



TOWN OF MASSEY DRIVE

PROPERTY DEVELOPMENT BY-LAW

PROPERTY DEVELOPMENT

Pursuant to the authority conferred by section 7(1)(c), 7(3-8), 8(1)(a,b,c,f) and section 11(a)(i, iii, iv, v, vi, vii), (b), (c) of the Town and Local Service Districts Act (TLSDA) and section 35(1)(c, e, m) and section 2 of the Urban and Rural Planning Act, the Town of Massey Drive has adopted, through resolution of the Town Council on the 11th day, of March, 2025, the Property Development By-Law.

The Property Development By-Law provides standards and procedures to control and respect the design, construction, alteration, reconstruction, minimum lot size and occupancy of buildings and classes of buildings and the demolition, removal and relocation and maintenance of buildings within the Massey Drive planning area defined by the Town's Municipal Plan 2017-2027.

The Town of Massey Drive's Town Councillor's Code of Conduct, Conflict of Interest and Workplace Harassment policies and procedures shall apply to all members of Council, staff and the general public.

1.0 POWERS AND DUTY

- 1.1 The Massey Drive Town Council shall ensure that all development within the Municipal Planning Area of the Town conforms with the applicable policies in the Town of Massey Drive's Municipal Plan 2017-2027, Development Regulations 2017-2027 and Property Development By-Laws.
- 1.2 In accordance with section 7(3-8) of the TLSDA the Town of Massey Drive has adopted and/or respect the following in the enactment of Property Development By-Laws:
 - 1.2.1 National Building Code of Canada and supplements or amendments to that code;
 - 1.2.2 National Energy Code of Canada and supplements or amendments to that code;
 - 1.2.3 National Energy Code of Canada for Buildings and supplements or amendments to that code;

- 1.2.4 National Fire Code of Canada;
- 1.2.5 Electrical Code;
- 1.2.6 Plumbing Code
- 1.2.7 Public Health Protection and Promotion Act;
- 1.2.8 Environmental Protection Act;
- 1.2.9 Water Resources Act;
- 1.2.10 Highway Traffic Act and;
- 1.2.11 Occupancy and Maintenance Regulations;
- 1.2.12 any other associated codes or Acts.

2.0 DELEGATION

- 2.1 The Council will delegate the day-to-day administration of the Town of Massey Drive Municipal Plan 2017-2027, Development Regulations 2017-2027 and Property Development By-Laws to the Town Manager/Clerk pursuant to section 109 of the Urban and Rural Planning Act, 2000 and the Town of Massey Drive Municipal Plan. The Town Manager:
 - 2.1.1 Will ensure that land and development is controlled and used only in accordance with the approved Town of Massey Drive Municipal Plan.
 - 2.1.2 Will have the authority to approve or reject applications to develop land and to outline conditions applicable to the development.
 - 2.1.3 May issue orders concerning a development, including orders to stop work or to demolish construction and restore a site to its original condition, subject to confirmation by majority vote of Councillor's.
 - 2.1.4 Has a duty to advise Council on planning matters in the Municipal Planning Area.

3.0 BUILDING AND OCCUPANCY PERMITS

- 3.1 Pursuant to section 11 of the TLSDA the Town of Massey Drive may establish and enforce a system of licenses, inspections, permits or approvals.
- 3.2 Building Permit is required for:
 - 3.2.1 All new construction and extensions, additions, structural changes affecting loadbearing members, floor layout changes, subsidiary units, and the relocation of existing buildings;
 - 3.2.2 All repairs to or renovations of existing buildings;
 - 3.2.3 The removal, destruction or demolition of any building or part thereof;
 - 3.2.4 The construction, alteration or repair of a fence;
 - 3.2.5 The clearing or grubbing of land; and
 - 3.2.6 The construction of parking areas.
- 3.3 A building permit must be obtained **prior** to the start of any development and displayed in a conspicuous place throughout construction. (Allow a minimum of two weeks for Council review).
- 3.4 Occupancy Permits

3.4.1 An Occupancy Permit is required prior to the occupancy of a building or portion thereof that has:

- 3.4.1.1 Been erected;
- 3.4.1.2 Been extended or relocated;
- 3.4.1.3 Been repaired as a result of being uninhabitable;
- 3.4.1.4 Been vacant for a period of six (6) months or greater; or
- 3.4.1.5 Changed the use for which an existing building is or was last occupied.

