

COMMITTEE OF THE WHOLE MAY 17, 2004

FENCE BY-LAW AMENDMENTS

Recommendation

The Commissioner of Legal and Administrative Services recommends:

1. That Council enact a by-law as attached to this report (Attachment No. 1) to amend the Fence By-law, By-law Number 80-90, as amended to clarify that side yard fences exceeding 1.2 metres in height cannot be erected closer to the front lot line than a point opposite the corner of the front wall containing the front entrance door of any adjacent dwelling and that this provision apply to all fences in residential zones in the City of Vaughan whether erected before or after the enactment of the by-law.

Purpose

This report proposes an amendment to the Fence By-law, By-law Number 80-90, to deal with a problem that has arisen with side yard fences in residential areas.

Background - Analysis and Options

This report is further to the report to the Committee of the Whole (Working Session) on April 27, 2004 (Item #5, CW (WS) April 27, 2004). The report and discussion dealt with a problem that has developed in some new residential areas where there is a potential for side-yard fences to be built so they extend well out into the front yards of homes. These side yard fences can be 1.8 m (6 ft.) in height, can block the view of the street from the adjacent home, can reduce the light in the front yard and have other undesirable design impacts.

The City's Fence By-law limits the height of front yard fences to no more than 1.2 m (4 ft.) and side yard fences to no more than 1.8 m (6 ft.). However, difficulties of interpretation arise with newer home design styles that have garages protruding either fully or partially out beyond the main front entrance wall of the home. With the current definitions of a front yard and a side yard in the by-law, a side yard fence may actually extend all the way out into the front yard to the front wall of the garage and well beyond the main front entrance wall of the home.

A Fence By-law offence was withdrawn by the Prosecutor on February 20, 2004, as a result of the problem with the wording of the by-law. This prosecution involved the property at 6 Wildhaven Crescent.

Staff is of the view that the confusion in interpretation can be resolved by appropriate amendments to the Fence By-law, as set out in the by-law attached to this Report (Attachment No. 1).

Relationship to Vaughan Vision

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

To prevent the possible negative impacts resulting from side yard fences protruding into front yards, it would be appropriate for Council to enact amendments to the City's Fence By-law, By-law Number 80-90, to ensure side yard fences cannot protrude out into front yards beyond the main front entrance wall of an adjacent home. These amendments should apply to all fences erected before or after this by-law is enacted.

Attachments

1. By-law to amend the Fence By-law, By-law 80-90, as amended

Report prepared by:

Carolyn P. Stobo, Solicitor/Special Services

Respectfully submitted,

Robert Swayze
Commissioner of Legal and Administrative Services

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER XX-2004

A By-law to amend the Fence By-law, By-law 80-90, as amended, for prescribing the height and description of lawful fences in the City of Vaughan and for determining how the cost of division fences shall be apportioned.

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, at subsection 11(2), clause 4 authorizes the passing of a by-law regulating fences;

AND WHEREAS amendments are required to the City of Vaughan's Fence By-law, By-law Number 80-90, as amended, to clarify the treatment of side yard fences under the By-law.

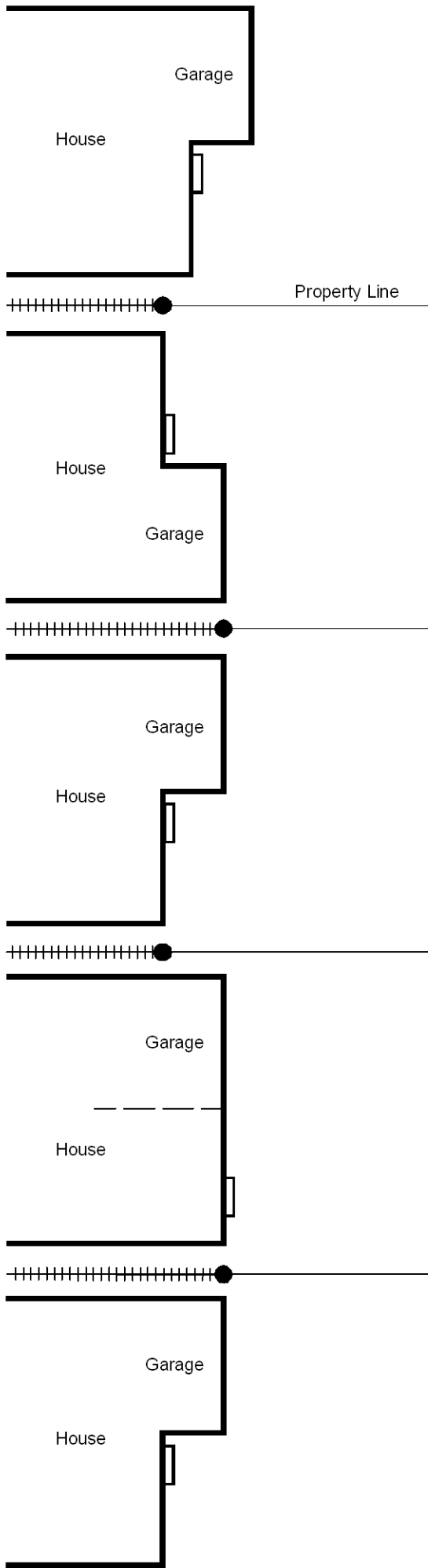
NOW THEREFORE the Council of The Corporation of the City of Vaughan enacts as follows:

