)			
STANDARDS	Single Dwelling		Multiple Dwellings
	Existing & New Streets	Pond Frontage	Double Dwelling
Min. Lot Area (m ²)	1,860	8,000	1,500*
Min. Floor Area (m ²)	65	65	65*
Max. Floor Area (m ²)	see Condition 3		
Min. Frontage (m)	30	30	30*
Min. Pond Frontage (m)		30	
Min. Front Yard (m)	6.9	9	6.9
Max. Front Yard (m)	32	See General Provision 10	32
Min. Side Yard (m)	1.3	6	1.3
Min. Rear Yard (m)	9	9	9
Max. Lot Coverage (%)	33	33	33
Max. Height (m)	8	8	8
* per unit			

L) **Deleting** the Condition 1 Table, Accessory Buildings, in the Traditional Community (TC) Land Use Zone Table, Schedule C, and **Replacing** with the following:

Accessory Building Development Standards				
Standards	Less than 1,860m ²	1,861m ² to 4,000m ²	larger than 4,000m ²	
Max. Floor Area	56m ² or 7% of total lot size (whichever is less)	70m ²	94m ²	Discretion of Council with Public Notice where proposed size is greater than 94m ²
Max. Height	4.0m	4.5m	5.0m	
Min. Front Yard	6.0m			
Min. Side Yard & Rear Yard	1.5m			
Min. Distance from Another Building	3.0m			

(e) An accessory building will be permitted only in the rear yard or side yard of the main building except as otherwise authorized by Council ~~as per Development Regulation 39~~;

M) **Deleting with highlighted strikeout** and **Adding** the following text to Condition 9, Minor Steep Slopes-Infill Residential, in the Traditional Community (TC) Land Use Zone Table, Schedule C as shown below:

Where Council considers such an infill residential application, the proposed development must meet all other terms and conditions of this use zone; must respect and minimize the impact on the natural heritage of the traditional communities of Portugal Cove and St. Philip's in Broad Cove; must meet all other requirements of these Development Regulations, as well as any necessary provincial approvals, and may be required ~~be to~~ submit a qualified geotechnical/ engineering consultant report in support of the development proposal.

N) **Deleting with highlighted strikeout** and **Adding** the following highlighted text to the Mixed Use (MIX) Land Use Zone Table, Schedule C:

MIX Fully-Serviced Lots (municipal water & municipal sewer)			
STANDARDS	Single Dwelling		Multiple Dwellings
	New & Existing Streets	Pond Frontage	Double Dwelling
Min. Lot Area (m ²)	470	3,000	390*
Min. Floor Area (m ²)	65	65	65*
Min. Frontage (m)	15	30	20*
<i>Min. Pond Frontage (m)</i>		30	
Min. Front Yard (m)	6	9	6
Max. Front Yard (m)	32	<i>See General Provision 10</i>	32
Min. Side Yard (m)	2.5 & 1	6	2.5
<i>Min. Distance Between Dwellings (m)</i>	3.5		
Min. Rear Yard (m)	6.9	9	6.9
Max. Lot Coverage (%)	33	33	33
Max. Height (m)	10	10	10
* per unit			

MIX Semi-Serviced Lots
(municipal water and on-site sewer)

STANDARDS	Single Dwelling		Multiple Dwellings
	Existing & New Streets	Pond Frontage	Double Dwelling
Min. Lot Area (m ²)	1,860	3,000	1,400*
Min. Floor Area (m ²)	65	65	65*
Min. Frontage (m)	23	30	23*
Min. Pond Frontage (m)		30	
Min. Front Yard (m)	6	9	6
Max. Front Yard (m)	32	See General Provision 10	32
Min. Side Yard (m)	1 2.5	6	1 2.5
Min. Rear Yard (m)	9	9	9
Max. Lot Coverage (%)	33	33	33
Max. Height (m)	10	10	10
* per unit			

MIX Semi-Serviced Lots
(on-site water and municipal sewer)

STANDARDS	Single Dwelling		Multiple Dwellings
	Existing & New Streets	Pond Frontage	Double Dwelling
Min. Lot Area (m ²)	1,400	3,000	1,400*
Min. Floor Area (m ²)	65	65	65*
Min. Frontage (m)	23	30	23*
Min. Pond Frontage (m)		30	
Min. Front Yard (m)	6	9	6
Max. Front Yard (m)	32	See General Provision 10	32
Min. Side Yard (m)	1 2.5	6	1 2.5
Min. Rear Yard (m)	9	9	9
Max. Lot Coverage (%)	33	33	33
Max. Height (m)	10	10	10
* per unit			

