

		Uniform Fencing		Policy #5.6.10	
Department Owner:		Planning & Development			
Policy Applies To:		Fencing policy for municipality or developer			
Date Created:		December 19, 2011	Date Approved By Council:		June 10, 2019
Version #:		1.0	Resolution #:		19-085
Last Review Date:		May 27, 2019	Policy(ies) Replaced/Rescinded:		#PLDE 12-11

Intent:

To provide a consistent policy for administration to use when evaluating, approving, constructing and maintaining uniform fencing projects that are municipally or developer initiated. Provisions will typically apply where private property (usually residential in nature) is proposed to directly abut major roads, municipal reserve, public utility lots, environmental reserve, school reserve and public open spaces generally.

Fencing is a significant component of any streetscape; the Town encourages the construction of fences which respect the existing built form in the locality and do not detract from it. Fences also provide security through the mechanism of passive surveillance, in which they define individual parcel boundaries. In addition, low or open fences assist in the creation of more livable streets that foster a sense of community and inclusion.

For the purposes of this policy, subdivision includes the creation of a new lot(s), the amalgamation of existing lots and any other land dealings that require the approval of the relevant authority, including the creation of condominium lots.

Guidelines:

- This policy applies to all permanent fencing erected by the Town of Claresholm, on behalf of the Town of Claresholm, or fencing that will eventually become the responsibility of the Town of Claresholm to maintain.
- Upon application for a subdivision, the Town of Claresholm approval authority shall consider this policy when evaluating the application. Where applicable, the subdivision authority shall stipulate that the developer, at its own expense, as part of the development of the lands, construct fences in accordance with the provisions of this policy and all relevant bylaws. Fencing shall be shown in the construction plans submitted to the Town of Claresholm for approval.
- Private Property (no easement): Any uniform fencing constructed on private property in accordance with this policy shall be maintained by the Developer until the expiration of the Guarantee Period and thereafter shall be maintained by the owners of the properties upon which the uniform fencing is located. To ensure the maintenance obligations of such owners, the Developer shall, prior to selling or transferring any such properties, register against such properties a restrictive covenant, in a form acceptable to the Town, which shall impose such maintenance obligations upon the future owners of such properties.
- Private Property (with easement): Any uniform fencing constructed on an easement located on private property shall require an easement agreement to the benefit of the Town of Claresholm. The Developer shall, prior to selling or transferring any such properties, register against such

properties an easement agreement, in a form acceptable to the Town. In addition, any uniform fencing constructed in accordance with this policy shall be maintained by the Developer until the expiration of the Guarantee Period and thereafter shall be maintained by the Town of Claresholm. Maintenance obligations shall be limited to the provisions specified in this policy and the provisions of the corresponding easement agreement; the provisions of the easement agreement shall prevail over the provisions of this policy to the extent of any conflict.

- **Public Property:** Any uniform fencing constructed on public property in accordance to this policy shall be maintained, if applicable, by the Developer until the expiration of the Guarantee Period and thereafter shall be maintained by the Town of Claresholm. Maintenance obligations shall be limited to the provisions specified in this policy.
- In the event of a conflict between the provisions of this policy and the provisions of the Town of Claresholm Land Use Bylaw or any other Bylaw, the provisions of those Bylaws shall prevail over the provisions of this policy to the extent of any conflict.
- Nothing in this policy aims to prohibit the construction of a noise barrier, which is erected with the approval of the Town of Claresholm under a Development or similar agreement, or a fence or wall required by the Town of Claresholm as a condition of subdivision approval or development approval, or to fences for which variances have been granted pursuant to the provisions of the Town of Claresholm Land Use Bylaw and the Alberta Municipal Government Act.
- Nothing in this policy exempts a fence from the requirements of other applicable legislation including the *Alberta Building Codes* and the *Historical Resources Act*, or prevents construction of a railing required by the *Alberta Building Codes*.
- The provisions of this policy do not apply to fences erected by other governmental authorities. Notwithstanding this provision, the Town shall be guided by and adhere to the provisions of this policy except where necessary for matters of public safety, protection of property, or abatement of public nuisances.

Construction Requirements and Standards

- Nothing in this policy exempts a fence from the construction requirements and standards specified in the Town of Claresholm Servicing Standards for Municipal Improvements.
- Fences are to be constructed from materials that are compatible with the scale and form of the existing development on the subject site.
- Fences should not be constructed in a manner that dominates or detracts from the existing development on the subject site.
- Where extensive lengths of uniform fencing are proposed, these shall be articulated in the form of planting recesses, combination of materials, colors, textures and/or other similar detailing to reduce the vertical mass and provide visual interest.
- Fences must be constructed of materials or finished treatments to give a long lasting, aesthetically pleasing appearance, low-maintenance and complemented, where appropriate, with landscaping native to the locality.
- A solid fence that obscures a building's primary entry point or parking area can create a situation where unlawful or antisocial activity can go on unnoticed. The Town encourages the usage of visually permeable fencing that allows portions of the parking area and/or the building's entry point to be visible to public view.
- When a fence is required to be visually permeable, or 'see through', it must comprise of:

- a. continuous vertical gaps at least 50mm (MILLIMETRES) wide which total at least one third of the length of the fence; or
- b. continuous vertical gaps less than 50mm (MILLIMETRES) wide which total at least half of the length of the fence;

provided that the vertical gaps are evenly distributed along the length of the fence.

- Vehicle and pedestrian gates that are associated with a fence are to meet the relevant standards for the fence to which they relate.
- For safety reasons, all vehicle and pedestrian gates on a site are to open into the subject site and not outwards into a public area.
- When service meters and related infrastructure are located in or near a fence and are visible from the street, they create additional visual clutter to the detriment of the streetscape, and may be tampered with or subject to vandalism. Accordingly, service meters and related infrastructure should be located so that they are not visibly obtrusive.

Restrictions on Fence Materials and Construction

- No person shall erect a fence on Town property, including any public highway, without the express prior written consent of the Town.
- No person shall erect a fence which contains, or is constructed of any hazardous material.
- Barbed, razor or electrical fencing shall not be permitted where adjacent parcels are used or designated for residential or public purposes.
- Where grade elevations of adjacent parcels of land differ, the height of a boundary fence shall be measured from the mean grade elevation between the two parcels of land;

Maintenance Requirements

- All fencing shall be maintained in a good state of repair:
 - a. by the fence being complete, standing in a vertical position and securely anchored;
 - b. with no components of the fence broken, rusted, rotted or in a hazardous condition;
 - c. and free from graffiti.

Variations to Standards

- Fences shall meet the standards set out in this policy; fences that do not meet the standards will require additional approval from the Town.
- When making an application for approval for a fence that varies from the standards of this policy, written documentation is to be provided as to why the variations should be supported. In general, the Town will only support variations in the situations set out below:
 - a. At sites that are subject to excessive vehicle noise, headlight glares or other special requirements for privacy, it may be appropriate to vary the relevant visual permeability standards.
 - b. Architectural features such as gatehouses and porticos can have a significant impact on the streetscape in terms of bulk and scale, and will generally exceed the maximum height for a front fence. Where it is proposed to construct such an architectural feature, it may be appropriate to vary the applicable standards and requirements.

In regards to this provision, the relevant Development Authority has been delegated the ability to vary these standards. Where it is not appropriate for the Development Authority to review a variance application, the Chief Administrative Officer shall have the ability to vary these standards.

- The authority to grant variances to all other provisions and standards within this policy lies with Town Council. However, on a site-specific basis, Council may delegate authority powers to the Municipal Planning Commission.