

4.0 Development Regulations

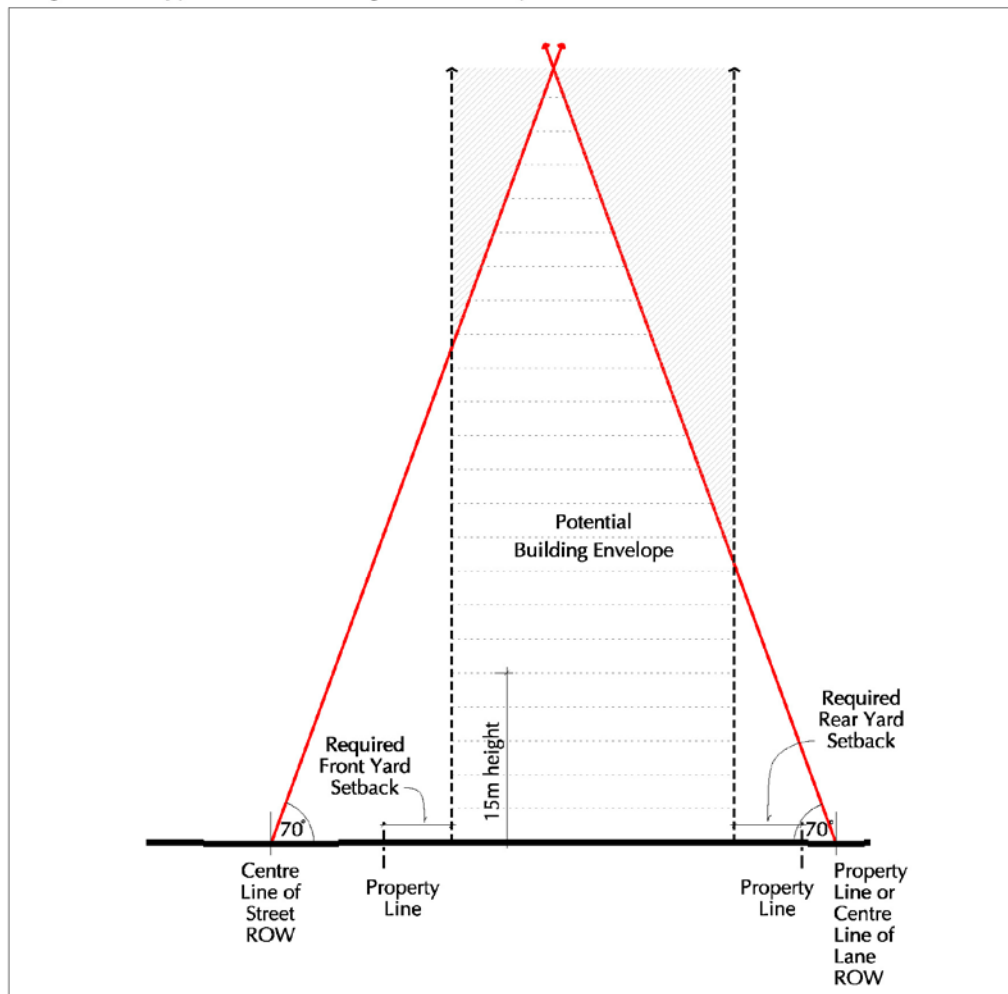
4.1 Building Shadow Analysis

4.1.1 Shadow analysis regulations shall apply to every **building** within a commercial or RH **Residential zone** as outlined on Diagram 4.1: Application of Building Shadow Analysis Standards.

4.1.2 In the case of a **building** within a **Commercial** or RH **Residential zone**, that is the lesser of four **storeys** or 15.0m in **height**, no part of such **building** above the fourth **storey** or above 15.0m shall project above lines extending toward the **building** at right angles from:

- all points along the central line of an **adjacent street** and inclined at an angle of 70° to the horizontal; and
- all points along the center line of the rear **lane** or the **rear lot line** of the **lot** where there is no **lane** and inclined at an angle of 70° to the horizontal.

