

North West Community Council
August 9, 2012

TO: Chair and Members of North West Community Council

SUBMITTED BY:



Brad Anguish, Director of Community & Recreation Services

DATE: July 12, 2012

SUBJECT: Fencing Provisions in the Bedford Land Use By-law

INFORMATION REPORT

ORIGIN

April 26, 2012 motion of North West Community Council:

MOVED by Councillor Lund, seconded by Councillor Johns that North West Community Council request a report outlining the reasons for the fencing requirements in the Bedford Land Use By-law, in comparison to fencing provisions in other Land Use By-laws. MOTION PUT AND PASSED.

BACKGROUND & DISCUSSION

Fences in HRM are governed under two sets of regulations; the HRM Building By-law (By-law B-201) and individual community Land Use By-laws (LUBs). Under the Bedford Land Use By-law, fences are limited to a maximum of 6ft (1.83m) in height, however, in all other areas of HRM, higher fences are possible through the provisions of By-law B-201. North West Community Council has requested an information report outlining the reasons why the Bedford Land Use Bylaw contains this unique restriction.

History of Fencing Provisions in the Bedford LUB

In the early 1990's, the former Town of Bedford underwent an extensive municipal planning strategy review process during which the subject of regulating fences was discussed. As noted in a memorandum to the Town Council dated May 24, 1991 (see Attachment A), the previous, 1982 Bedford LUB regulated fences as "structures" if they exceeded 6ft in height and required them to meet the setbacks that would typically apply to main buildings. As the then draft LUB contained no provision for the regulation of fences, staff recommended that Council consider adding a requirement that fences be limited in height to 6ft and not be located in the required front yard or between the main building and the front lot line if the fence was greater than 3ft in height.

This new provision was presented at a special session of the Town Council on May 28, 1991 and was unanimously approved for inclusion into the draft Bedford LUB. On July 4, 1991, the proposed provision was discussed at a Public Hearing and the fencing provision was approved on July 30, 1991 (effective October 9, 1991), and has remained unchanged since that time.

By-law B-201

In 1998, HRM adopted By-law B-201 under which fences are permitted throughout the Municipality and fences less than 6.5ft (1.98m) in height do not require any municipal permits. By-law B-201 further contains special provisions for residential fences greater than 6.5ft in height whereby a building permit is required and the approval of the building permit application is vetted through the local Community Council. Adjacent property owners are notified and given an opportunity to comment on the proposed fence at Community Council. As all fences in Bedford, be they for residential, commercial or other purposes, are subject to the more restrictive requirements of the area LUB limiting them to a maximum height of 6 ft., this public process does not occur and fences higher than 6ft are not permitted.

Should Council wish to consider amending the fencing requirements of the Bedford LUB to be consistent with the requirements of By-law B-201, a by-law amendment process must be undertaken. This process would entail a public information meeting, detailed staff review and a public hearing at Community Council.

BUDGET IMPLICATIONS

There are no budget implications related to this information report.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

There is no community engagement related to this information report.

ENVIRONMENTAL IMPLICATIONS

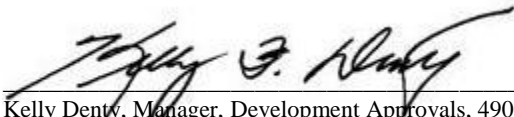
No implications have been identified.

ATTACHMENTS

Attachment A May 24, 1991 Town of Bedford Memorandum

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jacqueline Bélisle, Planner 1, Planning Applications, 869-4262

Report Approved by: 
Kelly Denty, Manager, Development Approvals, 490-4800

M E M O R A N D U M
T O W N O F B E D F O R D

TO : Mayor Peter Christie & Members of Town Council

FROM : Donna Davis-Lohnes, Planner

DATE : 24 May 1991

RE : Draft Land Use By-law Re: Fences

A number of enquiries have been made recently regarding the Town's Zoning By-law provisions respecting fences. As a result of these queries, it has become apparent that neither the current Zoning By-law nor the proposed Land Use By-law provide much direction in terms of fencing between residential properties.

Under the 1982 Zoning By-law fences are regulated through the definition of "structure". Fences which exceed six (6) feet in height are considered to be "structures" and are therefore subject to the setback requirements of the applicable zone. This means that fences ten, fifteen, up to a maximum of 35 feet are permissible in an R-1 Zone provided the required yard clearances are maintained. In the case of sideyards, this is eight feet. Fences less than six feet in height are not subject to the setback requirements, and as a result, may be located within the front yard of a lot. The proposed Land Use By-law contains no reference to fences.


It is therefore recommended that Council consider including the following provision in the draft LUB to address the issue of fences:

GENERAL PROVISIONS (PART 5, SECTION 30A)

30A. Fences

- a) For the purpose of this by-law, fences shall be deemed to be structures and therefore shall require a development permit.
- b) Fences shall be permitted in any zone within the Town but shall not:
 - i) exceed six (6) feet in height
 - ii) be located within the required front yard of a lot or be located closer to the front lot line than the main building on the lot if the fence is **more** than three feet in height.

Respectfully Submitted,



Donna Davis-Lohnes
Planner