3.4.2 An Occupancy Permit will not be issued and Town services will not be turned on until:

- 3.4.2.1 Successful completion of all required inspections;
- 3.4.2.2 Payment in full of all taxes and service connection fees;
- 3.4.2.3 Units must be 75% completed;
- 3.4.2.4 The unit(s) meets all safety regulations as stated in section 11 of this by-law.

3.5 No permit shall be issued unless all property, business, water and sewer taxes applicable to the property are paid in full.

3.6 Any person who owes outstanding payments or fines to the Town relating to the issuance of a violation notice or summons under these by-laws shall not be entitled to a permit until such time as all such outstanding fines have been paid in full.

3.7 A permit will be automatically deemed invalid if funds are not available to pay the fee or if a cheque is returned to the Town because there are insufficient funds to pay the fee.

3.8 Payment of fees shall not be construed as approval to start construction or for occupancy.

3.9 Electrical service must be certified, tagged, and signed by a licensed certified electrician in the Province of Newfoundland and Labrador.

4.0 DEMOLITION PERMIT

4.1 Prior to issuance of a Demolition Permit the Town will require:

- 4.1.1 The Town's water and sewer services to be discontinued for the property;
- 4.1.2 The utilities to be cut and all services wires removed;
- 4.1.3 Removal of all foundations if applicable;
- 4.1.4 If deemed necessary by the Town, erection of fencing or barriers surrounding the building to be demolished to restrict public access to the site during the demolition of a building;

4.2 A demolition permit may include the following conditions:

- 4.2.1 Removal of all foundations, if applicable;
- 4.2.2 Disposal of all materials in an approved waste disposal facility;

- 4.2.3 Treatment by a pest control company, if applicable; and
- 4.2.4 Backfilling and site grading to be completed with suitable material, grading to match existing surrounding grades and providing a suitable ground cover such as sodding or seeding, unless otherwise permitted by the Town.
- 4.3 Persons who demolish a building, which is attached to another building(s), shall ensure the attached building is made weather tight and structurally sound in the opinion of the Town. Engineered demolition plans will be required when adjoining buildings may be structurally affected, when a building is greater or equal to three (3) storeys in height or exceeds 600m² in size or when required by the Town.
- 4.4 All demolition to be carried out in accordance with legislated requirements of all applicable authorities.

5.0 PERMIT COSTS AND ASSOCIATED TIMEFRAMES

5.1 Valid timeframes:

5.1.1	New residential construction	2 years
5.1.2	Accessory building	1 year
5.1.3	Exterior renovations	1 year
5.1.4	Patio or deck	1 year
5.1.5	Small business or apartment	1 year
5.1.6	Lot development/landscaping	1 year
5.1.7	Demolition	1 year
5.1.8	Occupancy	N/A

5.2 Permit costs:

5.2.1	Commercial	\$1,400.00 (includes water meter supplied by the Town)
5.2.2	Residential	\$2,400 (includes \$1,000 conditional refundable landscape security deposit and a water meter supplied by the Town)
5.2.3	Development	\$25.00
5.2.4	Apartment	\$50.00
5.2.5	Garage	\$30.00
5.2.6	Shed	\$30.00
5.2.7	Business	\$50.00
5.2.8	Renovations	\$20.00
5.2.9	Patio or deck	\$20.00
5.2.10	Fence	\$20.00
5.2.11	Demolition	\$100.00

6.0 REVOCATION AND PENALTIES FOR PERMIT INFRACTIONS

6.1 The Town may revoke a permit for the following reasons:

- 6.1.1 Failure by the applicant or builder to comply with these by-laws;

- 6.1.2 Failure to comply with any condition attached to the permit;
 - 6.1.3 Where the permit was issued in error or was issued contrary to the applicable by-laws or was issued on the basis of incorrect information; or
 - 6.1.4 Where, in the opinion of the Town, the continuance of work becomes dangerous to life or property.
- 6.2 Penalties may be applied in accordance with Division 6 of the Towns and Local Service District Act. Cost of infractions:
- 6.2.1 If a Stop Work Order has been issued to a person doing work without a permit from the Town, that person will have to pay a penalty fee of \$25.00 to have the Stop Work Order lifted in addition to any fines imposed for the violation.
 - 6.2.2 1st offence: development must cease and compliance with regulations must be completed before work can resume.
 - 6.2.3 2nd offence of initial infraction: a \$500 fine may be imposed and a stop work order will be issued. The fine must be paid in full and all regulations complied with to have the stop work order lifted.
 - 6.2.4 3rd offence of initial infraction: a \$1,000 fine may be imposed and a stop work order will be issued. The fine must be paid in full and all regulations complied with to have the stop work order lifted.
 - 6.2.5 Further infractions will result in a stop work order and Council will be informed to decide on further work stoppage action.
- 6.3 This by-law shall not exclude the application of other penalties not expressly listed.

7.0 OBLIGATIONS OF THE PERMIT HOLDER

- 7.1 A written Permit to Develop, including a Temporary Permit to Develop, issued by the Town shall be permission to develop. This permission shall not relieve the applicant from full responsibility of obtaining all other approvals from any other regulating authorities, prior to the commencement of development, and complying with the requirements of all other regulations and statutes during development.
- 7.2 A permit holder must adhere to all development requirements outlined in these By-Laws and those set in the Town of Massey Drive Municipal Plan 2017-2027 and Town of Massey Drive Development Regulations 2017-2027.
- 7.3 The Council may attach conditions to a Permit to Develop to ensure compliance with the Town's Municipal Plan 2017-2027, Development Regulations 2017-2027 and Property Development By-Laws. The permit holder shall be responsible for full compliance with the permit conditions.
- 7.4 The issuance of a Permit to Develop shall not prevent the Council from requesting the correction of errors, or ordering the cessation, removal of, or remedial work on any development being carried out that is in violation of the Town's Municipal Plan 2017-2027, the Town's Development Regulations 2017-2027 and/or the Town's Property Development By-Laws.

- 7.5 As a minimum standard, the permit holder must adhere to the National Building Code, the Plumbing Code, the Fire Code, the Electrical Code, and the provincial Occupancy and Maintenance Regulations for all development in the Town.
- 7.6 Proposed plans must be submitted prior to start of development showing layout and construction specification.
- 7.7 A plot plan must be submitted showing:
 - 7.7.1 location of dwelling, accessory building(s)
 - 7.7.2 all boundary measurements.
- 7.8 To immediately renew any expired permits. An outdated permit will be treated as an infraction of these Property Development By-Laws.

8.0 APPROVAL IN PRINCIPLE

- 8.1 An application for Approval in Principle shall include:
 - 8.1.1 A description of the proposed development,
 - 8.1.2 A description of the limits of the land to be used with the proposed development,
 - 8.1.3 Submission of any pertinent information that may be required by the Council.
- 8.2 The Council may issue an Approval in Principle if it determines the application conforms to the Town's Municipal Plan 2017-2027, Development Regulations 2017-2027, and these Property Development By-Laws.
- 8.3 An Approval in Principle shall be valid for a period of one (1) year, and may be extended one (1) year upon written request by the applicant, up to a total maximum period of two (2) years.
- 8.4 No development shall be carried out under an Approval of Principle.
- 8.5 Council may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the applications.

9.0 REAL PROPERTY REPORTS

- 9.1 Once footings are formed up and before cement is poured, the permit holder must submit to Council, a real property report prepared by a registered land surveyor showing that the building lines conform to proposed plans. A 48 hour's notice is required for staff to check the real property report.

10.0 TOWN MINIMUM STANDARDS FOR SINGLE DWELLING

- 10.1 Setbacks, Dimensions and Storage:
 - 10.1.1 Lot area 450m², 550m² with apartment and 390m² per unit for a double dwelling.
 - 10.1.2 Frontage 15m (50') for single dwelling, 18.3 (60') for dwelling with a subsidiary apartment, and 26m (85') for double dwellings.
 - 10.1.3 Building set back 7.6m (25') or in line with existing homes.

