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Date: June 7, 2017
To: Mayor and Council
Author: Robert Brown, H. Ba, MCIP, RPP
Manager, Planning & Development Services
RE: Fence By-law 96-2005 Update
Report No.: PDS-2017-027

AIM

To provide Council with feedback on a review of the current Fence By-law and suggest possible updates or changes that may be required.

BACKGROUND

At the February 13, 2017 Council meeting a report was presented to Council regarding the establishment of a Right-of-Access By-law to address the need to provide residents a legal mechanism to access an abutting property for building maintenance purposes. The introduction of the Right-of-Access By-law was due in part to the construction of fence in close proximity to an existing building. As part of the consideration of that by-law there was discussion about the content of the Town's current Fencing By-law and if there was a need to update the by-law to prevent the circumstance that lead to the necessity for the Right-of-Access By-law.

DISCUSSION

The current Fence By-law is approximately 12 years old and regulates two main items; 1) the height of fences permitted within different zones and locations, and 2) fencing requirements around swimming pools. The basic content of the by-law is straightforward and does outline most of the necessary controls or regulations required to address the reasons for fencing, in the case of pools, and the general limitation of fencing for all other purposes.

At present the by-law only requires a permit for the construction of fencing associated with a swimming pool and the rationale is not one of location, type or structural design so much as it is the presence of the fencing from a safety standpoint. In its present form the By-law

does not provide any controls over the location of a fence in proximity to an existing buildings, only the assumption that it is to be located on the fence owners property.

Based on the overall review of the By-law it is safe to say that it could use a housekeeping update to address the following:

- 1) Include metric measures;
- 2) Review and update any necessary references;
- 3) Review and update definitions;
- 4) Rework the fencing requirements along water front lots to be clearer & remove direct reference to preservation of view;
- 5) Revise and expand on the agricultural zone provisions in the by-law;
- 6) Review the variance provision in the by-law in terms of process and compliance with the Planning Act;
- 7) Add provision regarding proximity to existing buildings, and
- 8) Consider development of an information Appendix to the by-law which can be provided to ratepayers seeking guidance on fencing.

LINK TO STRATEGIC PLAN

There is no link to the Strategic Plan

FINANCIAL CONSIDERATIONS

Staff time will be required to overhaul the by-law. It is also typical to get a legal review of the by-law to make sure that wording is correct and all provisions in the by-law are enforceable and clearly understandable. Public input and review will be necessary which will involve notice in the local newspapers. Total cost would be approximately \$2,500 to \$3,000 There was no budgetary consideration of this item for 2017 however based on our current revenue and expense position I believe that we can accommodate the completion of this work for this calendar year.

CONSULTATIONS

At this point the review was limited to Planning & Development Services. Once a draft version of the amended by-law is prepared, it will be circulated to Administration for further comment and input.

RECOMMENDATION

It is recommended that:

- 1) Council receive the report on possible updates and changes to the Fence By-law (96-2005) for information purpose, and
- 2) Council direct Administration to prepare a draft revision of the current Fence By-law for consideration of Council.

Robert Brown

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Manager, Planning & Development Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer