

# **TOWN OF SIDNEY**

## **SCREENING BYLAW 1662**

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**Bylaw Number 1662**  
**9 April 2001**

**Amended up to and including**  
**Amendment Bylaw Number**

**Consolidated for Convenience only**

The Council of the Town of Sidney, in open meeting assembled, enacts as follows:

**SECTION 1      TITLE**

**1.0**      This Bylaw may be cited for all purposes as **Town of Sidney, Screening Bylaw 1662.**

**SECTION 2      ADMINISTRATION**

**2.1**      **Conformity with Official Community Plan:**

This Bylaw is consistent with and gives effect to the policies of the Town of Sidney, Official Community Plan Bylaw 1612. No amendment to this Bylaw shall be made which deviates from the policies of the Official Community Plan without the prior amendment of the Official Community Plan.

**2.2**      **Provision:**

Where the terms of this Bylaw require the provision of screening, every owner or occupier of buildings, structures or land shall, provide and maintain screening in accordance with the standards and requirements as contained within this Bylaw.

**2.3**      **Non-Conforming Buildings, Uses and Structures:**

A continuation of a non-conforming use, building or structure shall be subject to the provisions of the *Local Government Act of British Columbia*.

**2.4**      **Inspection:**

The Building Inspector, or any other official of the Town of Sidney appointed by Council, is hereby authorized to enter, at all reasonable times, upon any lot or premises to ascertain whether the provisions of this Bylaw are being obeyed.

**2.5**      **Violation:**

1.      Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done or neglects to do any act or thing in contravention of this Bylaw, shall be deemed guilty of an offence of this Bylaw and shall be liable to the penalties herein imposed.
2.      Each day that an offence of this Bylaw is caused to continue, or allowed to continue, constitutes a separate offence.

**2.6**      **Penalties:**

Any person guilty of an offence is punishable in accordance with the *Offence Act of British Columbia*.

**2.7**      **Severability:**

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason found invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

## **2.8 Conflict With Other Bylaws:**

In the event that a provision of this Bylaw conflicts with that of another bylaw of the Town of Sidney, the provision of the other bylaw shall take precedence.

## **SECTION 3 INTERPRETATION**

### **3.1 SECTION REFERENCES:**

Section references are to this Bylaw unless otherwise noted.

### **3.2 DEFINITIONS:**

Except as otherwise provided for in this Bylaw, the definitions of terms as stated in Section 3 of the Town of Sidney, Zoning Bylaw 1660 are applicable in the interpretation of this Bylaw.

#### **Accessory Use:**

A use on the same lot as the principal use, and of a nature customarily incidental, subordinate and exclusively devoted to the principal use.

#### **Berm:**

A raised mound entirely covered with landscape material.

#### **Council:**

The Council of the Town of Sidney.

#### **Courtyard:**

An open space (1) unoccupied from the ground upwards, (2) located on the same lot as the building it serves, and (3) enclosed on three or more sides by the walls of a building with at least one unenclosed side.

#### **Fence:**

An artificially constructed barrier of any material or combination of materials excluding vegetation.

#### **Grade:**

The average elevation of the natural ground level at the extreme four corners of a building excluding localized variations in the natural ground level.

#### **Landscape Material:**

Any combination of (1) trees, shrubs, flowers, grass or other horticultural elements, or (2) decorative stonework, paving or other architectural elements, designed to enhance the visual amenity of a lot.

#### **Lot:**

Land designated as a separate and distinct parcel, legally recorded on a plan or by description filed in the Land Titles Office; does not include a building strata lot, a lease lot or land below the natural boundary.

**Lot Area:**

The total horizontal area within the front, rear, interior side and exterior side lot lines of a lot.

**Outside Storage:**

The storage of equipment, goods, chattels, raw or processed materials outside of a building or structure; does not include parking areas, loading areas, impound yards or wrecking yards.

**Principal Building:**

A building in which the principal use of a lot is carried on.

**Principal Use:**

The main purpose for which land, buildings or structures are ordinarily used.

**Setback:**

The required minimum distance between a building or use, excluding signs or awnings and each of the respective lot lines.

**Town:**

The Municipality of the Town of Sidney.

**SECTION 4      REGULATIONS****4.1 Maintenance:**

All required plant materials shall be maintained in a healthy condition and whenever necessary replaced with new plant materials to ensure continued compliance with this Bylaw. All required fences and walls shall be permanently maintained in good repair and presentable appearance and whenever necessary they shall be repaired or replaced.

**4.2 Plant Varieties and Size:**

1. Plant varieties native to the Saanich Peninsula, shall be used;
2. Selection of plant varieties shall be based on local climatic conditions, constraints of location, resistance to disease and insect attack, drought resistance, cleanliness and ease of maintenance; and
3. Plant materials shall be installed of such a size as to grow to the minimum dimensions required within two growing seasons.