- 10.1.4 Side yard 1.2m (4') and 3m (10'). The 3m side must be adjacent to the 1.2m side of the neighboring lot to have a minimum of 4.2m (13.8') separating homes. Lots where there is no common boundary with an adjacent lot 1.2m.
- 10.1.5 Lot coverage maximum 33%.
- 10.1.6 Rear yard must be 9m (30').
- 10.1.7 Corner lots must be a minimum of 18.3m x 30.5m (60 x 100 ') and exterior side yard setback must be at least 5m (16.25').
- 10.1.8 The minimum dimension of each main wall in the main building shall be 6m (19.685')
- 10.1.9 There shall be a minimum of 19m² (62.34ft²) of storage space in or for each dwelling unit, including each subsidiary apartment, in the form of space within the dwelling structure or in an accessory building on the lot.

10.2 Off Street Parking

- 10.2.1 Parking requirements for a single dwelling is two (2) parking spaces.
- 10.2.2 Parking requirements for a single dwelling with an apartment is four (4) parking spaces.
- 10.2.3 Off street parking must be sufficient so that a vehicle can be parked a minimum of 3m (9.84') from the curb.

10.3 Accessory Building

- 10.3.1 Floor area not greater than 7% of lot to a maximum of 55m² (600ft²), whichever is lesser. Lots with an area greater than 930m² (3,051ft²) larger floor areas may be permitted at Council's discretion but not exceeding 7% of lot coverage.
- 10.3.2 Rear and side yard setbacks 1.2m (4'). 3m (10') from nearest part of main building and 7.5m (25') from front boundary.
- 10.3.3 Maximum height of 3m (10'). If building is higher it must be set back an additional 3m (10') for every meter in height.
- 10.3.4 Stipulation on permit application if foundation is floating or fixed.
- 10.3.5 A drawing must be submitted with the permit application showing the location of the shed or garage on the property. Setbacks must be checked before and after the foundation is put in place.

10.4 Culverts

- 10.4.1 All culverts must be a minimum 6m (20') long and 400mm (16") in diameter.
- 10.4.2 A Council representative must be present during the installation of any culvert.
- 10.4.3 Should any property owner install a culvert without Council approval, and if damage should occur to road surfaces or Council property, the property owner will be held responsible for all damage.
- 10.4.4 Variances can be granted by a decision of Council.

10.5 Construction Debris

- 10.5.1 Construction debris such as shingles, lumber, gypsum board, etc. must be removed from site by the builder.

10.5.2 This debris is not considered regular household garbage and is not part of the Town's regular curb side garbage pickup.

11.0 SAFETY FEATURES

11.1 Each unit must have:

- 11.1.1 Minimum of one (1) 100 volt UHC approved smoke detector in each sleeping area wired on a separate circuit. Multi detectors must be wired together so that if a detector is activated all detectors in the building will be activated.
- 11.1.2 Minimum of one (1) 2lb ABC multipurpose fire extinguisher.
- 11.1.3 Pressure reducing valve on main cold water line.
- 11.1.4 Vacuum break valve on hot water tank.
- 11.1.5 Temperature/pressure relief valve o hot water tank.
- 11.1.6 Back water valve on main sewer line.

11.2 Each apartment must have:

- 11.2.1 Minimum of one (1) 100 volt UHC approved smoke detector in each sleeping area, wired to all smoke detectors in dwelling unit.
- 11.2.2 Minimum of one (1) 2lb ABC multipurpose fire extinguisher.
- 11.2.3 Vacuum break valve on hot water tank.
- 11.2.4 Temperature/pressure relief valve on hot water tank.
- 11.2.5 All apartments are required to have in each bedroom an egress window with no dimensions less than 38am (15"), and unobstructed opening not less than 3,800cm² (589in²) and if a window well is needed 55.88cm (22") wide.

12.0 SERVICES

12.1 Unserviced lots (properties that do not have service laterals at the property boundary).

- 12.1.1 Curb stops and sewer connections will only be installed by Council employees or contractors authorized by or working on behalf of Council.
- 12.1.2 A \$5,000.00 deposit will be made to the Town prior to Council installing laterals.
- 12.1.3 Cost to install laterals will be the responsibility of the property owner.
- 12.1.4 No pavement will be cut to install water and sewer connections between October 15th and May 15th.

