



## ACCESSORY BUILDING REGULATIONS

Amended and adopted by the Town Council of the Town of Gander on the ~~6<sup>th</sup>~~ day of ~~December, 2017~~ and to come into effect as of the ~~7<sup>th</sup>~~-day of ~~December, 2017~~.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the ~~8<sup>th</sup>~~ day of ~~January, 2018~~.

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MAYOR

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TOWN CLERK

DRAFT - January 6, 2021

**PUBLISHED BY AUTHORITY**

Pursuant and by virtue of the powers conferred by Section 414 and any other enabling sections of the *Municipalities Act, 1999 SNL Chapter M-24* as amended, the Town Council of the Town of Gander hereby adopts the following Accessory Building Regulations.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 8<sup>th</sup> day of ~~January, 2018.~~

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MAYOR

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TOWN CLERK

**ACCESSORY BUILDING REGULATIONS**

**1. Title**

These Regulations may be cited as the Town of Gander Accessory Building Regulations.

**2. Intent**

The Town of Gander recognizes the wants and needs of residents and business owners to incorporate an accessory building to their property. With this in mind, the construction and placement of any accessory building must follow certain guidelines which allow the maximum utilization of a property without negatively impacting neighbours, utility workers and the municipality in general.

Building Permits are required for the construction of all accessory buildings, including extensions/additions to existing structures. It is the responsibility of the homeowner to ensure that a building permit is obtained PRIOR to any construction.

**3. Definitions**

**ACCESSORY BUILDING** ~~“Accessory Building”~~ means a detached subordinate building not used for human habitation, located on the same lot as the main building structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the building, land or structure, and shall include:

## Town of Gander Accessory Building Regulations

- i. Residential: domestic garages, sheds, covered swimming pools, gazebos, greenhouses, cold frames, fuel sheds, vegetable storage cellars or shelters for domestic pets.
- ii. Non-Residential: Workshops, garages or storage sheds etc. storage garages.

b) As per Schedule "A" of the Town of Gander's Development Regulations.

**BUILDING FOOTPRINT** means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.

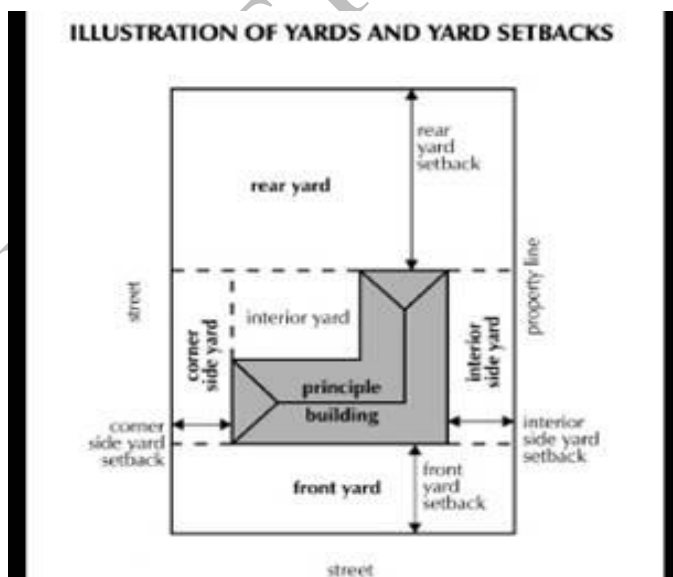
**BUILDING LINE** (See also **SETBACK, FRONTYARD**) means a line established by Council that runs parallel to a street line and is set at the closest point to a street that any building may be placed.

**SETBACK** means the least horizontal distance permitted between a lot line of a lot and the nearest portion of any building envelope on a lot.

**SETBACK, FRONTYARD** means the distance between the "building line" as defined in these regulations and the front street line of a lot.