Diagram 4.1: Application of Building Shadow Analysis Standards



4.2 Swimming Pools

- 4.2.1 Swimming pools shall not be located in a **front yard** or an exterior **side yard**.
- 4.2.2 Above ground swimming pools shall meet the siting requirements of **secondary buildings**.
- 4.2.3 At grade swimming pools shall be located a minimum of 0.9m from **side lot line** and **rear lot line** and 1.5m from any **street**. Notwithstanding any other provision of this Bylaw, no **building** or part thereof shall be constructed, reconstructed, altered, moved, or extended, nor shall any **mobile home** or at grade swimming pool be located within 7.5m of the **natural boundary** of Lake Okanagan or stream as specified by the *Official Community Plan 2008* or any bylaw replacing same.
- 4.2.4 Fencing around swimming pools shall be in accordance with the *City of Vernon Building & Plumbing Bylaw No. 4900*, as amended.

4.3 Yards

- 4.3.1 A part of a **lot** reserved as a yard shall not be deemed to form part of any **abutting lot** for the purpose of computing the area available for **building** purposes or any other purpose.
- 4.3.2 Where a **lot** which is not a **corner lot** has frontage on more than one **street**, any **building, structure** or **secondary building** shall be located on such **lot** to maintain a **front yard** on each **street** frontage so as to be consistent with the predominant **front yard** setback in the block.
- 4.3.3 In the case of a **corner lot**, the **front yard** shall be the narrower of the two frontages.

4.4 Projections into Yards

- 4.4.1 Chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, **bay windows**, a cantilevered section of a **building**, portions of a building on a foundation or ornamental features may project into a required **yard** provided such projections do not exceed 0.6m. The total area of structural projections, excluding purely architectural or aesthetic features, shall not comprise of more than 30% of the total area of the exterior wall in which they are located. The total area of the exterior wall is to be calculated based on the total area of the wall, generally parallel to the side lot line,

measured from the front to the rear of the **building**, not including **decks**, trellises, or other open structures. For **buildings** or **structures** that are more than one storey, the area of the structural projection shall be calculated per storey. No individual structural projection shall exceed 3.0 metres in length. No two structural projections shall be closer than 1.5 metres apart.

- 4.4.2 Unenclosed steps, eaves, **awnings**, decks, canopies, **balconies**, or porches may project into a required **yard** provided such projections do not exceed 1.5m in the case of a **front** or **side yard** on a **flanking street**, 0.8m in the case of an interior **side yard**, 2.5m in the case of a **rear yard** greater than 6.0m and 1.5m in the case of a **rear yard** of 6.0m or less subject to section 4.4.3. (*Bylaw 5339*)
- 4.4.3 Entrance **canopies** or **awnings** in RH1 or RH3 **zones** may, for weather protection or **building** ornamentation, project no more than 3.0m into a **front yard** or a **street flanking a side yard**, provided that it is no closer than 1.5m to the **side lot line**.
- 4.4.4 All **canopies** and **awnings** shall be designed to direct run-off and snow away from the sidewalk below.
- 4.4.5 Utilities, storage tanks, underground parking and similar **structures** constructed entirely beneath the surface of the ground may encroach into required **yards** provided such underground encroachments do not result in a grade inconsistent with **abutting** properties and the encroachments are covered by sufficient soil depth or surface treatment to foster **landscaping**, provided that storage tanks containing flammable materials shall be subject to the *British Columbia Fire Code*.
- 4.4.6 Notwithstanding the above, all projections have to comply with the minimum distance to the **property line** and separation from **adjacent structures**, as required by the *BC Building Code*.

4.5 Secondary Development

- 4.5.1 No person shall erect or permit to be erected an **antenna, satellite dish/receiver**, radio or television mast in a **residential zone**:
- that is located in a front or side yard or projects over any lot line; and
 - is higher than the height permitted in Section 4.6.4,
- unless the property owner or tenant holds a current Radio Authorization issued by *Industry Canada*.

Secondary buildings in Non-Residential Zones

- 4.5.2 A **secondary building** or **structure** in any non-residential **zone** is subject to the **development** regulations for that **zone**.
- 4.5.3 Notwithstanding Section 4.5.2, a **secondary building** or **structure**, excluding **fences**, on a **lot** in a non-residential **zone**, which **abuts** a **lot** in a residential **zone**, shall not be less than 1.0 m from the boundary of the **lot** in a residential **zone**.

