

SECTION 4: Development Regulations

▲ 4.1 Swimming Pools

- 4.1.1 Swimming pools shall not be located in a **Front Yard** or a **Flanking Side Yard**.
- 4.1.2 Above ground swimming pools shall meet the siting requirements of **Accessory Buildings**.
- 4.1.3 At grade swimming pools shall be located a minimum of 1.0 m from a **Side Lot Line** and a **Rear Lot Line**.

▲ 4.2 Projections into Yards

- 4.2.1 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 **Setback** provided such projections do not exceed 0.5 m. No individual projection shall exceed 3.0 m in length or 30% of the length of the wall, whichever is the lesser. No two projections shall be closer than 1.5 m apart. *(Bylaw 6012)*
- 4.2.2 Unenclosed steps, eaves, **Awnings**, **Decks**, **Canopies**, **Balconies**, or porches may project into a **Setback** provided such projections do not exceed 0.5 m. In the case of a **Front** or **Flanking Side Yard Setback**, 1.0 m.
- 4.2.3 Utilities, storage tanks, underground parking and similar **Structures** constructed entirely beneath the surface of the ground may encroach into **Setbacks** 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 support **Landscaping**.

▲ 4.3 Accessory Development

- 4.3.1 No person shall erect or permit to be erected an antenna, satellite dish/receiver, radio or television mast in a housing zone:
 - .1 that is located in a **Front Yard** or **Side Yard** or projects over any **Lot Line**; and
 - .2 exceeds 11 m (36 ft) in **Height**,unless the property **Owner** or tenant holds a current Radio Authorization issued by *Industry Canada*.

Accessory Buildings in Housing Zones

- 4.3.2 No **Accessory Buildings** or **Structures**, except for fences, are allowed in a **Front Yard** unless they contain a permitted **Accessory Dwelling Unit** or unless the **Lot** is a **Double Fronting Lot**.
- 4.3.3 An **Accessory Building** or **Structure** shall not be used as a **Dwelling Unit** unless it is a permitted **Accessory Dwelling Unit** in which case the conditions of use pertaining to **Accessory Dwelling Units** contained in Section 5 of this bylaw shall apply.
- 4.3.4 The total **Lot** coverage of **Accessory Buildings** or **Structures** shall not exceed 14% of the **Lot Area**, or have a total footprint greater than 100 m², whichever is less.

Shipping Containers

- 4.3.5 **Shipping Containers** shall meet the siting requirements of an **Accessory Building**.
- 4.3.6 No person shall authorize or place a **Shipping Container** on a **Lot** in a housing zone for more than 30 days per calendar year.
- 4.3.7 **Shipping Containers** placed on a **Lot** in a non-housing zone for more than 30 days per calendar year shall be screened from view of any **Street**, **Laneway** or **Alley** and from **Adjacent Lots**.
- 4.3.8 **Shipping Containers** may only be stacked up to two containers high.

▲ 4.4 Height and Grade

Buildings and Structures

- 4.4.1 In determining whether a **Building** 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, railings, privacy screens, mechanical and ventilating equipment, skylights, or flagpoles for federal, provincial, or municipal flags shall not be considered for the purpose of determining the **Height**. *(Bylaw 6012)*
- 4.4.2 No person shall erect or permit to be erected an antenna, satellite dish/receiver, radio or television mast in a housing zone that exceeds 11 m (36 ft).
- 4.4.3 For the purpose of calculating **Height**, a flat roof will be considered any roof with either a single pitch or a pitch of 4:12 or less.
- 4.4.4 The **Finished Grade** shall to the extent possible, retain the natural contour of the land (**Natural Grade**), minimize the necessity to use retaining walls and ensure positive drainage away from abutting properties.

▲ 4.5 Services

- 4.5.1 No **Building**, **Structure**, or **Lot** in any zone shall be used for any purpose that requires **Street** access or services unless:
- .1 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*; and
 - .2 the **Lot** has actual physical access from the **Street**.

▲ 4.6 Lighting

- 4.6.1 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.
- 4.6.2 No flashing or blinking exterior lighting shall be permitted.
- 4.6.3 No exterior neon lighting shall be permitted in housing zones.
- 4.6.4 All direct and ambient lighting shall be shielded in housing zones so as to not shine beyond the boundaries of the **Lot**.
- 4.6.5 **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.
- 4.6.6 Lighting posts are not to exceed the lesser of the **Height** of the **Principal Building** or 7.0 m.
- 4.6.7 Lighting systems for commercial, industrial and community developments are to include automated controls allowing for a reduction in lumen levels and energy use during hours when **Site** is not in active use.

▲ 4.7 Setback from Provincial Highways

- 4.7.1 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.

▲ 4.8 Rooftop Screening (Deleted – Bylaw 6012)

▲ 4.9 Hillside Development Areas

- 4.9.1 No construction of a **Building**, **Structure** or swimming pool is permitted on any slope of 30% or greater.
- 4.9.2 The calculation of **Dwelling Units** per hectare or **Floor Area Ratios** performed for the purposes of this bylaw shall for establishing the **Lot Area** exclude all portions of a **Lot** that cannot be used safely for the **Use** intended due to excessive slope, soil conditions or other hazards and for that purpose a building official may require an applicant for a building permit who is being required to provide a report under s 56 of the *Community Charter* in respect of land that is subject to or is likely to be subject to erosion, land slip, rockfalls or subsidence to instruct their qualified professional to indicate all such portions, and their areas in square meters, on a plan of the **Lot**.