**SETBACK, REARYARD** means the distance between the rear lot line and the rear wall of the main building on the lot.

**SETBACK, SIDEYARD** means the distance between the side lot line and the nearest sidewall of a building on the lot.



**STREET LINE** means the edge of a street reservation as defined by Council or the Province.

**4. Application**

~~a) A Building Permit is required if you plan to construct an accessory building;~~

~~b) Application for a building permit shall be made at the Town Office;~~

a) Building Permit fee

i. Building permit cost as per the Town of Gander current schedule (insert link)

~~i. Minor Construction (under \$20,000 value) \$1.00 for each \$1000.00 construction value with a minimum charge of \$25.00;~~

~~ii. Major Construction (over \$20,000 value) \$2.00 for each \$1000.00 construction value. Fee to be paid upon receipt of application;~~

ii. Fee to be paid upon receipt of application.

iii. Where the Authority has been made aware that an accessory building has been erected, or construction has commenced, prior to the issuance of a building permit, the permit fee shall be doubled.

b) Building permit Process

i. Complete a Town of Gander Building Permit Application, which can be found online or at the Town Hall;

ii. To determine maximum size, permitted locations, and required sideyards for the property, contact the Engineering Department.

iii. Provide a neat sketch on the back of the building permit application in the space provided. Indicate the size and location of the proposed accessory building, as well as, the distances from rear and side boundary lines and the main building. Include the location of any easements, driveways, as well as any existing structures on the property, along with their measurements. A current real property report can be submitted along with the application to verify all data.

iv. Pay the applicable fee as calculated by the Engineering Department after initial application review;

v. Once the application has been processed, a Town official will visit the property to assess site suitability.

vi. Non-residential accessory buildings will also be subject to Service NL plan review, their approval is required before a building permit can be issued.

vii. The building permit will only be issued after all criteria have been met.

## 5. General Information

- a) No accessory building or part thereof shall project beyond a front building line. ~~In this instance a corner lot is considered to have two (2) building lines. At no time shall an accessory building be constructed less than 6.0 m from a property line. (Drawing #2S);~~ Corner lots are considered to have two (2) building lines. Accessory buildings located on corner lots in Residential zones are required to have a minimum sideyard of 6.0m on the flanking street. In a Non-Residential zone, a minimum sideyard of 10m is required on the flanking street. (Drawing #2S)
- b) If an accessory building projects in front of the rear building line, then Development Regulation sideyards for the zone in question are in effect (Drawing #4S);
- c) The cumulative total size for accessory buildings shall not exceed the lesser of 8% of the lot or 65m<sup>2</sup>.
- i. ~~Variances will not be permitted; In a Residential or Non-Residential zone, the maximum size for an accessory building shall not exceed 65m<sup>2</sup>. Variances will not be permitted. On large lots, where there is a minimum of 12m separation between the existing dwelling and the proposed accessory building, a maximum building size of 93m<sup>2</sup> may be approved. Variances will not be permitted;~~
  - ii. An accessory building which exceeds 55m<sup>2</sup>, is required to have a concrete foundation;
- d) On lots where 8% lot coverage is greater than the maximum 65m<sup>2</sup>, applications may be considered and approved, by a motion of Council, for accessory building larger than 65m<sup>2</sup>, to the maximum of 8% coverage of the lot.

A site plan, building plan, and detailed description of the intended use shall be provided to Council by the applicant.

For every percentage greater than the maximum of 65m<sup>2</sup>, minimum sideyard, rear yard and building separations shall be increased proportionately.

Notice, and a copy of the site plan, shall be circulated to all property owners within a 50 metre radius, allowing sufficient time to make representation.