1. That City of Vaughan By-law Number 80-90, as amended, be further amended by adding paragraph c) to Section 3.3 as follows:
 - c) Notwithstanding the provisions of this By-law, no fence exceeding 1.2 metres (4 feet) in height, whether erected on or inside the property line, shall be erected closer to the front lot line than a point opposite the corner of the front wall containing the front door of any adjacent dwelling. For greater certainty, the application of this Section 3.3 paragraph c) is illustrated on Schedule "A" to this By-law and forming a part hereof.
2. That City of Vaughan By-law Number 80-90, as amended, be amended by deleting Section 10.3 and substituting the following therefor:
 - 10.3 This By-law shall apply to all fences, whether erected before or after this By-law comes into force.

READ a FIRST, SECOND and THIRD time and finally passed this day of May, 2004.

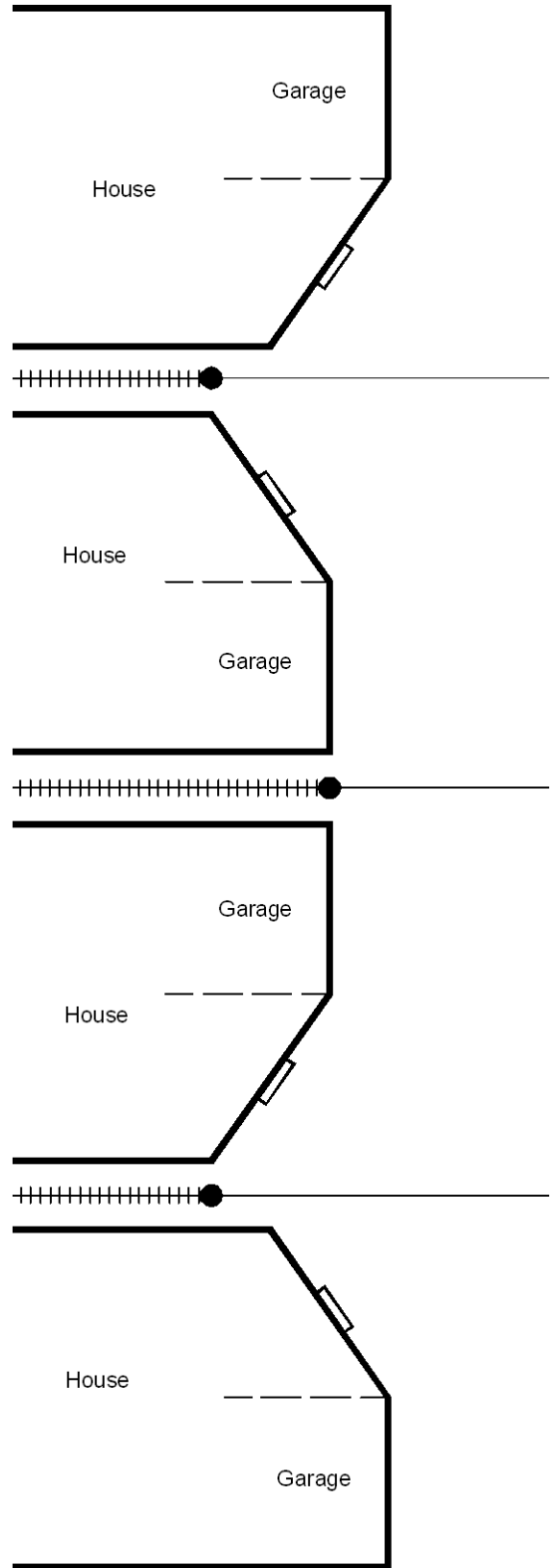
Michael Di Biase, Mayor

J. D. Leach, City Clerk



LEGEND

- Point opposite corner of front wall
- +++++ Side yard fence
- ▭ Front door



NOT TO SCALE

**THIS IS SCHEDULE 'A'
TO BY-LAW 80-90
AS AMENDED**

SIDE YARD FENCES (INTERIOR)
SECTION 3.3 c) ILLUSTRATION
CITY OF VAUGHAN

SIGNING OFFICERS

MAYOR

CLERK