



TOWN OF  
**GANDER**

# **ACCESSORY BUILDING BY-LAW**

Effective the 25th day of March 2026.  
Motion #26-059

# ACCESSORY BUILDING BY-LAW

## 1.0 Title

1.1 This by-law shall be cited as the Accessory Building By-Law

## 2.0 Purpose

2.1 The purpose of this by-law is to recognize 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.

## 3.0 Application and Authority

3.1 **WHEREAS** the Town of Gander ("the Town")

## 4.0 Definitions

4.1 In this by-law, unless the context otherwise requires:

- (a) **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: all roofed structures shall be considered an accessory structure regardless of whether it is constructed of wood, steel, metal, fabric, polyethylene, canvas, tarp, PVC membrane, or similar materials. Examples could include, but are not limited to, detached garages, detached carports, sheds, workshops, greenhouses, gazebos, pavilions, pool houses, detached covered decks, covered patios, roofed pet shelters, fabric shelters, portable garages, tarped structures, membrane buildings and similar roofed structures.
- (b) **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.
- (c) **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.
- (d) **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.
- (e) **Setback, Frontyard** means the distance between the "building line" as defined in these regulations and the front street line of a lot.

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(f) **Setback, Rearyard** means the distance between the rear lot line and the rear wall of the main building on the lot.

(g) **Setback, Sideyard** means the distance between the side lot line and the nearest sidewall of a building on the lot.

(h) **Street Line** means the edge of a street reservation as defined by Council or the Province.

## 5.0 Application

### 5.1 Building Permit fee/Process

5.1.1 Building permit cost as per the Town of Gander current schedule.

5.1.2 Fee to be paid upon receipt of application.

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

<https://www.gandercanada.com/en/resourcesGeneral/BUILDING-PERMIT-APPLICATION-fillable.pdf>

5.1.4 To determine maximum size, permitted locations, and required sideyards for the property, contact the Planning and Public Works Department.

5.1.5 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.

5.1.6 Pay the applicable fee as calculated by the Planning and Public Works Department after initial application review.

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

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

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

## 6.0 General Information

6.1 No accessory building or part thereof shall project beyond a front building line. Corner lots are considered to have two (2) building lines. Accessory buildings located on corner lots in Residential

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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)

- 6.2 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); If an accessory building projects in front of the rear building line, but not in front of the neighbouring properties rear building line, the sideyards for the zone in question are in effect. If the accessory building projects in front of the rear building line, but not in front of the neighbouring property, the sideyard shall be 2m. (Refer to Drawing# 21-1018-3R)
- 6.3 The cumulative total size for accessory buildings shall not exceed 8-10% of the lot in residential zones.
- 6.4 The cumulative total size for accessory buildings shall not exceed 14% of the lot in non-residential zones.
- 6.4.1 — Variances will not be permitted
- 6.5 One roofed accessory structure less than 10m<sup>2</sup> is permitted per residential property that is exempt from the maximum coverage calculation. Examples could include: small garden shed, small greenhouse, small gazebo.
- 6.6 There shall be a sideyard and rearyard minimum of 1.0m for accessory buildings up to 55 70m<sup>2</sup>. For every percentage greater than 55m<sup>2</sup> minimum sideyard, rearyard and building separations shall be increased proportionately in residential zones. There shall be a sideyard and rearyard minimum of 1.0m for accessory buildings in non-residential zones. Where non-residential properties are directly adjacent to residential zones, the abutting sideyard and/or rearyard will increase to 3m.
- 6.7 Maximum height shall be no greater than 5.5 6.5m from finish grade to peak in residential zones. For non-residential buildings, height will be governed by the Development Regulations for the applicable use zone table.
- 6.8 Accessory buildings in residential areas shall be constructed a minimum of 2.0m from any dwelling unit. Separation from any non-residential building shall conform to Service NL requirement (Drawing #1S).
- 6.9 Residential Mobile Home (RMH) Zones
- 6.9.1 Accessory buildings shall be set back a minimum of 20 metres from the front property line (Drawing #3S);
  - 6.9.2 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;
  - 6.9.3 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;
- 6.10 All non-residential applications are subject to review by Service NL.

## 7.0 Council Discretion

- 7.1 Council delegates its approval authority under this Regulation to the Director of Planning and Public Works and the Authorized Agents of the Department for the purpose of approving permit applications that are in compliance with the provisions set forth in this Regulation.

