



Town of Petty Harbour-Maddox Cove

Title: Development Specification By-Law **Resolution Number:**

By-Law Number: 3

Date Approved:

Pursuant to the powers vested in it under Section 7 (1)c of the Towns and Local Service Districts Act the Town Council of Petty Harbour-Maddox hereby passes and enacts the following by-law relating to controlling and respecting 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.

All development in the town must meet the requirements for the applicable zone and abide by all development regulations and policies as per the Town of Petty Harbour-Maddox Cove Development Regulations and Town Plan 2014.

The town council will appoint an Inspections and Development Committee at the beginning of their term. The Inspections and Development Committee will be comprised of two council members and one staff member. Two members of this committee must be present to perform an inspection. The Inspections and Development Committee will be responsible for inspecting development applications that require an inspection and reporting their findings back to council. Replacement of windows, siding and doors do not require an inspection or small general repairs such as repairs to a fences and/or decks.

All requests for development, demolition, excavation and an approval in principle must be in the form of a fully completed applicable application form. Applications for a permit to develop, demolition, excavation or an Approval in Principle shall be made only by the owner, the owner's agent or person authorized by the owner to Council, on the application form as may be prescribed by Council. Every application shall include such plans, specifications and drawings as Council may require, and be accompanied by the appropriate fee set out in a Schedule of Fees as established by Council. Council shall, on request, supply to every applicant a copy of the application forms and a list of specifications and drawings required to be provided with the application. Applicant may be asked to physically plot development area on the proposed site for inspection. Once an application is received in full and depending on the proposed scope of work, the Inspections and Development Committee may inspect the proposed development site and report their findings back to council. Council will then review the application at a public meeting of council.

Approval for an application is granted by Council in the form of an Approval Letter and Development Permit for applications approved under Town of Petty Harbour-Maddox Cove Development Regulations and Town Plan 2014.

1. A plan or drawing which has been approved by Council and which bears a mark and/or signature indicating such approval together with an approval letter, permit and applicable fee shall be deemed to be permission to develop. Such permission shall not relieve the applicant from:
 - a) full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development;
 - b) having the work carried out in accordance with this By-Law and the Town of Petty Harbour-Maddox Cove Development Regulations and Town Plan 2014.
 - c) compliance with all conditions attached to an approval or a permit.
2. Council may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purpose and intent of this by-law.
3. Where Council deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by Council for further periods.
4. A permit is valid for two years. 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 Section 6 of these Regulations.
5. The approval of any application and plans or drawings or the issue of a permit shall not prevent Council from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.
6. No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by Council; and
7. There shall be kept available on the premises where any work, matter or thing is being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

Council may revoke an approval and any subsequent permits for failure by the applicant to comply with this by-law and the Town of Petty Harbour-Maddox Cove Development Regulations and Town Plan 2014 or any condition attached to the permit or where the permit was issued in error or was issued contrary to the applicable regulations or was issued on the basis of incorrect information.

Council shall provide public notice for a period of not less than:

- a) 7 days - when considering a variance in accordance with Regulation 3.29 of the Town of Petty Harbour-Maddox Cove Regulations and Town Plan 2024 and
 - b) 14 days - when considering a change in a non-conforming use in accordance with Regulation 3.31; or development which is listed as a Discretionary use in any use zone in Section 8 of these Regulations.
2. Council may require public notice of any development application where, in the opinion of Council, such notice is required for information and public consultation purposes.
 3. Council shall require the cost of the public notice or portion thereof be paid by the applicant and that such notice shall be by public advertisement in a newspaper circulating in the area or by any other means deemed necessary or appropriate by Council.

When considering an application for new development in the Heritage Area, Council will give notice and consult with area residents on development proposals. Council will take into account input from the public in determining the conditions of a new development's approval.

When considering an application for a new business proposal council shall give notice (14 days) and consult with area residents when reviewing these proposals.

New businesses must obtain any and all provincial and federal permits as required.

Right of Entry

Council or other person or persons authorized by the municipality, may enter upon any public or private land and may at all reasonable times enter any development or building for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any development, construction, alteration, repair, or any other works whatsoever which the Council is empowered to regulate.

Stop Work Order and Prosecution

1. Where a person begins a development contrary or apparently contrary to this by-law and the Town of Petty Harbour-Maddox Cove Development Regulations and Town Plan 2014, Council may order that person to stop the development.
2. Council may further order a person to pull down, remove, stop construction, fill in or destroy that building or development, and restore the site or area to its original state, pending final adjudication in any prosecution arising out of the development; and
3. A person who does not comply with an order made under this by-law and the Town of Petty Harbour-Maddox Cove Development Regulations and Town Plan 2014 is guilty of an offence under the provisions of the Act.

