

**BYLAW 20-027
OF
LAC LA BICHE COUNTY**

A BYLAW OF LAC LA BICHE COUNTY IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 17-004, AND AMENDMENTS THERETO, BEING THE LAND USE BYLAW OF LAC LA BICHE COUNTY.

WHEREAS Council has adopted Bylaw 17-004 to be used as the Lac La Biche County Land Use Bylaw; and

WHEREAS it is deemed expedient to amend Bylaw 17-004 as set out in Section 692 of the *Municipal Government Act*, R.S.A. 2000, Chapter M 26, as amended;

NOW THEREFORE under the authority and subject to the provisions of the *Municipal Government Act*, and by virtue of all other powers enabling it, the Council of Lac La Biche County, duly assembled, enacts as follows:

Bylaw 17-004 Amendments

1. That Bylaw 17-004, being the Land Use Bylaw, is amended as follows:

- 1) Section C2.2 ACCESSORY BUILDINGS AND STRUCTURES of Land Use Bylaw 17-004 shall be amended as per Schedule A of this Bylaw;
- 2) Section D1.6 VARIANCE AUTHORITY of Land Use Bylaw 17-004 shall be amended as per Schedule B of this Bylaw;
- 3) Section B2.1.1 Purpose shall be amended to remove the following from the Discretionary Uses table column and to add the following to the Permitted Uses table column:
 - a) Animal Service Facility
 - b) Bed and Breakfast
 - c) Guest Ranch
 - d) Group Home
 - e) Home Based Business, Agricultural
 - f) Home Based Business, Major
 - g) Park Model
 - h) Public Utility
 - i) Recreation, Extensive
 - j) Security Suite
- 4) Section B2.1.1 Purpose shall be amended to remove the following from the Discretionary Uses table:

- a) Airstrip
 - b) Community Facility
- 5) Section B2.2.1 Purpose shall be amended to remove “Airstrip” from the Discretionary Uses table column.
- 6) Section B2.2.1 Purpose shall be amended to remove “Construction Camp” from the Discretionary Uses table column and add it to the Permitted Uses table column.
- 7) Section B3.1.1 shall be amended to add “Cannabis Production & Distribution, Micro” under the Discretionary Uses table column.
- 8) Section B3.12.1 Purpose shall be amended to remove the following from the Discretionary Uses table column and to add the following to the Permitted Uses table column:
- a) Artisan Shop
 - b) Campground, Major
 - c) Campground Tourist
 - d) Health and Wellness Centre
 - e) Hotel
 - f) Motel
 - g) Parking Facility
 - h) Restaurant
 - i) Retail Store
 - j) Retail Store, Convenience
 - k) Retreat
 - l) Security Suite
 - m) Storage Facility Outdoor
 - n) Visitor Information Centre
- 9) Section B3.12.1 Purpose shall be amended to remove “Dwelling, Single Detached” from the Discretionary Uses table column.
- 10) Section B3.12.1 Purpose shall be amended to remove “Home Based Business, Minor” from the Discretionary Uses table column.
- 11) Section B3.13 Rural Residential Work/Live District (RRW) shall be renamed to Residential Work/Live District (RWL).
- 12) Section B3.13.1 Purpose shall be amended to read: “The purpose of this district is to provide for commercial business activities along with owner operator residences. This district shall be located adjacent to access roads that can accommodate increased traffic. In addition, the commercial use shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority.”

Amended from: "The purpose of this district is to provide for commercial business activities along with owner operator residences on parcels greater than 0.4 ha (1.0 acre) outside of hamlets. This district shall be located adjacent to access roads that can accommodate increased traffic. In addition, the commercial use shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority. The proposed home based business is a use subordinate to the principal residential use of the parcel, limited in size and intensity to avoid land use conflicts."

- 13) Section B3.13.1 Purpose shall be amended to remove the following from the Discretionary Uses table column and to add the following to the Permitted Uses table column:
 - a) Bed and Breakfast
 - b) Child Care Facility
 - c) Health and Wellness Centre
 - d) Park Model
 - e) Personal Service Shop
 - f) Professional, Financial and Office Support Services
 - g) Restaurant
 - h) Retail Store
 - i) Secondary Suite
- 14) Section B3.13.1 Purpose shall be amended to remove "Home Based Business, Major" from the Discretionary Uses table column.
- 15) Section B3.13.1 Purpose shall be amended to remove "Home Based Business, Minor" from the Permitted Uses table column.
- 16) Section B3.13.1 Purpose shall be amended to remove "Home Based Business, Agricultural" from the Discretionary Uses table column.
- 17) Section B3.13.1 Purpose shall be amended to remove "Other uses the Development Authority deems suitable for this District" from the Discretionary Uses table column.
- 18) Section B4.1.1 Purpose shall be amended to remove the following from the Discretionary Uses table column and adding them to the Permitted Uses table column:
 - a) Community Facility
 - b) Conference Facility
 - c) Contractor, Limited
 - d) Drinking Establishment
 - e) Drive Through Business
 - f) Fleet Services
 - g) Gaming Establishment
 - h) Health and Wellness Centre
 - i) Liquor Store
 - j) Motor Vehicle Dealership

- k) Nightclub
 - l) Parking, Non-Accessory
 - m) Private Club
 - n) Recreation Facility, Indoor
 - o) Veterinary Services, Minor
- 19) Section B4.2.1 Purpose shall be amended to read: “The purpose of this district is to accommodate the development of highway commercial land uses in locations best suited to serve the traveling public without conflicting with the safety of Provincial Highways or other land uses.”

Amended from: “The purpose of this district is to accommodate the development of highway commercial land uses in locations best suited to serve the traveling public without conflicting with the safety of Provincial Highways or other land uses. An applicant must obtain a roadside development permit from the Provincial Authority in addition to a development permit for development within 800.0 m (2,624.67 ft.) of a Provincial Highway.”

- 20) Section B4.2.1 Purpose shall be amended to remove the following from the Discretionary Uses table column and adding them to the Permitted Uses table column:
- a) Agricultural Service Facility
 - b) Automotive and Equipment Services
 - c) Commercial Vehicle Inspection
 - d) Community Facility
 - e) Conference Facility
 - f) Contractor, General
 - g) Contractor, Limited
 - h) Greenhouse/Plant Nursery
 - i) Liquor Store
 - j) Lumber Yard
 - k) Motor Vehicle Dealership
 - l) Recreation Facility, Indoor
 - m) Recreation Facility, Major
 - n) Recreation Facility, Outdoor
 - o) Retail, Large Format
- 21) Section B4.3.1 Purpose shall be amended to remove the following from the Discretionary Uses table column and adding them to the Permitted Uses table column:
- a) Drinking Establishment
 - b) Gas Bar
 - c) Liquor Store
 - d) Restaurant
- 22) Section B4.4.1 Purpose shall be amended to remove the following from the Discretionary Uses table column and adding them to the Permitted Uses table column:
- a) Automotive and Equipment Services

- b) Contractor, General
 - c) Contractor, Limited
 - d) Greenhouse/Plant Nursery
 - e) Mini-Storage Facility
 - f) Parking, Non-Accessory
 - g) Security Suite
 - h) Storage Facility, Outdoor
- 23) Section B4.5.1 Purpose shall be amended to remove the following from the Discretionary Uses table column and adding them to the Permitted Uses table column:
- a) Apartment Housing (above a commercial use only)
 - b) Community Facility
 - c) Distillery/Brewery/Winery
 - d) Drinking Establishment
 - e) Dwelling, Duplex
 - f) Dwelling, Single Detached
 - g) Parking, Non-Accessory
- 24) Section B4.5.1 Purpose shall be amended to remove “Boarding and Breeding Facility” from the Discretionary Uses table column.
- 25) Section B4.5.1 Purpose shall be amended to remove “Home Based Business, Major” from the Discretionary Uses table column.
- 26) Section B4.5.1 Purpose shall be amended to remove “Home Based Business, Minor” from the Permitted Uses table column.
- 27) Section B4.5.1 Purpose shall be amended to remove “Live Work Residence” from the Discretionary Uses table column.
- 28) Section B4.6.1 Purpose shall be amended to remove the following from the Discretionary Uses table column and adding them to the Permitted Uses table column:
- a) Distillery/Brewery/Winery
 - b) Drinking Establishment
 - c) Drive Through Business
 - d) Motor Vehicle Dealership
 - e) Parking, Non-Accessory
 - f) Restaurant
 - g) Retail Store
- 29) Section B5.1.1 Purpose shall be amended to remove the following from the Discretionary Uses table column and adding them to the Permitted Uses table column:
- a) Agricultural Service Facility
 - b) Animal Service Facility
 - c) Communication Tower