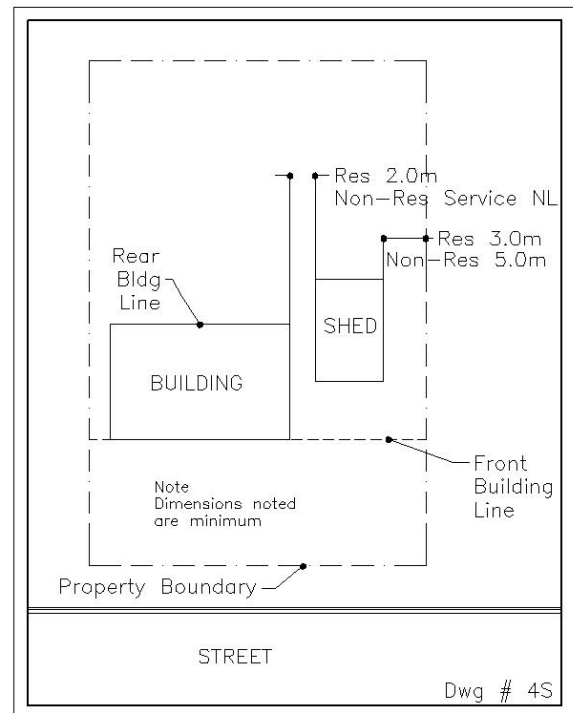
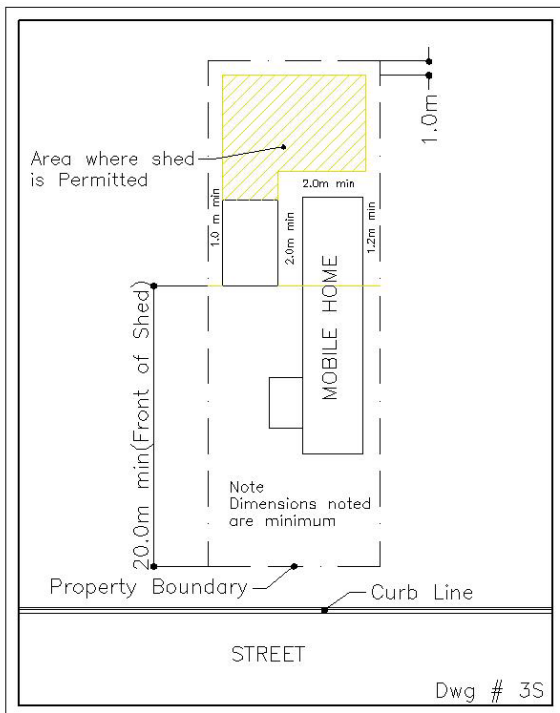
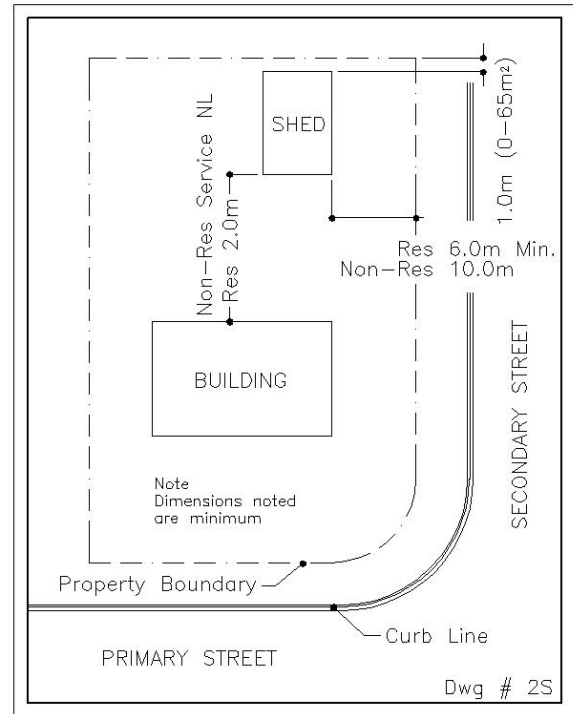
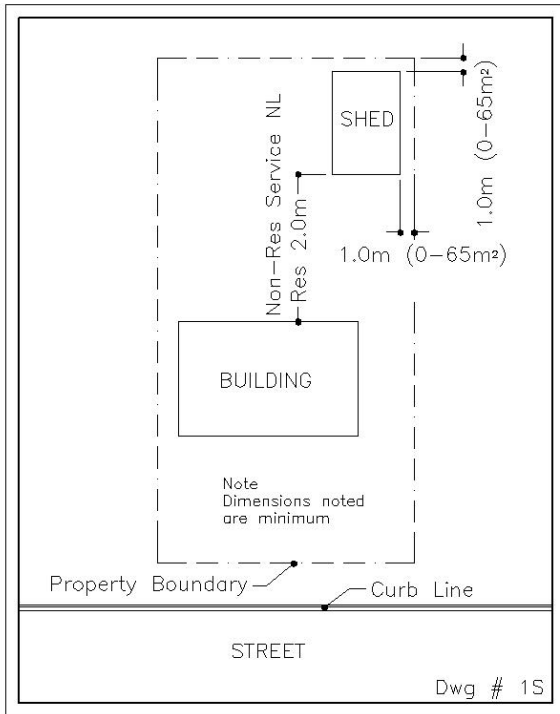
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~~7.2 Approval of permits that are outside the provisions of the regulations are under the authority of and subject to Council's approval in the form of an Approved Motion of Council.~~