12.2 Serviced lots (properties that have a service lateral at the property boundary)

- 12.2.1 A representative of Council must be present during the installation of the property owners' water, sewer, storm sewer and weeping tile and during backfilling of the lines. A dye test, conducted by Council employees, is required to ensure proper connection of sanitary sewer and storm sewer lines prior to an occupancy permit being used.
- 12.2.2 Water lines must be ¾" "Type Munciplex". The property owner should protect against freezing by covering the line with at least 1.5m (59") of fill or insulating the line or both. Sand must be used to cover the first 4m (13.1') length of water line.

- 12.2.3 Sewer line 4" SDR sewer pipe must be used. Sewer line must have a minimum grade of ¼"/foot of run and placed as straight as possible and have a minimum cover of 1m (3.28') of sanitary sewer and sewer lines. Class "A" is permitted in some cases with the approval of Council representatives.
- 12.2.4 Back water valve should be installed at an easily accessible point so that maintenance or repair can be carried out if required.
- 12.2.5 The cut off date for installation of hook up to the Town's water and sewer service is October 15th of each year.
- 12.2.6 Curb stop extensions will be installed at the owner's expense (cost per foot of extensions).
- 12.2.7 Base covering fill must be ½' minus of better for water and sewer lines, to a minimum of 30cm (11.8") coverage over pipes.
- 12.2.8 If a service is installed before May 15th and it causes a problem to the Town's system, the permit holder will be responsible for all damages.
- 12.2.9 All new construction must be equipped with a water meter supplied by the Town with the development permit.
 - 12.2.9.1

12.3 Land Development/Landscaping/Backfilling

- 12.3.1 A \$1,000.00 landscape security must be submitted to the Town before a building permit can be issued to ensure timely completion of landscaping in compliance with the Town's landscape standards.
- 12.3.2 Any alterations to a water course or drainage from property by backfilling will be done in such a manner as to not cause damage to adjacent properties.
- 12.3.3 Any property that has been backfilled has to be tested by an engineer and a certificate from the engineer stating the property is safe and suitable for residential construction must accompany the permit application before a permit will be approved by Council.
- 12.3.4 All backfill to be placed on residential lots is subject to the prior inspection and approval of Council. Backfill material containing solid waste will not be permitted. Backfill material from industrial sites may require soil testing for contamination before being permitted to be used on residential lots.

12.4 Stop Work Orders

- 12.4.1 When a person begins a development contrary or apparently contrary to these by-laws, the Town may order that a person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of out of the development.
- 12.4.2 If a Stop Work Order has been issued to a person doing work without a permit from the Town Council, that person will have to pay a penalty fee of \$25.00 to have the Stop Work Order lifted in addition to any fines imposed for the violation (refer to section 6.2.1 of this By-Law).

12.5 Blasting Requirements

- 12.5.1 Council requires copies of pre-blasting surveys and proof of blasting insurance prior to approving any blasting operations in Town. The Town can apply conditions on this approval.

12.6 Fences

12.6.1 No fence in the Town of Massey Drive shall extend beyond the front building line set back of the house. A fence on the exterior side yard of a corner lot shall not extend beyond a point 3m (10') from the boundary line.

13.0 VARIANCES

13.1 Where an approval or permit cannot be given by the Town of Massey Drive because a proposed development does not comply with development standards set out in the Town's Property Development By-Laws and Development Regulations 2017-2027, the Town may, at its discretion, vary the applicable development standards to a maximum of 10%.

13.2 The Town shall not allow a variance from development standards set out in its Property Development By-Law and Development Regulations 2017-2027, 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%.

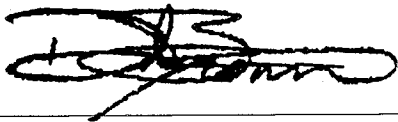
13.3 The Town shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

13.4 Where the Town is to consider a proposed variance, the Town may at its discretion, give written notice 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 variances, and allow a minimum period of 7 days for a response.

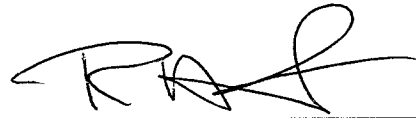
14.0 REPEAL OF PREVIOUS RULES OF PROCEDURE

14.1 All previous Town of Massey Drive Residential and/or Property Development regulations and amendments are repealed.

14.2 The Town shall, every two (2) years, conduct a review of this by-law and consider the areas which may be improved.



Mayor



Town Clerk/Manager

March 11, 2025

Date

March 11, 2025

Date