- d) Contractor, General
 - e) Funeral Services
 - f) Greenhouse/Plant Nursery
 - g) Motor Vehicle Dealership
 - h) Parking, Non-Accessory
 - i) Recycling Facility
 - j) Retail, Large Format
 - k) Service Station
 - l) Storage Facility, Outdoor
- 30) Section B5.2.1 Purpose shall be amended to remove the following from the Discretionary Uses table column and adding them to the Permitted Uses table column:
- a) Animal Service Facility
 - b) Communication Tower
 - c) Greenhouse/Plant Nursery
 - d) Heavy Equipment Dealership
 - e) Industrial Equipment Services
 - f) Intermodal Facility
 - g) Mini-Storage Facility
 - h) Motor Vehicle Dealership
 - i) Parking, Non-Accessory
 - j) Storage Facility, Outdoor
- 31) Section B5.2.1 Purpose shall be amended to remove “Airstrip” from the Discretionary Uses table column.
- 32) Section B5.3.1 Purpose shall be amended to remove the following from the Discretionary Uses table column and adding them to the Permitted Uses table column:
- a) Abattoir
 - b) Auto Wrecker
 - c) Bulk Plant
 - d) Contractor, General
 - e) Intermodal Facility
 - f) Parking, Non-Accessory
 - g) Salvage Yard
 - h) Security Suite
- 33) Section B5.3.1 Purpose shall be amended to remove “Airstrip” from the Discretionary Uses table column.
- 34) Section B5.4.1 Purpose shall be amended to remove the following from the Discretionary Uses table column and adding them to the Permitted Uses table column:
- a) Contractor, General
 - b) Funeral Services
 - c) Mini-Storage Facility

- d) Motor Vehicle Dealership
 - e) Parking, Non-Accessory
 - f) Retail, Large Format
 - g) Retail Store
 - h) Storage Facility, Outdoor
- 35) Section B6.1.1 Purpose shall be amended to remove the following from the Discretionary Uses table column and adding them to the Permitted Uses table column:
- a) Drinking Establishment (Accessory to Recreation Facility, Major only)
 - b) Emergency Shelter
 - c) Health and Wellness Centre
 - d) Restaurant (Accessory only)
 - e) Retail Store (Accessory only)
- 36) Section B6.1.1 shall be amended to add "Sea Cans" under the Discretionary Uses table column.
- 37) Section D1.11(1)(d) shall be amended to the following:
"A change in use permit shall be required when a change in use occurs within an existing building."
- 38) Amend Section D1.3 When A Development Permit Is Not Required with the addition of section D1.3(1)(ee) as follows:
"When an accessory building does not require a development permit, they shall adhere to the regulated setbacks listed in section C2.2."
- 39) Section C5.3(1)(g) shall be amended to the following:
"Written approval must be obtained from the County's Transportation Services when an a-board sign is placed on a public sidewalk or road right of way and must not interfere with the flow of pedestrian or vehicular traffic."
- 40) Amend the following sections by removing the Accessory uses and buildings row:
- a) Section B2.1.1 Agricultural District (AG)
 - b) Section B2.2.1 Crown Land District (CL)
 - c) Section B3.1.1 Country Residential District (CR)
 - d) Section B3.6.1 Low Density Residential District (LDR)
 - e) Section B3.7.1 Restricted Residential Large Lot District (RL)
 - f) Section B3.8.1 Medium Density Residential District (MDR)
 - g) Section B3.9.1 High Density Residential District (HDR)
 - h) Section B3.10.1 Mobile Home Community District (MHD)
 - i) Section B3.11.1 Narrow Lot Single Detached Dwelling District (NSD)
 - j) Section B3.12.1 Resort Recreational District (RR)
 - k) Section B3.13.1 Rural Residential Work/Live District (RRW)
 - l) Section B4.1.1 Central Commercial District (CC)