Notice of Right to Appeal

Where an authority makes a decision that may be appealed under Section 286 (1) of the Towns and Local Service Districts Act, that authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

- a) person's right to appeal the decision to the board;
- b) time by which an appeal is to be made;
- c) right of other interested persons to appeal the decision; and
- d) manner of making an appeal and the address for the filing of the appeal.

Development in Areas Vulnerable to Flooding

Proposals for development of lands located within flood risk areas identified in the Goulds Petty Harbour Area Flood Risk Mapping Project, 2013 by AMEC Environment and Infrastructure (or any subsequent revisions) and included in **Appendix B** of the Petty Harbour-Maddox Cove Municipal Plan 2014, are subject to the written approval of the Minister of Environment and Climate Change under the *Water Resources Act*.

Development along Main Road and Long Run Road

Development along Main Road and Long Run Road must have permission and any permits required from the Department of Transportation and Infrastructure before a permit will be issued by the Town.

Occupancy Permit

Any new home or business developments are required to obtain an Occupancy Permit before occupying the new home or place of business.

Culverts

Installation of new culverts must be 24" in diameter unless otherwise approved by council.

Lot Frontage

Except for accessory buildings, no new buildings shall be erected unless the lot on which it is situated fronts directly onto a street which has been constructed to standards established by Council.

Development – Fences

DEFINITION "Fence" means a railing, wall, line or posts, wire, boards or similar substances used to separate or divide land or part thereof from any other parcel of land thereof, immediately adjacent thereto or to establish a property boundary.

CONFORMITY WITH BY-LAW

No fences shall be erected until a permit in writing has been issued by the Town Council of Petty Harbour-Maddox Cove. Applications for a fence must include the fence plotted/marked on the property survey and identify the building materials of the fence.

CONSTRUCTION MATERIALS

The materials used in the erection and repair of a fence shall only be of a material that is approved by Council.

No person, accept with the approval of Council in writing, shall erect any fence at a distance of less than 4.8 meters (16 feet) from the center of any street or road under the Council's jurisdiction.

MAINTENANCE

Every person who owns a fence shall maintain such fence in a good state of repair.

- (a) Fence components are not broken, rusted, rotted, or in a hazardous state.
- (b) The fence does not present an unsightly appearance deleterious to abutting land or to the neighbourhood.
- (c) Remain in an upright position.
- (d) All stained or painted fences shall be maintained in good condition.

The minimum required distance for any fence from a fire hydrant shall be 1 meter (3.3 feet) radius.

CLEAR VIEW

No fence shall be permitted or erected that obscures a clear view of street intersections, pedestrian pathways, driveway or other points of access or egress or vehicle or pedestrian traffic. No fence shall impede or obstruct the flow of water drainage.

FENCE SPECIFICATIONS

(a) Unless otherwise specified by Council, the maximum height of a fence erected or constructed shall be 1.7 meters (6 Feet).

(b) Where the fence has gates for access to and egress from the property, all gates must open onto the owner's property and setback off the road reservation.

(c) Where necessary, the location of the front yard fence shall be determined by Council in order to facilitate snow clearing.

(d) Rope fencing must have a minimum of 4" x 4" post set into the ground with holes drilled through posts to accommodate a minimum rope diameter of ½". The minimum height requirement for a rope fence is 3'.

ELECTRICAL AND BARB WIRE FENCES

(a) No person shall erect an electrical fence on any land except where required to contain livestock or to protect agricultural crops where such uses are permitted. The property owner shall be required to notify adjacent owners and erect a sign along the fence notifying it may pose a risk to anyone coming in contact with the fence.

(b) No barb wire fences shall be permitted.

PROPERTY OWNER'S RESPONSIBILITY

It shall be the responsibility of the property owner to construct a fence within his/her lot lines. A dispute concerning the location of a fence between two properties is strictly a civil matter between property owners.

Development - Blasting

Any application/development requiring blasting must be accompanied by a blasting certificate and proof of liability insurance.

Asphalt Cutting

Council may charge a fee for asphalt cutting if required during development. This fee is refundable once the asphalt repairs have been completed to the town's satisfaction.

Development – Harbourfront Zone

No new homes or accommodation are permitted in the Harbourfront Zone.

Nothing in this By-Law shall exempt any person from complying with the requirements of any By-Law in force within the Town of Petty Harbour-Maddox Cove, or from obtaining any license, permission, permit, authority or approval required by any statute or regulation of the Province of Newfoundland and Labrador or the Government of Canada.

Building Codes

As per Section 7(3) a of the Towns and Local Service Districts Act:

The Town of Petty Harbour -Maddox Cove shall adopt yearly:

- (i) the National Building Code of Canada and supplements or amendments to that code,
- (ii) the National Energy Code of Canada and supplements or amendments to that code, and
- (iii) the National Energy Code of Canada for Buildings and supplements or amendments to that code; and
- (iiii) The National Plumbing Code of Canada and supplements or amendment to the code .

REVISION HISTORY: Revision:	Resolution #:	Change Made:	Date: