



# Building Bylaw Review

## Consultation Presentation





# Building Bylaw Review

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## Reasons to update:

- Bylaw enacted in 2005
- Code and Act have been amended multiple times since
- Reflect the newly adopted method of calculating Building Permit fees
- Reflect current Processes and Procedures
- Best practice from Building By-Laws within other Municipalities





# Engagement

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## Purpose:

- Provide stakeholders an opportunity to comment on proposed changes
- Inform stakeholders of the proposed changes and rationale for implementing them

## Engagement:

- Invitation to comment through email at [lcapener-hunt@cityofkingston.ca](mailto:lcapener-hunt@cityofkingston.ca)



# Building Bylaw

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## Background:

Section 7 of the Act authorizes municipalities to pass by-laws prescribing classes of permits, require minimum documentation for permit applications and prescribe fees.

And, to establish operating policies and procedures for the administration and enforcement of the Act and Code.





# Proposed Amendments

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## Bylaw update:

- New definitions
- Clarify Types of Permits
- Updated Plans and Specifications
- Fee calculation Interpretations
- Fees and Refunds
- Construction Site Fencing
- Housekeeping Updates



# Proposed Amendments

## New Definitions:

- Building as referenced in the Act
- Construction Site
  - define area for fencing relating to construction activities, storage of materials and equipment
  - Entire parcel or portion of land
- Gross Floor Area
  - to define calculation methods for the recently adopted fee methodology





# Proposed Amendments

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## Clarify Types of Permits:

- Conditional Permits
  - To be submitted with a pending permit application to align with current practices
  - Introduce new application form
  - Remove waiver





# Proposed Amendments

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## Clarify Types of Permits:

- Alternative Solutions
  - Process to reflect application submission
  - Supporting documentation to achieve level of performance
  - Clarify applicable to location where approval is given
  - Can be review prior to permit application or at a later time







# Proposed Amendments

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## Clarify Types of Permits:

- Partial Occupancy
  - OBC establishes standards for public safety
  - Occupancy of unfinished buildings poses special risk to public
  - Process for application submittal, where applicable for large projects
  - Occupancy dates, portions to be occupied and safety measures to restrict access to unfinished areas
  - All necessary approvals obtained





# Proposed Amendments

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## Clarify Types of Permits:

- Incomplete application submissions to reflect current practice
- Temporary Permits for limited time
- Changes to issued Permits to reflect Act constituting substantial changes
- Electronic format and electronic submission of application forms





# Proposed Amendments

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## Plans and Specifications:

- Location for fire access route to Site Plans
- Foundation survey to reflect current practice
- Accountability of Owner or Permit Holder to carry out work in accordance with the Code

## Interpretation:

- Explanatory notes for the calculation of permit fees using a square metre rate



# Proposed Amendments

## Fees and Refunds:

- Reflect method of Calculating Permit fees
- Refund of Application Fees
- Clarify person to receive refunds
- Limiting distance agreements
- Conditional Permit Fees calculation
- Application fee and adjustments at issuance
- Online payments





# Proposed Amendments

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## Construction Site Fencing:

- Location and Height of Fencing
- Exemptions for Fencing
- Fencing Construction Requirements
- Access Openings
- Signage





# Proposed Amendments

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Why introduce Fencing:

- Ensure projects are properly secured from the outset of construction and not in reaction to the community alerting the City of a hazardous condition.
- Maintain construction debris within fenced area
- Provide limited security and safety measures
- Ability to enforce uniformly throughout the City
- Industry would not need to make significant adjustments as already part of the OHSA





# Proposed Amendments

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The Occupational Health and Safety Act states:

"If work on a project may endanger a person using a public way, a sturdy fence at least 1.8 metres in height shall be constructed between the public way and the project." and

"No work shall be carried out on a building or structure located within 4.5 metres of a public way unless a covered way is constructed over the part of the public way that is adjacent to the project."





# Proposed Amendments

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The Occupational Health and Safety Act:

- These two regulations result in the placement of fencing or hoarding around a site where construction is taking place, and the construction of covered walkways for pedestrians to walk in proximity to the site.
- Regulations include construction details for covered way protection but only the height for construction fencing







# Proposed Amendments

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## Building Code Act:

- Section 7 of the Act authorizes municipalities to require fences to enclose construction and demolition sites while work is taking place and to describe the height and description of these fences.
- Fencing may be constructed in addition to or as part of the required fencing under MOL.





# Proposed Amendments

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## Location and Height of Fencing:

- Fully enclose construction site activity
- On private property
- Unobstructed fence height above grade of:
  - 1.8 m high for any type of building, located 3.0 m or less from a public way, or
  - 1.2 m high for a residential building of no more than 3 storeys located more than 3.0 m from an adjacent public way





# Proposed Amendments

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## Exemptions for Fencing:

- Areas of low human occupancy
- Site activity is contained within a secure structure
- Activity has progressed to such a stage that no longer requires protection
- Existing fencing already in place
- Site under builder supervision
- Reviewed based on construction activity





# Proposed Amendments

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## Fencing Construction Requirements:

- 12.5 mm thick close-boarded exterior grade plywood, wafer board or oriented strand board
- PVC plastic mesh safety-fence supported
- galvanized chain link construction of 1.5” mesh
- prefabricated modular fencing of welded metal frame with wire mesh infill
- combination of the above or alternative materials that achieve equivalent performance level





# Proposed Amendments

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## Fencing Construction Requirements:

- Outside surface smooth and non-climbable
- Maximum 100 mm openings
- Adequate supports to maintain height and upright position
- Access for firefighting and fire protection equipment not restricted





# Proposed Amendments

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## Access Openings:

- Access openings shall be equipped with a gate:
  - constructed of materials equivalent to the performance of the fence
  - identified clearly as the point of access into or exit from the site, and
  - securely closed and locked when the construction or demolition site is unattended





# Proposed Amendments

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## Signage:

- Signage to conform to the sign bylaw for the City of Kingston.
- Signage provided on the outside of the fencing to indicate the address of the construction site and key emergency contact information





# Proposed Amendments

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## Housekeeping Updates:

- Requirements for building permits
- Electronic submissions
- Reflect current process for Phased Permits
- Revised references to the Building Code







# Customer Service

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Improvements anticipated through the bylaw:

- Clarification for permit processing and submission requirements
- Flexibility for Applications and Refunds
- Increase Safety on Construction Sites
- Establish process to support innovative designs and partial occupancy permits



# Proposed Timeline

Dates	Activity
September 28, 2017	Public engagement with stakeholders
November 9, 2017	Report to Administrative Policies with draft Bylaw
November 21, 2017	Report to Council
January 1, 2018	Implementation





# Questions?

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## **Please contact:**

Lisa Capener-Hunt,  
Manager Building Services

613-546-4291 ext. 3225

[lcapener-hunt@cityofkingston.ca](mailto:lcapener-hunt@cityofkingston.ca)

Information available online at

[www.cityofkingston.ca/building bylaw](http://www.cityofkingston.ca/building_bylaw)