When considering such applications, Council shall take into consideration the following but not limited to:

- i. The location of the accessory building on the lot.
- ii. The size of the accessory building compared to the dwelling/building on the lot.
- iii. Visibility of the structure from neighbouring properties and/or street.
- iv. If the accessory building will block a view/or light from adjoining properties.
- v. Site conditions.
- vi. The amenity of the surrounding areas.
- vii. The definition of accessory building.
- viii. Any representation received from neighbouring properties.
- ix. Polices set out in the Municipal Plan/Development Regulations.

e) ~~a Non Residential zone, Buildings greater than 93 65m<sup>2</sup> may be permitted subject to following criteria: will require submission of a full set of building plans. Building Inspections and Fire Inspections to be carried out as required.~~

~~e) a Non Residential zone, buildings greater than 93m<sup>2</sup> may be permitted subject to following criteria:~~

- ~~• Requires full set of building plans.~~
- ~~• Size shall be limited to the lesser of the maximum of 8% lot coverage or 50% of main building size. At no time shall an accessory building exceed 300 m<sup>2</sup> (variances not permitted)~~
- ~~• Accessory buildings in excess of 93 m<sup>2</sup> are subject to sideyard and rearyard requirements of the use zone in question.~~
- ~~• 15 meter minimum separation from the main building.~~
- ~~• Consideration shall be given to type of surrounding properties. (ie. neighboring zones)~~
- ~~• Building Inspections and Fire Inspections to be carried out as required."~~

~~f) Residential properties situated in Rural zones may be permitted to construct an accessory building up to 8% of the total size provided there is a minimum building separation of 30 meters and a minimum sideyard/rearyard of 15 meters (Variances will not be permitted). A full set of building plans shall be required for any accessory building exceeding 150m<sup>2</sup> in floor area.~~

- f) Maximum height shall be no greater than 5.5m from finish grade to peak.
- g) There shall be a sideyard and rearyard minimum of 1.0m for accessory buildings up to 65m<sup>2</sup>. and 3.0m for accessory building up to 93m<sup>2</sup>;

h) Accessory buildings in residential areas shall be constructed a minimum of ~~1.8m~~ **2.0m** from any dwelling unit. ~~and 5.0m from any non-residential building~~ Separation from any non-residential building shall conform to Service NL requirement (Drawing #1S);

~~a) All accessory buildings within the boundary of the Town shall be maintained to the satisfaction of the council and where a shed, in the opinion of the Council, is in need of maintenance, the Council shall so inform the owners or occupiers by registered letter. The requested maintenance shall be done by a specified period as outlined in the letter, normally ten (10) days;~~ **Note Moved to #6, Inspections and Maintenance.**

~~b) Quonset Type/ Steel Accessory Building~~

~~a. All buildings shall be new or look like new condition;~~

~~b. Size to be a maximum of 6% of total lot coverage limited to one (1) storey only. Maximum height 3.66m;~~

~~c. Walls to commence as partially straight;~~

~~d. To be constructed of galvanized type material with finish to match house;~~

~~e) Residential type use only;~~

i) Residential Mobile Home (RMH) Zones

i. Accessory buildings shall be set back a minimum of 20 metres from the front property line (Drawing #3S);

ii. Accessory buildings shall be required to maintain a minimum 1.0m distance from the side and rear boundaries of the property. The property line between mobile homes is established as 1.2m from the neighbouring trailer on the minor sideyard side;