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

- 7.3.1 The location of the accessory building on the lot.
- 7.3.2 The size of the accessory building compared to the dwelling/building on the lot.
- 7.3.3 Visibility of the structure from neighbouring properties and/or street.
- 7.3.4 If the accessory building will block the view/or light from adjoining properties.
- 7.3.5 Site conditions.
- 7.3.6 The amenity of surroundings areas.
- 7.3.7 The definition of accessory building.
- 7.3.8 Any representation received from neighbouring properties.
- 7.3.9 Policies set out in the Municipal Plan/Development Regulations.

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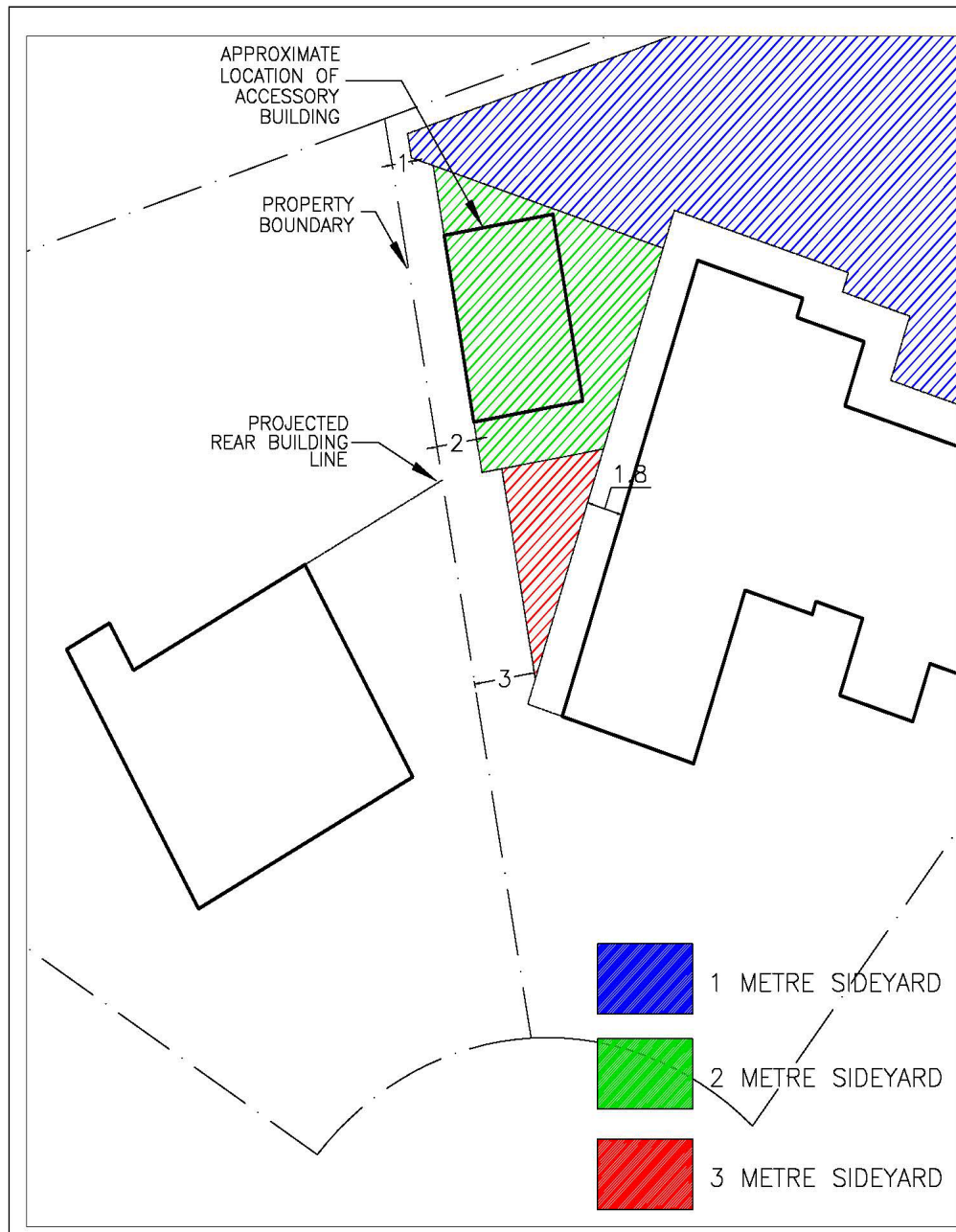
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|---------------------------------------------|-----------------|--------|
| Drawing Title:                              | Drawn By:       | Scale: |
| ACCESSORY BUILDING-<br>EXISTING REGULATIONS | JUSTIN COLLINS  | 1:500  |
| Date:                                       | Drawing Number: |        |
| 08/03/2021                                  | 21-1018-1R      |        |

