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**Date:** September 22, 2017

**To:** Mayor and Council

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**RE:** Fence By-law Draft Update - 2017

**Report No.:** PDS-2017-041

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## **AIM**

To provide Council with the draft version of the updated Fence By-law and outline the specific changes being recommended.

## **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.

## **DISCUSSION**

The need to review the current Fencing By-law arose as part of the establishment of a Right-of-Access By-law which was implemented by Council earlier in 2017. The principle concern was that the current by-law does not outline any requirements for the location of a fence in relation to existing buildings. This in turn had led to a boundary fence being constructed in very close proximity to an existing dwelling, preventing access to the house for even basic maintenance purposes.

The draft by-law seeks to make revisions to the existing format of the by-law, provide clarifications and add additional regulations to address setbacks from existing buildings and structures. The by-law will continue to require a permit for a fence but only as it related to the construction of a swimming pool.

Recommended changes including the following:

- i) Expand the definition of a fence;
- ii) Remove design specs for vertical board fences;
- iii) Replace all imperial measurement 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 and remove the appeal to the Committee of Adjustment provision.

### **LINK TO STRATEGIC PLAN**

There is no specific link to the strategic plan

### **FINANCIAL CONSIDERATIONS**

The purpose of the update to the Fencing By-law is to provide a better enforcement mechanism for Town staff and hopefully avoid issues which result in the Town acting in a mediator role between neighbours. This in turn ensures staff time is not misdirected toward issues that can be resolved with the assistance of clear regulations at the onset of any new fence construction.

### **CONSULTATIONS**

Management staff was circulated for comment. Public notice has been posted in the Kingsville Reporter and on the Town website. Once the final draft is complete the By-law will be circulated for legal review to insure proper format, wording and enforceability.

### **RECOMMENDATION**

That Council receive the report outlining the details of the draft Fencing By-law update for information purposes and direct administration to finalize the By-law including the incorporation of any appropriate public comment or requests.

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