- m) Section B4.2.1 Highway Commercial District (HC)
 - n) Section B4.3.1 Neighbourhood Commercial District (NC)
 - o) Section B4.5.1 Mixed Use Residential – Business District (MRB)
 - p) Section B4.6.1 Hamlet Commercial Business District (HCB)
 - q) Section B5.1.1 Light Industrial District (LI)
 - r) Section B5.4.1 Hamlet Light Industrial District (HLI)
 - s) Section B5.5.1 Airport District (A)
 - t) Section B6.1.1 Public/Institutional District (PI)
 - u) Section B6.4.1 Urban Reserve District (UR)
 - v) Section B7.2.2.1 Direct Control District 1 (DC1) Area A
 - w) Section B7.2.2.2 Direct Control District 1 (DC1) Area B
 - x) Section B7.2.2.3 Direct Control District 1 (DC1) Area C
 - y) Section B7.3.1 Direct Control District 2 (DC2)
 - z) Section B7.4.1 Direct Control District 3 (DC3)
- 41) Amend the following sections by removing the text and replacing each listed section with “Please consult section C2.2 Accessory Buildings and Structures for complete requirements.”:
- a) Section B2.1.5 Accessory Buildings and Uses
 - b) Section B3.1.5 Accessory Buildings and Uses
 - c) Section B3.2.5 Accessory Buildings and Uses
 - d) Section B3.3.5 Accessory Buildings and Uses
 - e) Section B3.4.5 Accessory Buildings and Uses
 - f) Section B3.5.5 Accessory Buildings and Uses
 - g) Section B3.13.6 Accessory Buildings and Uses
 - h) Section B4.4.5 Accessory Buildings and Uses
 - i) Section B5.2.5 Accessory Buildings
 - j) Section B5.3.5 Accessory Buildings
 - k) Section B6.3.5 Accessory Buildings
 - l) Section B7.2.5 Accessory Buildings (All Areas)
- 42) Amend Section B2.2.4 Accessory Buildings and Uses to read: Section B2.2.5 Accessory Buildings and Uses, and amend the text as follows: “Please consult section C2.2 Accessory Buildings and Structures for complete requirements.”
- 43) Amend Section B3.6 Low Density Residential District (LDR) with the addition of section B3.6.5 Accessory Buildings and Uses as follows:
“Please consult section C2.2 Accessory Buildings and Structures for complete requirements.”
- 44) Amend Section B3.7 Restricted Residential Large Lot District (RL) with the addition of section B3.7.5 Accessory Buildings and Uses as follows:

“Please consult section C2.2 Accessory Buildings and Structures for complete requirements.”

