

Building

Building

Description There are many provisions for buildings in the Land Use By-law and the Municipal Planning Strategy, in addition to a building by-law. This document brings all that together for easy viewing.

Notes

Policy

Bylaw Town of Annapolis Royal Building By-law

DEFINITIONS

1.(a) All words used in this by-law have the same meaning as defined in the Building Code Act, R.S.N.S. 1989, C 46, as amended and the regulations prescribed pursuant to it.

(b) “Town” means Town of Annapolis Royal

2.Before a building permit, occupancy permit or demolition permit is issued, an applicant must complete an application in the form set out by the Annapolis District Planning Commission. Applications are available from the Town of Annapolis Royal.

3.Every application for a permit shall:

(a)identify and describe in detail the work and occupancy to be covered by the permit for which application is made;

(b)describe the land on which the work is to be done by a description that will readily identify and locate the building lot including the Property Identifier (PID) for the land;

(c)include plans and specifications as required by the Building Code and show the occupancy of all parts of the building;

(d)state the valuation and square footage of the proposed work and be accompanied by the required fee; and

(e)state the names, addresses and telephone numbers of the owner, architect, professional engineer or other designer and constructor.

4.When an application for a permit has not been completed in conformance with the requirements of this bylaw within six months after it is filed, the application shall be deemed to have been abandoned.

5.(a)A permit expires one (1) year from the date of issue.

(b) A permit that has expired may be renewed within 30 days of expiry provided all By-laws, regulations and Codes can be complied with, and an inspection discloses that the project may safely be continued.

6.Before issuing a building permit, the authority having jurisdiction shall be satisfied that a development permit has been issued pursuant to the Land Use By-law.

7.Where the building appears on the Registry of Heritage Property pursuant to the Town's Heritage By-law, the authority having jurisdiction shall not issue a demolition permit unless the requirements of

Section 17 and 18 of the Heritage Property Act have been satisfied.

8. A permit for a temporary building:

- (a) shall state the date after which the permit is no longer valid; and
- (b) the conditions under which the permit may be extended in writing.

9.(a) Where in order to expedite work, approval of a portion of a building is desired prior to issuance of a permit for the whole project, application shall be made for the complete project and plans and specifications covering the portion of the work for which immediate approval is desired shall be filed.

(b) Should a permit be issued for part of a building, the holder of the permit may proceed, but without any assurance that the permit for the entire building will be granted.

(c) Any permit issued for part only of a building shall be clearly marked as only, and shall also indicate that a permit for the entire building is not assured.

10(a) A permit may be issued at the risk of the owner, with conditions to ensure compliance with the Building Code, to excavate or to construct a portion of a building before all the plans of the project have been submitted or accepted.

(b) The permit shall be clearly marked “ At Owner’s Risk “.

11.(a) A permit for a whole project may be issued conditional upon the submission of additional information prior to commencing work for which the information is pertinent, provided that the information is of such a nature that withholding the permit until the information was available would delay the work unreasonably.

(b) The condition shall be set out on the face of the permit.

12. All fees associated with this By-law shall be subject to review and approval of the three municipal partners in the Annapolis District Planning Commission (the Councils of the Town of Bridgetown, the Town of Middleton and the Town of Annapolis Royal).

13. The authority having jurisdiction shall be notified by telephone or mail at least 24 hours in advance and given an opportunity to inspect at the stages of construction as set out in Part 2 of the Provincial Building Code Regulations. (Saturdays, Sundays, and statutory holidays shall not be included in the calculation of the 24 hour notice period.)

14. Building By-law No. 108 filed with the former Department of Municipal Affairs on the 24th day of November, 1994 is hereby repealed. This bylaw is effective date of publishing.

This is to certify that the foregoing is a true copy of a by-law passed at a duly convened meeting of the Council of the Town of Annapolis Royal, held the 15th day of January, 2007.

Given under the hand of the Mayor and Chief Administrative Officer and the seal of the Town of Annapolis Royal this 16th day of January, 2007.

Appendix A

Fees for permits shall be as follows:

1.(a) New construction of and additions to residential buildings, community centres, cottages and churches

Fifteen dollars (\$15.00) plus ten cents (\$.10) per square foot (based on all useable floor area of new construction or addition)

Building

(b) New construction of and additions to commercial, industrial, and other buildings not otherwise specified

Fifteen dollars (\$15.00) plus fifteen cents (\$.15) per square (based on all useable floor area of new construction or addition)

(c) New construction of and additions to sheds, decks, shell storage buildings, garages, barns, and forestry or fishing buildings not designed for human occupancy

Fifteen dollars (\$15.00) plus six cents (\$.06) per square foot (based on all useable floor area of new construction or addition)

(d) Repairs, renovations or alterations to all existing buildings

Fifteen dollars (\$15.00) plus four dollars (\$4.00) per one thousand dollars (\$1000.00) of estimated value of construction work

(e) Location or re- location of an existing structure or mobile home

Fifty Dollars (\$ 50.00)

(f) Construction or location of swimming pool including required fencing

Twenty - five Dollars (\$ 25.00)

(g) Renewal of an approved permit

Fifteen Dollars (\$ 15.00)

(h) Demolition of building or structure

Fifteen Dollars (\$ 15.00)

2. All square footage under this section shall be calculated as follows:

(a) buildings intended for human occupancy shall include all useable floor space

(b) buildings not intended for human occupancy shall be based on the area of the main floor

3. Permit fees shall be refunded in situations and proportions as follows:

(a) applications never completed, retained fee \$ 25.00, balance refunded

(b) permit denied, retained fee \$25.00, balance refunded

(c) permit revoked or abandoned before work commenced, 50% (fifty percentage) of fee refunded

(d) permit revoked or abandoned after work commenced, no refund

Explanation of changes:

a) Introduces definition of Town at Section 1b.

b) Includes the property identifier or PID for land at Section 3b.

c) Introduces a process for renewal of a permit at Section 5b.

d) Clarifies the provisions for demolition of a building at Section 7.

e) Corrects an incorrect reference in Section 13 to Part 2 instead of Part 5 of the Provincial Building Code Regulations.

f) Separates the fees from the bylaws to recognize that the decision on fees is a joint decision by the Councils of the Towns of Bridgetown, Middleton and Annapolis Royal who are all partners in the Annapolis District Planning Commission (see Appendix A).

LUB Section	4.1.1 No building or structure shall hereafter be erected or the use of any building changed, unless a development permit has been issued or the proposed work is excluded in subsection 4.1.4, and no development permit shall be issued unless all the provisions of this By-law are satisfied.
LUB Section	4.10 Conformity with Existing Setbacks Notwithstanding anything else in the By-law, in any Residential zone, structures built between existing buildings within 60 m (196.8 ft.) on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than 3 m (9.84 ft.) from the front lot line.
LUB Section	4.11 Temporary Uses Permitted 4.11.1 Nothing in this By-law shall prevent uses incidental to construction such as a construction camp or other such temporary work camp, a tool shed, scaffold, or similar building incidental to construction provided that a development permit has been issued. 4.11.2 A development permit issued pursuant to Subsection (1) ceases to have effect sixty days after the construction has been discontinued unless within that sixty days the construction has recommenced. 4.11.3 Nothing in this By-law shall prevent uses erected for special occasions and holidays provided only that no such use remains in place more than fourteen consecutive days after the date of the special occasion.
LUB Section	4.12 Building to be Moved No person shall move any building, residential or otherwise, within or into the area covered by this By-law without obtaining a development permit from the Development Officer. (Also Under PERMITS)
LUB Section	4.13 Restoration to a Safe Condition Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided in the case of a non-conforming use the provisions of Sections 238-242 of the Municipal Government Act of Nova Scotia shall prevail.
LUB Section	4.15 Building to be Erected on a Lot No person shall erect or use any building unless such building is erected upon a single lot.
LUB Section	4.16 Accessory Uses Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, the purpose includes any accessory use.

LUB Section 4.17.1

Accessory uses, buildings and structures shall be permitted in any zone within the Town of Annapolis Royal but shall not:

- (a) be used for human habitation except where a dwelling is a permitted accessory use;
- (b) be located in the front or flankage yard;
- (c) exceed 4.5 m (14.76 ft.) in height or in the case of main buildings of 2 storeys or more, exceed 2/3 the height of the main building or 9m (29.5 ft) whichever is the lesser;
- (d) be built closer than 1 m (3.28 ft.) to a lot line in any zone except that:
 - (i) common semi-detached garages may be centered on the mutual side lot line;
 - (ii) accessory buildings with no windows or perforations on the side of the building which faces the said lot lines, may be located a minimum of 0.6 m (1.96 ft.) from the said lot line in any residential zone; and
 - (iii) boat houses and boat docks may be built to the lot line when the line corresponds to the water= edge;
- (e) be built within 2 m (6.56 ft.) of the main building; and
- (f) be built within an environmental setback.

LUB Section 4.17.2

Notwithstanding anything else in this By-law, wheelchair ramps, drop awnings, clothes poles, flagpoles, garden trellises, fences under 2 m (6.56 ft.) in height or fences in side or rear yards, and retaining walls shall be exempt from any requirements under Subsection (1).

LUB Section 4.2 Multiple Uses

Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict, such as in the case of lot size or lot frontage, the higher or more stringent requirement shall prevail.

LUB Section 4.21 Yard Exceptions

Where in this By-law a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh, or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of 30 percent or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of the said cliff or embankment if such area is closer than the lot lines. Notwithstanding anything else in this By-law, where a front, side or rear yard setback is required and where an environment setback is also required from a stream or other watercourse, the greater setback shall prevail and the lesser setback shall be waived.

LUB Section 4.22 Side Yards on Corner Lots

Notwithstanding anything else in this By-law, on a corner lot in any zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than the established front setback for the street.

LUB Section 4.26 One Main Building on a Lot

No person shall erect more than one main building on a lot except for:
(a) buildings located in a Historic Garden (HG) zone, Comprehensive Development District (CDD) zone or the Highway Commercial (C2) zone and
(b) grouped dwellings located in a Residential Multiple (R2) zone.

No person shall erect more than one main building on a lot except for:
(a) buildings located in a Historic Garden (HG) zone, Comprehensive Development District (CDD) zone or the Highway Commercial (C2) zone and (b) grouped dwellings located in a Residential Multiple (R2) zone.

LUB Section 4.6 Existing Buildings

Where a building has been erected on or before the effective date of this By-law on a lot having less than the minimum frontage or area, or having less than the minimum setback or side yard or rear yard required by this By-law the building may be enlarged, reconstructed, repaired or renovated provided that:
(a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this By-law; and
(b) all other applicable provisions of this By-law are satisfied.

LUB Section 4.7 Existing Uses

Notwithstanding anything else in this By-law, the use of a building existing on a lot on the effective date of this By-law may be changed to a use permitted on the lot where the front lot line, lot area or yard depth or any two or all of these is less than the requirements of this By-law, provided that all other requirements of this By-law are satisfied.

LUB Section 4.9 Height Regulations

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae or towers, ventilators, skylights, barns, chimneys, clock towers, weather vanes, lightning rods, wind generators, etc.

LUB Section Part 5

5.1 In any zone, no person shall erect any building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses involving the frequent shipping, loading or unloading of persons, animals, or goods, unless there is maintained on the same premises with every such building, structure or use one off-street space for standing, loading and unloading for every 2,500 m² (26,910.65 sq. ft.) or fraction thereof of building floor area used for any such purpose to a maximum of six loading spaces.

5.2 Each loading space shall be at least 3.5 m (11.48 ft.) by 12 m (39.37 ft.) with a minimum of 4.5 m (14.76 ft.) height clearance.

5.3 The provision of a loading space for any building with less than 1,400 m² (15,069.96 sq. ft.) floor area shall be optional.

5.4 No such loading spaces shall be located within any required front yard or be located within any yard which abuts a Residential Light Density (R1), Residential Multiple (R2), Open Space or Institutional zone.

5.5 Loading space areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

5.6 Ingress and egress, to and from the required loading space areas shall be provided by means of unobstructed driveways of a minimum width of 3.5 m (11.48 ft.) for one-way traffic and a minimum width of 7 m (22.96 ft.) for two-way traffic.

MPS Section 27.10.1

It shall be the intent of Council to administer the Building By-law and update it as warranted in order to effectively regulate the safety and structural sufficiency of buildings in the Town.
