

APPENDIX G

Section 39 Decks, Fences, and Swimming Pools

39.1 For the purposes of this Bylaw, a deck shall be considered part of the principal building.

39.2 Decks may encroach into front, side and rear yard setbacks:

(a) front yards: 1.0 metre (3.3 feet);

(b) rear yards:

i) to the rear property line where the deck surface is not more than 0.3 metres (1.0 foot) above grade; and

ii) 2.0 metres (6.6 feet) where the deck surface is more than 0.3 metres (1.0 foot) above grade.

(c) side yards:

i) to the side property line where the deck surface is not more than 0.3 metres (1.0 foot) above grade; and

ii) 1.0 metre (3.3 feet) where the deck surface is more than 0.3 metres (1.0 foot) above grade.

39.3 All covered or enclosed decks shall:

(a) be considered as an addition to the principal building and requires a development permit; and

(b) meet the setback requirements of a principal building within the applicable land use district.

39.4 A Development permit is required for the construction or maintenance of gates, fences, walls or other means of enclosure:

(a) 1.0 metre (3.3 feet) or higher in height in front yards;

(b) 2.0 metres (6.6 feet) or higher in side and rear yards; and

(c) except on any corner lots or where the gate, fence, wall or other means of enclosure would obstruct sight distance on a road used by vehicular traffic, in which case the developer shall consult with the Development Officer as to the location and height of the gate, fence, wall or other means of obstruction.

39.5 Swimming Pools and Hot Tubs

(a) Every private swimming pool and hot tub shall be secured against entry by the public other than owners, tenants and their guests;

(b) No outdoor swimming pool shall be constructed unless fenced, 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;

(i) No barbed wire or electrification of any part of a fence or gate enclosing a swimming pool or hot tub shall be allowed.

(c) Every fence enclosing an outdoor swimming pool shall be at least 1.7 m (6 feet) in height above the level of grade outside the enclosure and shall be of a 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 and lock located on the inside of the gate;

(d) Every hot tub shall be fenced or have in place a lockable lid;

(e) Swimming pools and hot tubs shall not be located within any front yard; and

(f) No swimming pool or any portion thereof shall be located directly under any electrical service wires.