- 45) Amend Section B3.8 Medium Density Residential District (MDR) with the addition of section B3.8.5 Accessory Buildings and Uses as follows:
“Please consult section C2.2 Accessory Buildings and Structures for complete requirements.”
- 46) Amend Section B3.9 High Density Residential District (HDR) with the addition of section B3.9.5 Accessory Buildings and Uses as follows:
“Please consult section C2.2 Accessory Buildings and Structures for complete requirements.”
- 47) Amend Section B3.10 Mobile Community District (MHD) with the addition of section B3.10.5 Accessory Buildings and Uses as follows:
“Please consult section C2.2 Accessory Buildings and Structures for complete requirements.”
- 48) Amend Section B3.11 Narrow Lot Single Detached Dwelling District (NSD) with the addition of section B3.11.5 Accessory Buildings and Uses as follows:
“Please consult section C2.2 Accessory Buildings and Structures for complete requirements.”
- 49) Amend Section B3.12 Resort Recreational District (RR) with the addition of section B3.12.5 Accessory Buildings and Uses as follows:
“Please consult section C2.2 Accessory Buildings and Structures for complete requirements.”
- 50) Amend Section B4.1 Central Commercial District (CC) with the addition of section B4.1.5 Accessory Buildings and Uses as follows:
“Please consult section C2.2 Accessory Buildings and Structures for complete requirements.”
- 51) Amend Section B4.2 Highway Commercial District (HC) with the addition of section B4.2.5 Accessory Buildings and Uses as follows:
“Please consult section C2.2 Accessory Buildings and Structures for complete requirements.”
- 52) Amend Section B4.3 Neighbourhood Commercial District (NC) with the addition of section B4.3.5 Accessory Buildings and Uses as follows:
“Please consult section C2.2 Accessory Buildings and Structures for complete requirements.”

- 53) Amend Section B4.5 Mixed Use Residential - Business District (MRB) with the addition of section B4.5.5 Accessory Buildings and Uses as follows:
"Please consult section C2.2 Accessory Buildings and Structures for complete requirements."
- 54) Amend Section B4.6 Hamlet Commercial Business District (HCB) with the addition of section B4.6.5 Accessory Buildings and Uses as follows:
"Please consult section C2.2 Accessory Buildings and Structures for complete requirements."
- 55) Amend Section B5.1 Light Industrial District (LI) with the addition of section B5.1.5 Accessory Buildings and Uses as follows:
"Please consult section C2.2 Accessory Buildings and Structures for complete requirements."
- 56) Amend Section B5.4 Hamlet Light Industrial District (HLI) with the addition of section B5.4.5 Accessory Buildings and Uses as follows:
"Please consult section C2.2 Accessory Buildings and Structures for complete requirements."
- 57) Amend Section B5.5 Airport District (A) with the addition of section B5.5.5 Accessory Buildings and Uses as follows:
"Please consult section C2.2 Accessory Buildings and Structures for complete requirements."
- 58) Amend Section B6.1 Public/Institutional District (PI) with the addition of section B6.1.5 Accessory Buildings and Uses as follows:
"Please consult section C2.2 Accessory Buildings and Structures for complete requirements."
- 59) Amend Section B6.2 Natural Area Protection District (NAP) with the addition of section B6.2.4 Accessory Buildings and Uses as follows:
"Please consult section C2.2 Accessory Buildings and Structures for complete requirements."
- 60) Amend Section B7.3 Direct Control District 2 (DC2) with the addition of section B7.3.5 Accessory Buildings and Uses as follows:
"Please consult section C2.2 Accessory Buildings and Structures for complete requirements."
- 61) Amend Section B7.4 Direct Control District 3 (DC3) with the addition of section B7.4.4 Accessory Buildings and Uses as follows:
"Please consult section C2.2 Accessory Buildings and Structures for complete requirements."

- 62) Section E1 Definitions shall be amended by the following:
- i) The LIVE WORK RESIDENCE definition shall be removed.
 - ii) The WORK CAMP definition shall be amended to the following:
“WORK CAMP means a residential complex used to house workers on a temporary basis, and without restricting the generality of the above is usually made up of a number of mobile units, clustered in such fashion as to provide sleeping, eating, recreation, and other basic living facilities. The units may be dismantled and removed from the site from time to time. A work camp includes open camps and closed camps but does not include a construction camp.
 - iii) The AIRSTRIP definition shall be amended to the following:
“AERODROME means an area of land or water designed to accommodate the arrival or departure of aircraft for which an airport license has not been issued by Transport Canada.
- 63) Section C1.16 FIRE PROTECTION shall be amended by deleting the entire section.
- 64) Section C1.33 USE AND DEVELOPMENT OF MUNICIPAL LANDS shall be amended by deleting C1.33(5).
- 65) Section D3.3(1) shall be amended to the following:
“When hearing a development appeal, the Secretary of the Subdivision and Development Appeal Board shall, at least five (5) days prior to the hearing of an appeal:
- a) send by ordinary mail, or hand deliver, written notice of the hearing to the appellant, to the Development Authority or Subdivision Authority, and any other person that the Subdivision and Development Appeal Board considers to be affected by the appeal and should be notified;
 - b) post a notice of appeal on the County’s website;
 - c) publish a notice of appeal in a newspaper circulating in the County.”

