
HALDIMAND COUNTY

Report BME-02-2021 Fence By-law Amendment

For Consideration by Council in Committee on June 22, 2021



OBJECTIVE:

To present a housekeeping amendment to the County's Fence By-law which regulates the construction, maintenance and repairs to fences in Haldimand County related to Corner Sight Triangles.

RECOMMENDATIONS:

1. THAT Report BME-02-2021 Fence By-law Amendment be received;
2. AND THAT the amendment to the Fence By-law attached to Report BME-02-2021 be presented for enactment.

Prepared by: Randy Charlton, CMM III, MLEO(c), CPSO, Chief Building Official Manager of Building and Municipal Enforcement Services

Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

Staff recommends the enactment of an amendment to the Fence By-law for determining the extent of and how to measure a "Corner Sight Triangle". This change is a minor housekeeping matter that is intended to bring the Fence By-law into consistency with the new County Zoning By-law. This amendment is intended to appropriately regulate fences, so that the lands can be enjoyed by all residents and visitors of the County.

BACKGROUND:

On November 23, 2020, Council enacted the Fence By-law 2217/20 in order to fill the regulatory gap of removing fence provisions from the harmonized Zoning By-law. Since that time, staff have identified a minor housekeeping matter relating to the definition of "Corner Sight Triangle". The current By-law does not provide a fulsome definition so as to prevent any regulation of fence installations within sight triangles. It also does not align with the new County Zoning By-law which creates a consistency issue that needs to be rectified. This minor housekeeping amendment will provide clarity and consistency moving forward and will ensure the By-law is fully operable as it relates to fences within sight triangles.

ANALYSIS:

Amongst a number of fence height regulations, the Fence By-law provides for a "Corner Sight Triangle". In a "Corner Sight Triangle" the maximum fence height is regulated at .75 meters or 2 feet, 6 inches,

so that any fence in this area does not obstruct or otherwise block a driver's view of vehicles or pedestrians. However, the Fence By-law does not indicate how to establish the triangle.

Therefore, the current definition requires clarification as to how the triangle is to be measured. The definition below clearly sets out those measurements to be 3.0 meters (9 feet 10 inches) from the point of intersection of the said Street Lines. Staff are recommending that the definition be amended to read as follows:

“Corner Sight Triangle” shall mean the triangular space formed by the Street Lines of a Corner Lot and a line drawn from a point on one of the said Street Lines to a point on the other said Street Lines, each said point being measured, 3.0 meters (9 feet 10 inches) from the point of intersection of the said Street Lines.

The proposed measurement would also align with the provisions found within the County’s new Zoning By-law for sight triangles for a local road.

FINANCIAL/LEGAL IMPLICATIONS:

Should the by-law not be amended, there would be ambiguity as to how the Corner Sight Triangle should be calculated. This could result in challenges to regulatory authority/application of the by-law.

STAKEHOLDER IMPACTS:

The draft Fence By-law amendment will create clarity and positive impacts, in that, it will provide a comprehensive standard for the construction, maintenance and repair for fences and fill the gap left resulting in the removal of fence regulations from the ‘new’ Zoning by-law.

RERORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Fence By-law Amendment.