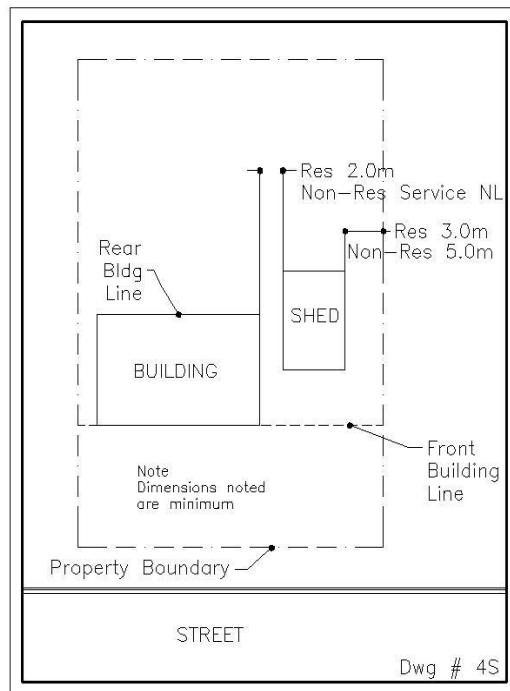
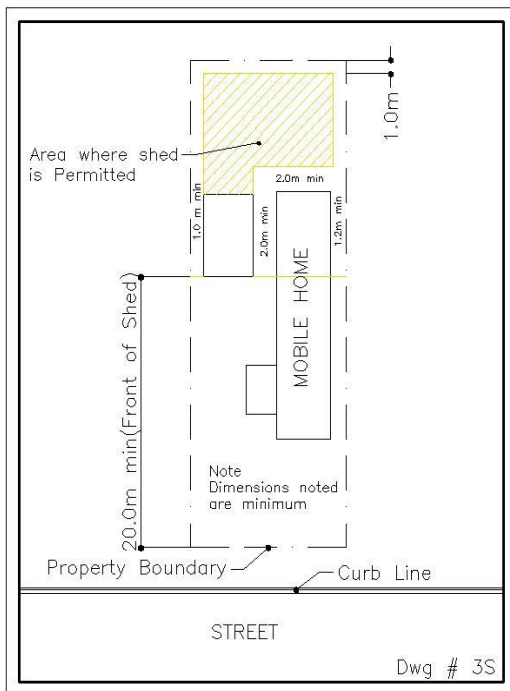
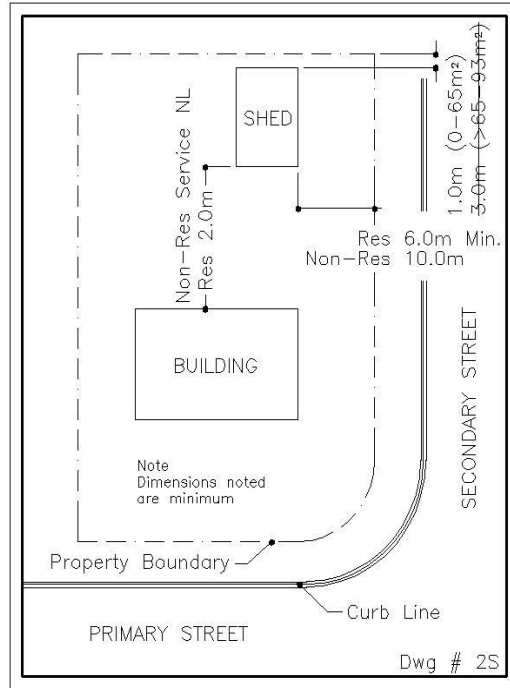
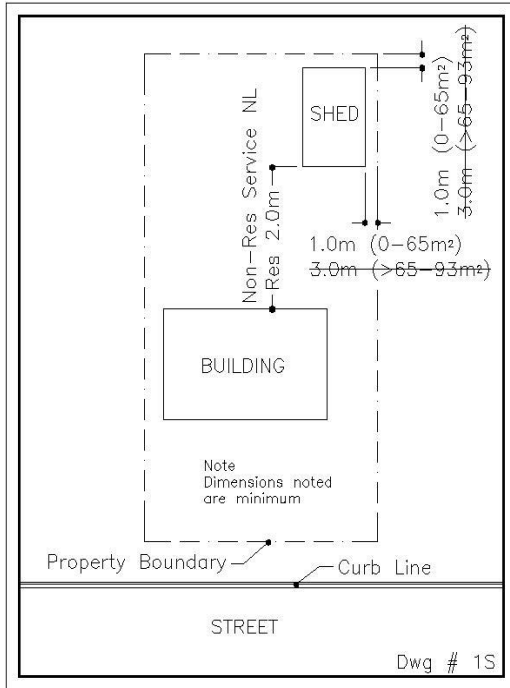
iii. If windows are to be installed in the accessory building on the side facing the adjoining property, a minimum 1.2m sideyard will be required;

~~iv. All non-residential requests not meeting these regulations may be brought forward to Council for consideration.~~

**j) All non-residential applications are subject to review by Service NL.**

# Town of Gander Accessory Building Regulations

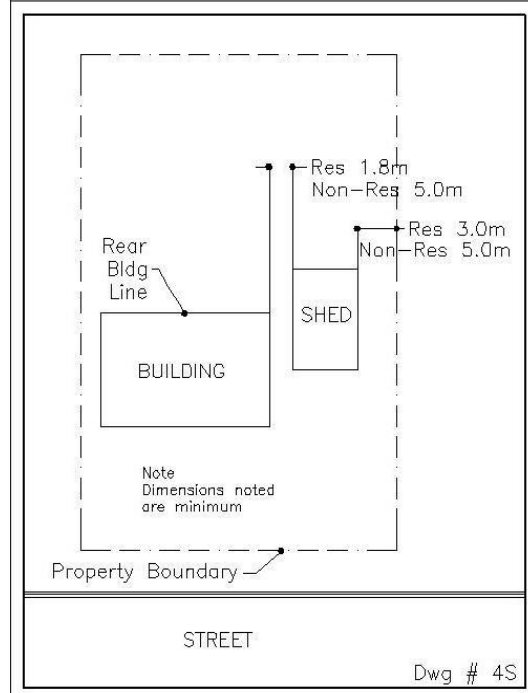
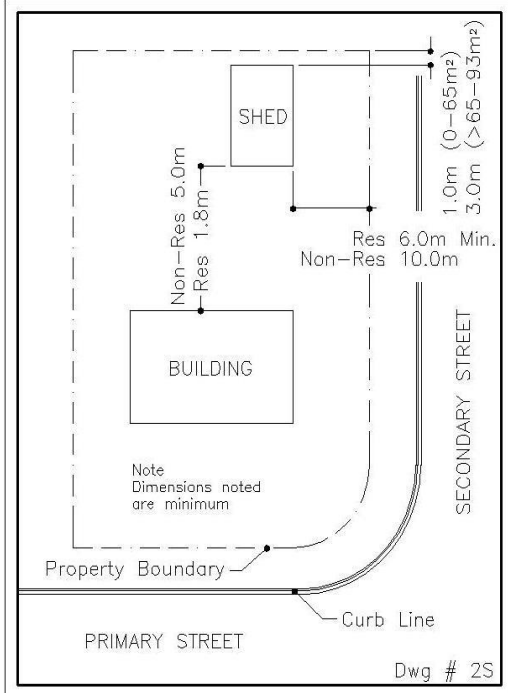
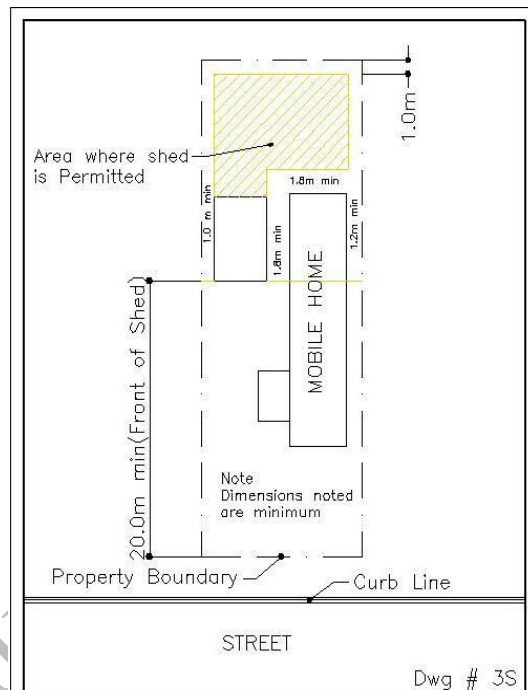
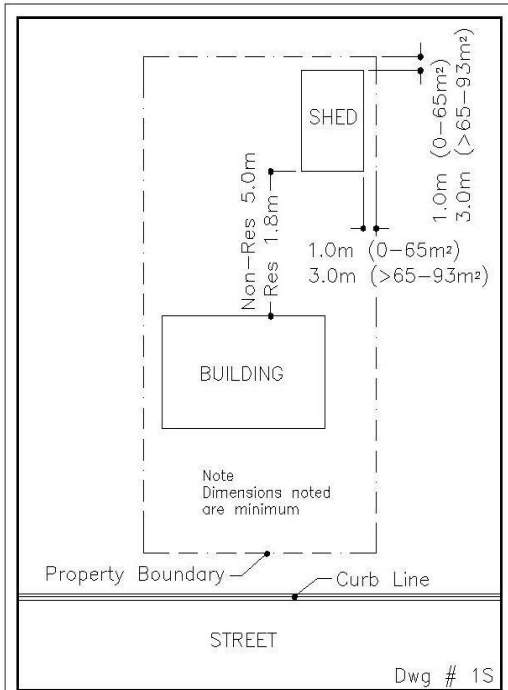
**NEW**





# Town of Gander Accessory Building Regulations

**REMOVE**



**5. ~~Mandatory Inspection~~**

~~Any secondary construction to take place under the Gander Building Regulations is required to undergo the following inspection by the staff of this department:~~

~~a) **Final Inspection:**~~

- ~~i. When construction is complete, contact this department for final inspection;~~
- ~~ii. This inspection is mandatory and must be carried out before final approval can be granted;~~

**6. Inspections and Maintenance**

When construction is complete, contact the Engineering department for final inspection. All accessory buildings will be inspected upon completion for compliance with the Town of Gander's building regulations.

All accessory buildings within the boundary of the Town shall be maintained to the satisfaction of the Council and where an accessory building, in the opinion of the Council, is in need of maintenance, the Council shall so inform the owners or occupiers by registered letter.

**7. Enforcement**

- a) The Town Council of Gander or its authorized administrator shall be the Enforcement Authority for the purposes of these Regulations;
- b) Enforcement and prosecution under these Regulations may be undertaken by any **Municipal Enforcement Officer** ~~Police Officer~~ or by any other person so authorized by the Enforcement Authority;
- c) Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or any other person in violation of a provision of these Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations;
- d) The owner or any other person served a notice shall carry out the directions of the Enforcement Authority referred to in Section 6 (c) at the cost of the owner or person served within the time specified;
- e) Where the Enforcement Authority has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of these Regulations or any other applicable law, by-law or regulation, no person shall remove such sign, placard, or notice except with the consent of the Enforcement Authority;
- f) Any costs to the Town for all works carried out in response to a violation of these Regulations, in addition to any penalty prescribed hereunder, may be recoverable from the owner or the person in contravention of these Regulations as a civil debt;

- g) Every person requested by a **Municipal Enforcement Officer** ~~Police Officer~~ or person authorized to enforce these Regulations shall upon request, forthwith give his/her proper name and address;
- h) It shall be the duty of a **Municipal Enforcement Officer** ~~Police Officer~~ or the Enforcement Authority to:
  - i. Report the name and address of any person observed, or reliably reported to have violated any of the provisions of these Regulations;
  - ii. Report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation;
  - iii. Serve upon the person violating and provision of these Regulations a serially numbered notice that the person concerned has violated a provision of the Regulations, and instructing such person to carry out any order in regard to such violation;
  - iv. Furnish the Town Clerk a duplicate of each serially number notice of violation.

**8. Failure to Comply**

- a) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 6 (c), Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a debt owed to Council;
- b) Council may delegate to an official or employee of Council the power to issue orders under this section;
- c) The owner shall save harmless Council, its employees, servants or agents from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

**9. Offence and Penalties**

- a) Every person who commits an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
  - i. May be liable to penalties as stipulated in accordance with Section 420 of the Act; or
  - ii. May be subject to an order under section 404 (1) of the Act; or
  - iii. May be subject to a violation notice issued under section 421.1 (1) of the Act; or
  - iv. May be issued a ticket under the Provincial Offences Act in accordance with section 421.2 of the Act.

- b) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (a) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply.

**10. Severability**

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

**11. Repeal**

All previous Accessory Building Regulations are hereby repealed.

DRAFT - January 6, 2021