Severability

2. Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

Effective Date

3. This bylaw shall come into effect upon passing of the third reading.

MOTION THAT BYLAW 20-027 BE GIVEN FIRST READING THIS 8th DAY OF DECEMBER 2020.

"Original Signed"

Mayor

"Original Signed"

Chief Administrative Officer

THAT BYLAW 20-027 BE GIVEN SECOND READING THIS 12th DAY OF JANUARY 12, 2021.

THAT BYLAW 20-027 BE GIVEN THIRD READING THIS 12th DAY OF JANUARY 12, 2021.

"Original Signed"

Mayor

"Original Signed"

Chief Administrative Officer

BYLAW 20-027 SCHEDULE "A"

C2.2 ACCESSORY BUILDINGS AND STRUCTURES

- 1) Accessory uses and buildings are permitted in all districts where a development permit has been issued for a principal use.
- 2) An accessory building shall not be used as a dwelling unit unless approved as a secondary suite under Section C2.26 or a security suite under Section C2.27.
- 3) Where an accessory building is attached to a principal building by a roof, an open or enclosed structure above grade, or a floor or foundation which is above grade, except carports where vehicular access to the rear yard is not obstructed, it is to be considered part of the principal building and shall adhere to the setback requirements for principal buildings in the applicable land use district.
- 4) An accessory building or use shall not be located on a lot without a principal building or use being previously developed on the lot in a designated hamlet.
- 5) The maximum height of accessory buildings shall be in accordance with Table C2.1:

Table C2.1: Accessory Building Height

	Height
On lots smaller than 0.4 ha (1.0 ac) in a hamlet:	4.6 m (15.1 ft.)
On lots larger than 0.4 ha (1.0 ac) in a Hamlet and on all Lots in the CR, ES1, ES2, OE1, and OE2 Districts:	6.5 m (21.3 ft.)
DC1 District (Elinor Lake Resort)	4.9 m (16.1 ft.)
DC3 District (Pine Lane)	6.0 m (19.7 ft.)
AG District	No maximum height restriction
All Other Districts:	Not to exceed the height of the principal building