ACCESSORY BUILDING BY-LAW



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| Drawing Title:<br>ACCESSORY BUILDING-<br>PROPOSED REGULATION<br>IMPACTS | Drawn By:<br>JUSTIN COLLINS | Scale:<br>1:500               |
|                                                                         | Date:<br>08/03/2021         | Drawing Number:<br>21-1018-2R |

# ACCESSORY BUILDING BY-LAW



Drawing Title:

ACCESSORY BUILDING—  
PROPOSED REGULATION

Drawn By:

JUSTIN COLLINS

Scale:

1:250

Date:

05/03/2021

Drawing Number:

21-1018-3R

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## 8.0 Service and Appeals

- 8.1 Service is sufficient if an Order or notice is:
- 8.1.1 Personally delivered to the person to be served;
  - 8.1.2 Sent by registered mail to the person's last address on the Town's records. An Order or notice sent by registered mail is deemed to have been served on the third (3rd) day after the date of mailing, unless the person establishes that it was not received within that period. If for any reason mail is undeliverable, the Order shall be posted on the door of the property or in a conspicuous location. The Town may rely on proof of mailing and, where available, postal tracking information as evidence of service.
  - 8.1.3 Where service cannot be made in those manners after reasonable efforts, posting the Order or notice in a conspicuous place on the property constitutes service.
- 8.2 The Town shall document and maintain a record of service for each Order or notice issued under this by-law, including any unsuccessful or attempted service and the steps taken to effect service.
- 8.3 A certificate of service shall be completed and provided to the Town Clerk for record keeping.
- 8.4 A person served with an Order under this by-law may, within 14 days after service or posting, appeal to an adjudicator appointed under the Urban and Rural Planning Act, 2000. While an appeal is pending, the Town shall not carry out the Order except as permitted by section 286 of the Towns and Local Service Districts Act, including where a stop work order applies or where a building poses an immediate threat to public health and safety.

## 9.0 Enforcement, Offences and Penalties

- 9.1 A person who contravenes this by-law commits an offence.
- 9.2 Where authorized by law, a by-law enforcement officer or other person authorized by Council may enforce this by-law by issuing a violation notice/ticket and may institute a prosecution by summons under the Provincial Offences Act, whether or not a violation notice/ticket has been issued.
- 9.3 A person convicted of an offence under this by-law is liable to the penalties provided by law.
- 9.4 Where an offence continues, each day that it continues constitutes a separate offence.
- 9.5 It is an offence to obstruct a by-law enforcement officer or to provide false or misleading information; in the absence of evidence to the contrary, the owner of land (or of a vehicle involved) may be deemed to have caused or permitted the offence.
- 9.6 Where immediate action is required to address an urgent risk to public health or safety, the Town Clerk (or designate) may make an interim determination and issue an interim Order on behalf of Council, which shall be presented to Council for confirmation, variation or revocation at the next Council meeting.

## 10.0 Compliance Period

- 10.1 Where an Order is issued under this by-law, the Town Clerk shall specify a compliance period of not less than fourteen (14) days, unless a shorter period is specified under the urgent remediation provision below.

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**10.2** Despite the foregoing, where a by-law enforcement officer, acting reasonably, has determined through inspection that the condition poses an immediate risk to public health or safety or requires urgent remediation, the Town Clerk may specify a shorter compliance period and shall include brief reasons in the Order.

### **11.0 Transitional, Repeal and Coming into Force**

**11.1** Prior actions, licences, permits or proceedings under predecessor by-laws continue unaffected.

**11.2** Upon this by-law coming into force, the following are repealed: (a) *Town of Gander Accessory Building Regulations*

**11.3** This by-law comes into force in accordance with law.

### **12.0 Regular Review of the By-Law**

**12.1** This by-law may be reviewed at anytime to assess its effectiveness and identify potential areas for improvement or amendment.

### **13.0 Effective Date**

**13.1** This by-law shall become effective upon the 25<sup>th</sup> day of March 2026 by Motion #26-059.

### **14.0 Publication**

**14.1** This by-law shall be posted to the Town's Website following adoption by Council.