**4.3 Outdoor Storage Areas:**

Outside storage areas and fencing thereof shall be masked along the perimeter in accordance with the following requirements:

1. **Materials:** Landscape material, hedge or combination thereof so as to form a year-round opaque visual barrier; and
2. **Height:** Not less than 1.8 metres above finished grade.

#### 4.4 Garbage / Recycling Containers and Compounds:

1. Recycling, garbage containers and compounds shall be masked along the perimeter on at least three sides in accordance with the following requirements:
  - i. **Materials:**
    - a. fence, or
    - b. fence and landscape material,  
so as to form a year round opaque visual barrier, and
  - ii. **Height:** Not less than 1.8 metres above finished grade;
2. In the Industrial (M1) Zone, containers used for recycling shall be masked along their perimeter (on at least 3 sides) with landscaping material.

#### 4.5 Off-Street Parking and Loading Areas:

In all zones except, for those designated Residential under Zoning Bylaw 1660, off-street parking and loading areas shall be masked along the perimeter in accordance with the following requirements:

1. **Materials:** Landscape material, hedge, fence or combination thereof which will form a year-round, 60% opaque visual barrier; and
2. **Height:** Not less than 1.0 metres above finished grade.

#### 4.6 Utility Kiosks:

In all zones, utility kiosks shall be masked along the perimeter in accordance with the following requirements:

1. **Materials:** Landscape material, hedge or combination thereof which will form a year-round visual barrier which is at least 50% opaque.
2. **Height:** Not less than 1.2 metres in height above finished grade.
3. **Horizontal Clearance:** Screening materials shall not be permitted within
  - i. 2.5 metres of utility kiosk doors; or
  - ii. 0.3 metres of any other part of a utility kiosk.

#### 4.7 Masking of Dwellings From the Street:

In the W1.2 Zone, dwellings shall be masked from abutting streets in accordance with the following:

1. **Materials:** A mixture of trees and shrubs in non-hedge which will form a tree canopy and a visual barrier which is at least 80% opaque. Trees shall be a minimum of 4.0 centimetres caliper at planting; and
2. **Location:**
  - i. on the lot; and
  - ii. along and within 1.0 metres of the abutting streets.

#### 4.8 Lots Abutting Highway 17:

Lots abutting Highway 17 shall be masked in accordance with the following requirements:

1. **Materials:** Landscape material, hedge, fence, berm, or combination thereof which will form a tree canopy effect and year-round visually opaque barrier;
2. **Height:** Not less than 1.8 metres above finished grade; and
3. **Location:**
  - i. on the lot on which the use is located; and
  - ii. along and within 1.0 metres of Highway 17.

#### 4.9 Fencing:

No fence shall exceed 1.8 metres in height. However in all Residential and Multi-Family Residential zones, no fence in a front yard shall exceed a height of 1.2 metres.

#### 4.10 Swimming Pool Fences:

1. Private swimming pools, existing or prospective, within the Town shall be enclosed by a fence conforming to the following specifications:
  - i. The fence shall completely surround the swimming pool;
  - ii. The fence shall be of closed boarded lumber, solid masonry, plywood of 9mm(3/8 inches) thickness or greater, chain link wire with openings not exceeding 5 centimetres (2 inches) in any dimension or material and design that will reasonably prevent children from climbing over or through it to gain access to the pool;
  - iii. Gates in the said fence shall be latched with a self-closing and self-locking device located at the top of and inside the gate and fence, and such gates shall be kept locked when the pool is not in use;
  - iv. The exterior surface shall be free from projections, rails or bracing that would facilitate climbing; and
  - v. The fence and gate shall be not less than 1.2 metres (4 feet) nor more than 1.8 metres (6 feet) in height above the ground at any point and with a clearance from the ground of not greater than 10mm (4 inches) at any point.
2. The owner, tenant or occupier of the property in which the swimming pool is situated shall maintain the fence and gates in good repair at all times.

### **SECTION 5 ENACTMENT**

#### 5.1 Repeal of Previous Bylaw:

Bylaw No. 1306 of the Town of Sidney (Screening Bylaw) and all subsequent amendments to that bylaw are hereby repealed.

#### 5.2 Effective Date of Bylaw:

This Bylaw shall come into force on the date of adoption by Council.

Introduced and read a first time the	12 <sup>th</sup>	day of	March, 2001.
Read a second time the	12 <sup>th</sup>	day of	March, 2001.
Read a third time the	26 <sup>th</sup>	day of	March, 2001.
Reconsidered and finally adopted the	9 <sup>th</sup>	day of	April, 2001.

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Mayor

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Corporate Administrator