- 6) Accessory Building Size:
 - a) the total area of all accessory buildings on a lot in a hamlet residential district shall not exceed twelve percent (12%) of the area of the lot unless otherwise stated in the land use district.
 - b) notwithstanding subsection (a), in a hamlet residential district the combined area of all accessory buildings shall not exceed the main floor area of the principal building.
 - c) in all other residential districts, the maximum lot coverage for all accessory buildings shall be:
 - i) 12% of the lot area or 139.0 m² (1,500.0 ft.²), whichever is less, for parcels under 2.0 ha (5.0 ac); and
 - ii) for parcels 2.0 ha (5.0 ac) and larger, the maximum combined lot coverage of accessory buildings shall be 350.0 m² (3,767.0 ft.²).
 - d) in all non-residential districts the maximum lot coverage for all accessory buildings shall be twelve percent (12%).
 - e) in the Agricultural District (AG) the maximum lot coverage of all accessory buildings shall not exceed twelve percent (12%).
- 7) In all districts, accessory buildings shall:
 - a) be located a minimum of 2.0 m (6.6 ft.) from the principal building;
 - b) not be located within a front yard in a designated hamlet.
 - c) In all districts located outside of a designate hamlet, accessory buildings shall not encroach within the front yard setback listed in that district;
 - d) be located a minimum of 1.0 m (3.3 ft.) from a rear lot line, provided the building does not encroach on an easement;
 - e) be located, in the case of a garage or carport where the vehicle approach faces an abutting lane or public road a minimum of 2.0 m (6.6 ft.) from the lane or public road;
 - f) be located a minimum of 1.0 m (3.3 ft.) from a side lot line, provided the building does not encroach on an easement; and
 - g) not be located in an exterior side yard's visibility triangle as identified in C1.9.
- 8) Accessory buildings within the Agricultural District (AG) are permitted within the front yard but shall not encroach within the front yard setback listed in the district.
- 9) Notwithstanding any other provision in this section, no accessory building shall be permitted at a location that will restrict access to a rear yard where a lot has vehicular access from the front, and where one (1) side yard setback of 3.0 m (9.8 ft.) has been provided to accommodate access to the rear of the lot.
- 10) Accessory buildings and structures shall be developed in a manner that achieves architectural compatibility with the principal building on the lot.
- 11) Private Swimming Pools;
 - a) private swimming pools shall be sited as per the siting requirements for accessory buildings.
 - b) every private swimming pool shall be secured against entry by the public other than owners, tenants, or their guests.
 - c) no private swimming pool shall be constructed unless a fence is provided,

- except that a wall of a building may be considered to provide adequate protection for its length when substituted for any portion of the fence.
- d) every fence enclosing a swimming pool shall be at least 1.7 m (5.5 ft.) in height above the level of the grade outside the enclosure and shall be of approved design such that it will deter children from climbing over or crawling through or under it to gain access. Gates in the fence shall provide protection equivalent to the fence and shall be equipped with a self-latching device located on the inside of the gate.

BYLAW 20-027 SCHEDULE "B"

D1.6 VARIANCE AUTHORITY

- 1) Unless otherwise prescribed elsewhere in the Land Use Bylaw, all development permit applications for a variance shall be as per the "Variance Authority Table".
- 2) The Development Authority may issue a variance in accordance with the following table:

"Variance Authority Table"

	Percentage of variance that may be granted by a Development Officer	Percentage of variance that may be granted by the Municipal Planning Commission
Permitted Uses	0.1 to 25.0%	25.1 to 100.0%
Discretionary Uses	0.0%	0.0 to 100.0%

- 3) In addition to the consideration provided under subsection (1), a variance may only be granted if, in the opinion of the Development Authority, approval of the proposed variance:
- a) is consistent with the purpose and intent of the Municipal Development Plan and any other applicable statutory plan;
 - b) maintains the purpose and intent of the applicable district and this Bylaw;
 - c) is desirable for the appropriate and orderly development of the use of the land;
 - d) is appropriate given geotechnical considerations such as flooding and slope stability;
 - e) includes factors unique to the development, use and lot which are not generally common to other development and land in the same district and which would result in unnecessary hardship or practical difficulties for the proposed development to comply with the provisions of this Bylaw;
 - f) will not cause negative impacts on community services such as schools, parks, fire protection, and health;
 - g) respects municipal and, rights-of-way, or easement requirements;
 - h) can be designed to mitigate impacts on adjacent lots; and
 - i) is required to accommodate new development that is to be located on pre-existing lot that does

not meet the minimum lot area requirements of the subject land use district.

- 4) All requests for a variance shall be considered through the Development Permit Application process. A variance shall include justification as to why the regulation cannot be adhered to.
- 5) If a variance is granted pursuant to this section, the Development Authority shall specify its nature in the development permit approval.
- 6) On existing structures, if the variance does not exceed fifty percent (50%), and in the opinion of the Development Officer does not change the characters of the neighbourhood or negatively affect adjacent landowners, the variance can be approved by the Development Officer. Notification letters to adjacent landowners shall be circulated with an appeal period. Any variance on existing structures in excess of fifty percent (50%) will be considered by the Municipal Planning Commission.