Secondary buildings in Residential Zones

- 4.5.4 **Secondary buildings** or **structures**, excluding **fences**, are not permitted in a **front yard**.
- 4.5.5 A **secondary building** or **structure** shall not be used as a **dwelling** unless it is a permitted **secondary suite**.
- 4.5.6 A **secondary building** or **structure** shall not exceed 4.5m or one **storey** in **height**, whichever is the lesser, unless specified otherwise in the **development** regulations of a particular **zone**.
- 4.5.7 **Lot** coverage of **secondary buildings** or **structures** shall not exceed 14% or a maximum area of 90m² for **secondary buildings** in the residential **zones**.
- 4.5.8 There shall be at least 2.0 m spatial separation between a **secondary building** and a primary **building**.
- 4.5.9 **Secondary buildings** and **structures** shall be located on an **interior lot** as follows:
- a **secondary building** shall not be located closer than 18.0m to the **front lot line** unless it complies with the **side yard** requirements for a primary **building**;
 - a **secondary building** shall be located not less than 1.0m from the **side lot line** or shall be unrestricted where the **secondary building** does not exceed the permitted **fence height**,
 - a **secondary building** housing a **secondary suite** shall have the same **side yard** requirements as for the primary **building** in that **zone**.
 - mechanical equipment shall be located to comply with the **side yard** for the primary **building**.

Secondary buildings on Corner and Through Sites

- 4.5.10 In addition to the provisions of Section 4.5.8, the distance between a **secondary building** and the **side lot line abutting a flanking street**, shall not be less than the **side yard** required for the primary **building**.
- 4.5.11 A **secondary building** or **structure**, excluding **fences**, on any through **lot** shall be sited as if a **front yard** is required on both **lot lines abutting streets**.

Storage Containers

- 4.5.12 **Storage containers** to be placed on a property must be sited with a minimum **side yard** of 1.5m, except it is 3.0m for exterior **side yards; rear yard** of 2.0m; and **front yard** of 3.0m. No person shall authorize or place a **storage container** on a **residential** zoned property for a duration greater than 30 days per calendar year. **Storage containers** to be placed on an **agricultural, commercial, institutional, or industrial** zoned property for a duration greater than 30 days per calendar year shall be screened from view of any **street** or **lane** and from **adjacent** properties.

4.6 Height and Grade

Buildings and Structures

- 4.6.1 In determining whether a **development** conforms to the maximum **height** permitted in any **zone**, **structures** such as **antennae**, chimney stacks, water towers, wind machines, monuments, observation and transmission towers, farm silos, steeples, elevator housings, roof stairway entrances, ventilating equipment, skylights, or flagpoles for federal, provincial, or municipal flags shall not be considered for the purpose of determining the **height**.
- 4.6.2 In determining the height of a building the building grade on the tallest building elevation is to be utilized. The maximum height is not to exceed the maximum height as provided in the zone. For the purpose of determining number of storeys, walk out basements shall be considered a half storey. Where access is required through, and is limited to a **lane** the yard abutting the **lane** may be considered the **front yard**. *(Bylaw 5440)*
- 4.6.3 Where the width of the dormer or dormers exceeds 50% of the width of the roof on which they are located, the **height** of the building will be measured to the top of the dormer or to the top of the main roof, whichever is greater.

4.6.4 No person shall erect or permit to be erected an **antenna, satellite dish/receiver**, radio or television mast in a **residential zone** that exceeds 11m (36 feet).

4.7 Services

4.7.1 No **building, structure, or lot** in any **zone** shall be used for any purpose that requires **street** access or services unless:

- the owner has obtained proper authorization to have the required services installed and has installed such services in accordance with the *City of Vernon Subdivision & Development Servicing Bylaw No. 3843*, as amended; and,
- the **lot** has actual physical access from the **street**.

4.8 Lighting

4.8.1 Any outdoor lighting for any **development** shall be located and arranged so that no direct rays of light are directed at any **adjacent** lots, **streets, walkways** or interfere with the effectiveness of any traffic control device.

4.8.2 No flashing or blinking exterior lighting shall be permitted.

4.8.3 No exterior neon lighting shall be permitted in **residential zones**.

4.8.4 All direct and ambient lighting shall be shielded in **residential zones** so as to not shine beyond the boundaries of the **lot**.

4.8.5 **Site** areas with public access shall be lit in keeping with the principles of crime prevention through environmental design and require **site** lighting as is necessary to encourage pedestrian safety and allow casual surveillance from **adjacent buildings, streets, parking areas and walkways**.

4.8.6 Lighting posts are not to exceed the lesser of the height of the primary building or 7.0m.

4.8.7 Lighting systems for commercial, industrial and institutional developments are to include automated controls allowing for a reduction in lumin levels and energy use during hours when site is not in active use.

4.9 Housing Agreements

4.9.1 City Council may enter into a housing agreement pursuant and/or covenant to the *Local Government Act*, as a condition of approval for affordable and/or special needs housing, which contains contractual arrangements as to any, or all, of the following:

- the **use** of the **lot** in relation to any existing or proposed **building** or **structure** including the preservation of **buildings**, **structures** and environmental setbacks;
- the occupancy, form of tenure, availability, administration, management and rent provisions, of the housing units;
- the timing of the **development**; and,
- such other conditions as may be considered reasonable under the circumstances.

4.9.2 Increases in the maximum **density** or reductions in parking or loading requirements are permitted to the **density** specified in the RM1, RM2, RH1, RH2, and RH3 **zones** provided:

- the owner enters into a housing agreement and/or covenant satisfactory to the City of Vernon; and
- such public benefit, determined by the City of Vernon, may include affordable or special needs housing for sale or rental at below market rates to qualifying purchasers or tenants or, amenities or amenity improvements to public spaces or community facilities.

4.9.3 All agreements and/or covenants entered into pursuant to Section 4.9 shall run with the land as a priority charge against the title of the subject lands at the *Land Title Office*.

4.10 Setback from Provincial Highways and City Roads (Bylaw No. 4883)

4.10.1 All **buildings**, **structures** and **landscaping excluding perimeter fencing (garden walls and fences)** on **lots abutting** Provincial Highways shall not be closer to the highway than the required Provincial Highway setbacks. (*Bylaw 5339*)

4.10.2 All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B"

4.11 Rooftop Screening

4.11.1 Rooftop mechanical and electrical equipment in **zones** other than **agricultural zones** shall be screened from view from a public **street** or **adjacent lots** at grade.

4.12 Utility Cabinets

4.12.1 Utility cabinets for the provision of telephone, power, cable television or other **utility services**, when located outside a statutory right-of-way, shall comply with the following:

- a cabinet less than 1.8m in **height** with no horizontal dimension exceeding 1.0m need not comply with any **yard** requirements in any **zone**;
- a cabinet less than 1.8m in **height** with a horizontal dimension between 1.0m and 2.0m must be set back at least 1.0m from a **lot line**; and,
- a cabinet greater than 1.8m in **height** or with a horizontal dimension exceeding 2.0m shall comply with the setbacks for **secondary structures** in that **zone**.

4.13 Riparian Assessment Areas

4.13.1 Vernon's Official Community Plan (OCP) establishes Development Permit Areas (DPAs) for all areas within the City of Vernon. Vernon's Environmental Management Areas (EMA) Strategy regulates the riparian portion of Development Permitting for all areas, as provided by the OCP. Riparian permitting in the EMA Strategy addresses the siting of buildings and structures in relation to streams and ravines by development permit in accordance with site specific riparian assessments. *(Bylaw 5369)*

4.13.2 No **development** shall take place within 15m of the **High Water Mark** of Okanagan Lake. *(Bylaw 5369) (Bylaw 5440)*

4.14 Minimum Building Width

4.14.1 The minimum horizontal width of any detached primary **building** shall be 7.0m in all residential zones, except in the R7 Mobile Home Residential zone and RST1 Residential Single and Two Family Zone which may have a minimum building unit width of 5.0m on single family lots up to 9.4m wide and two family lots up to 16.4 m wide. *(Bylaw 5397)*

4.15 Development Covenants

4.15.1 At the time of rezoning, prior to bylaw adoption, City Council may at its discretion require the property owner to register a covenant on the title of the property limiting the permitted uses and/or densities within the approved land use zones, so as to reflect the specific approved development plan.

4.16 Hillside Development Areas

4.16.1 Vernon's Official Community Plan (OCP) establishes Development Permit Areas (DPAs) for all areas within the City of Vernon. Vernon's Hillside Guidelines and Regulations Policy defines hillsides and provides Goals and Objectives for development of lands on hillsides and slopes under 30%. No construction of a building, structure or swimming pool is permitted on slopes 30% or greater.

4.16.2 No subdivision of land creating lots is permitted where less than 100m² of contiguous buildable area which meets all bylaw regulations herein for each lot is provided, with the exception of boundary lot adjustments.

(Bylaw 5433)