MIX Un-Serviced Lots
(on-site water and on-site sewer)

STANDARDS	Single Dwelling		Multiple Dwellings
	Existing & New Streets	Pond Frontage	Double Dwelling
Min. Lot Area (m ²)	1,860	8,000	1,500*
Min. Floor Area (m ²)	65	65	65*
Min. Frontage (m)	30	30	30*
Min. Pond Frontage (m)		30	
Min. Front Yard (m)	6 9	9	6 9
Max. Front Yard (m)	32	See General Provision 10	32
Min. Side Yard (m)	1 3	6	1 3
Min. Rear Yard (m)	9	9	9
Max. Lot Coverage (%)	33	33	33
Max. Height (m)	10	10	10
* per unit			

O) **Deleting** the Condition 1 Table, Accessory Buildings, in the Mixed Use (MIX) Land Use Zone Table, Schedule C, and **Replacing** with the following:

Accessory Building Development Standards				
Standards	Less than 1,860m ²	1,861m ² to 4,000m ²	larger than 4,000m ²	
Max. Floor Area	56m ² or 7% of total lot size (whichever is less)	70m ²	94m ²	Discretion of Council with Public Notice where proposed size is greater than 94m ²
Max. Height	4.0m	4.5m	5.0m	
Min. Front Yard	6.0m			
Min. Side Yard & Rear Yard	1.5m			
Min. Distance from Another Building	3.0m			

(e) An accessory building will be permitted only in the rear yard or side yard of the main building except as otherwise authorized by Council **as per Development Regulation 39**;

P) **Amending** Condition 5(B) **Single Dwelling Not Subsidiary to a Main Use**, of the Rural (RUR Land Use Zone Table, Schedule C, by **Adding** the following:

B. Single Dwelling Not Subsidiary to a Main Use

Council may consider single dwellings as a discretionary use within the Rural designated areas where the proposed dwelling is not subsidiary to a primary use, based upon the following indicative criterion:

- (a) The single dwelling development cannot be located on lands with potential for forestry, agriculture, mineral extraction, conservation and recreation, or within protected water supply areas;
- (b) The proposed site for single dwelling development is not environmentally sensitive, and the site can accommodate the development with minimal impact on the natural landscape;
- (c) The site has adequate soil conditions and groundwater supply; and,
- (d) The single dwelling development is not intended for seasonal residential or cottage use.
- (e) **Only if Council is satisfied that it will not have an adverse impact on existing or future development of the surrounding area for uses listed in the Permitted or Discretionary Use Classes;**
- (f) **Only if the proposed lot fronts directly on an existing public street, and**

(g) Only if it meets the same standards for single dwellings as specified for the Residential Rural zone.

Q) **Deleting** with highlighted strikeout, and **Adding** the following text to Condition 2, Watercourses, in the Environmental Protection Overlay, Schedule E as shown below:

Any development that occurs within this buffer shall seek the appropriate approvals from the Department of Environment and Conservation. Where fish habitat may also be affected, approval shall also be required by the Federal Department of Fisheries and Oceans.

No development activity shall be undertaken within this buffer without the approval firstly of the Federal Department of Fisheries and Oceans and then, by Council (at its discretion).

R) **Deleting** with highlighted strikeout, and **Adding** the following text to Condition 3, Water Bodies, in the Environmental Protection Overlay, Schedule E as shown below:

Any development that occurs within this buffer shall seek the appropriate approvals from the Department of Environment and Conservation. Where fish habitat may also be affected, approval shall also be required by the Federal Department of Fisheries and Oceans.

No development activity shall be undertaken within this buffer without the approval firstly of the Federal Department of Fisheries and Oceans and then, by Council (at its discretion).

S) **Amending** General Regulations Condition 9 **Permit Not to be Issued in Certain Cases**, by **Adding** the following:

9. PERMIT NOT TO BE ISSUED IN CERTAIN CASES

(1) Neither a permit nor approval in principle shall be issued for development within the Planning Area when it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, 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 Council and such cost shall attach to and upon the property in respect of which it is imposed.

(2) *A permit shall not be issued for development within the Planning Area unless the owner of the property which is the subject of the application remits payment of any and all outstanding taxes for the previous calendar year, and any and all other fees, or charges owed by the owner, whether or not the said taxes, fees or charges pertain to the property which is the subject of the application. Council may, in its sole discretion, waive this requirement upon the owner making satisfactory payment arrangements for such taxes, fees or charges.*