

CITY OF ST. CATHARINES

BY-LAW NO. 77-126

A By-law to amend By-law Nos. 70-139, 68-121, 66-165, 64-270, 6756, 4942, 62-86, 6609, and 64-207 establishing Zoning Area Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 respectively.

WHEREAS problems have arisen from time to time in regulating the location and height of boundary fences and hedges for residential properties;

AND WHEREAS the City's existing zoning by-laws restricting the height of a fence or hedge to a maximum of three (3) feet above the grade of the street between the setback line and the street line, and a maximum height of six (6) feet elsewhere on the property;

AND WHEREAS the present by-law requirements are deemed to be excessive in light of their original purpose of providing for the safety and privacy of the residents of the City of St. Catharines;

AND WHEREAS the Council of The Corporation of the City of St. Catharines deems it expedient to correct the situation and to pass this by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That By-law No. 70-139 establishing Zoning Area No. 1 is hereby amended by deleting Section 3.11 (a) and (b), and substituting therefor the following Subsection:

- 3.11 (a) Notwithstanding any other provision of this By-law to the contrary, fences may be placed in any yard; however, on any lot, no fence, hedge, sign or other structure shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade at the street line on which such lot fronts between the front setback line and the street line. No fence or hedge shall be erected or permitted to grow elsewhere on a residential lot to a greater height than six (6) feet (or 183 cm) above the grade of the immediate abutting lot provided however that:
- (i) On a corner lot, within a triangular space formed by the street lines for a distance equal to the flanking yard setback plus the front yard setback from their point of intersection, no fence, hedge, sign or other structure or other natural or non-natural barrier shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade at the street line (see diagram attached hereto).
  - (ii) On a corner lot, within a triangular space formed by the intersection of the street line and the rear property line for a distance of 15 feet (or 458 cm) or a distance equal to the flanking yard setback, whichever is the lesser, from their point of intersection, no fence or hedge, sign or other structure or other natural or non-natural barrier shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade of the abutting property. Notwithstanding the above, fences of a greater height than three (3) feet (or 92 cm) but not exceeding six (6) feet (or 183 cm) shall be permitted within the aforementioned triangular area provided such fences are of open-type construction, unobstructed throughout the length except for necessary line posts, corner posts, top rails, and other normal accessories (see diagram attached hereto).
  - (iii) On a through lot which is adjacent to a lot that fronts on the street which the through lot backs onto and within a triangular space having sides of 15 feet (or 458 cm) formed by the intersection of the rear property line of the through lot and side property line of the adjacent lot fronting on the street which the through lot backs onto, no fence or hedge, sign or other structure, or other natural or non-natural barrier shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade of the abutting property. Notwithstanding the above, fences of a greater height than three (3) feet (or 92 cm) but not exceeding six (6) feet (or 183 cm) shall be permitted within the aforementioned triangular area provided such fences are of open-type construction, unobstructed throughout the entire length except for necessary line posts, corner posts, top rails, and other normal accessories.

(iii) For the purposes of this By-law, open-type  
Contd. construction shall mean any fence which is unobstructed throughout its length except for necessary line posts, corner posts, top rails, and other normal accessories and having for every square foot of fence area between the top and bottom rails and perpendicular to the said top and bottom rails at least 50% open air space.

Lot through: For the purposes of this By-law and notwithstanding anything contained elsewhere in this By-law to the contrary, a through lot shall mean a lot having two lot lines which are not adjacent to one another abutting on two streets and, except for the purposes of building setback requirements, a through lot shall be deemed to front on only one street, being that opposite the principal entrance of the building. Further, and notwithstanding anything contained in this By-law to the contrary, a fence or hedge having a maximum height of six (6) feet (or 183 cm) may be erected or permitted to grow anywhere on a through lot subject to the fifteen foot (15)(or 458 cm) triangular daylight space requirements mentioned above and the three (3) foot (or 92 cm) height limitations applying to the yard opposite the main entrance of the building, i.e. the front yard (see diagram attached hereto).

- 3.11 (b) That with the exception of properties used for Residential purposes, nothing in this Section shall prohibit the erection of a chain link or wire mesh type fence to a greater height than set out in (a) providing:
- (i) The fence is of a solid nature, firmly planted in the ground and attached to a steel frame.
  - (ii) The fence is not of a greater height than seven (7) feet (or 214 cm) if located in a Residential Zone.

