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To: Mayor and Council

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RE: 2017 Fence By-law Update - Final

Report No.: PDS 2017-051

AIM

To provide Council with the final, legal reviewed, version of the updated Fence By-law including any recommended changes resulting from the final review.

BACKGROUND

In July of 2017 a report was presented to Council with a review of the current Fencing By-law 96-2005 and outlined that the 12 year old by-law was in need of a comprehensive update. This would help to address any functionality issues that the by-law may have presented during its use over that timeframe and provide the opportunity to make additions to the by-law to address concerns with the location of fencing.

Later in September of 2017 the public and Council were provided with a draft version of the Fence By-law for review and input. The by-law has been posted on the Town website, notice posted in all three local papers and specifically circulated to the local salvage yards (See Appendix 'A') in regard to the addition of new regulations for any future expansions to salvage yards.

DISCUSSION

The only comment to-date was regarding the change to metric measurements and the need to ensure that the metric was equal to the former imperial measurements. To that regard the by-law was reviewed and the measurements updated to two decimal places, .i.e. 1.8 m (6ft.) was change to 1.83 m (6 ft.).

As part of any establishment, review or update of a by-law it was circulated for legal review to make sure that the wording was correct and all of the various provisions in the by-law

are clear and enforceable. Full comment is attached as Appendix 'B'. The review concluded that the addition of the salvage yard provisions was acceptable as drafted however the addition of the setback from buildings or structures (item iv below) was viewed as problematic.

With this in mind it is recommended that the final by-law not include this provision. Council earlier this year did adopt a Right-of-Access By-law (Appendix 'C'), which will continue to provide a mechanism for property owners in the event that access to a building or structure does become an issue in the future.

The following is a summary of what were the main proposed changes to the by-law:

- i) Expand the definition of a fence;
- ii) Remove design specs for vertical board fences;
- iii) Replace all imperial measurements with metric;
- iv) Include a provision that will require a minimum setback of 1 m from all buildings or structures regardless of the location of the lot line;
- v) Simplify the fencing requirement for lots along water ways or the lake;
- vi) Clarify the fencing regulations for Agricultural Zones;
- vii) Create regulations specific to the fencing of a salvage yard;
- viii) Consolidate the Variance provision to limit permission to exceed the requirements to the Chief Building Official;
- ix) Remove the appeal to the Committee of Adjustment provision, and
- x) Remove section outlining that the by-law is designated under the Planning Act and is a by-law implementing the Official Plan.

LINK TO STRATEGIC PLAN

To promote a safe community.

FINANCIAL CONSIDERATIONS

Other than staff time to review and draft the by-law there was cost for circulation of the notice to the three local papers which was approximately \$900 along with the cost of the legal review which has not yet been invoiced.

CONSULTATIONS

Administration, Council and outside legal.

RECOMMENDATION

It is recommended that Council adopt the revised By-law to Regulate the Height, Location and Description of Fencing, also referred to as the Kingsville Fencing By-law, excluding the addition of a setback from buildings or structures.

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Peggy Van Mierlo-West

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