2. That By-law Numbers 68-121 and 66-165 establishing Zoning Area Numbers 2 and 3, respectively, are hereby amended by deleting Section 3.11 and substituting thereto the following Subsection:

- 3.11 (a) Notwithstanding any of the provisions of this By-law to the contrary, fences may be placed in any yard; however, on any lot, no fence, hedge, sign or other structure shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade at the street line on which such lot fronts between the front setback line and the street line. No fence or hedge shall be erected or permitted to grow elsewhere on a residential lot to a greater height than six (6) feet (or 183 cm) above the grade of the immediate abutting lot provided however that:

- (i) On a corner lot, with a triangle space formed by the street lines for a distance equal to the flanking yard setback plus the front yard setback from their point of intersection, no fence, hedge, sign or other structure or other natural or non-natural barrier shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade at the street line (see diagram attached hereto).
- (ii) On a corner lot, with a triangular space formed by the intersection of the street line and the rear property line for a distance of fifteen (15) feet (or 458 cm) or a distance equal to the flanking yard setback, whichever is the lesser, from their point of intersection, no fence or hedge or sign or other structure or other natural or non-natural barrier shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade of the abutting property. Notwithstanding the above, fences of a greater height than three (3) feet (or 92 cm) but not exceeding six (6) feet (or 183 cm) shall be permitted within the aforementioned triangular area provided such fences are of open-type construction, unobstructed throughout the entire length except for necessary line posts, corner posts, top rails, and other normal accessories (see diagram attached hereto).
- (iii) On a through lot which is adjacent to a lot that fronts on the street which the through lot backs onto and within a triangular space having sides of fifteen (15) feet (or 458 cm) formed by the intersection of the rear property line of the through lot and side property line of the adjacent lot fronting on the street which the through lot backs onto, no fence or hedge, sign or other structure or other natural or non-natural barrier shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade of the abutting property. Notwithstanding the above, fences of a greater height than three (3) feet (or 92 cm) but not exceeding six (6) feet (or 183 cm) shall be permitted within the aforementioned triangular area provided such fences are of open-type construction, unobstructed throughout the entire length except for necessary line post corner posts, top rails, and other normal accessories.

For the purposes of this By-law, open-type construction shall mean any fence which is unobstructed throughout its length except for necessary line posts, corner posts, top rails, and other normal accessories and having for every square foot of fence area between the top and bottom rails and

perpendicular to the said top and bottom rails at least 50% open air space.

Lot Through: For the purposes of this By-law and notwithstanding anything contained elsewhere in this By-law to the contrary, a through lot shall mean a lot having two lot lines which are not adjacent to one another abutting on two streets and, except for the purposes of building setback requirements, a through lot shall be deemed to front on only one street, being that opposite the principal entrance of the building. Further, and notwithstanding anything contained in this By-law to the contrary, a fence or hedge having a maximum height of six (6) feet (or 183 cm) may be erected or permitted to grow anywhere on a through lot subject to the fifteen (15) foot (or 458 cm) triangular daylight space requirements mentioned above and the three (3) foot (or 92 cm) height limitations applying to the yard opposite the main entrance of the building, i.e. the front yard (see diagram attached hereto).

- 3.11 (b) That with the exception of properties used for residential purposes, nothing in this Section shall prohibit the erection of a chain link or wire mesh type fence to a greater height than set out in (a) providing:
- (i) The fence is of a solid nature, firmly planted in the ground and attached to a steel frame.
  - (ii) The fence is not of a greater height than seven (7) feet or (214 cm) if located in a residential zone.

3. That By-law Numbers 64-270, 62-86, and 64-207 establishing Zoning Area Numbers 4, 7 and 9 respectively are hereby amended by deleting Section 3.18 and substituting therefor the following Subsection:

- 3.18 (a) Notwithstanding any of the provisions of this By-law to the contrary, fences may be placed in any yard, however, on any lot, no fence, hedge, sign or other structure shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade at the street line on which such lot fronts between the front setback line and the street line. No fence or hedge shall be erected or permitted to grow elsewhere on a residential lot to a greater height than six (6) feet (or 183 cm) above the grade of the immediate abutting lot provided however that:

- (i) On a corner lot, within a triangular space formed by the street lines for a distance equal to the flanking yard setback plus the front yard setback from their point of intersection, no fence, hedge, sign or other structure or other natural or non-natural barrier shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade at the street line (see diagram attached hereto).
- (ii) On a corner lot, within a triangular space formed by the intersection of the street line and the rear property line for a distance of fifteen (15) feet (or 458 cm) or a distance equal to the flanking yard setback, whichever is the lesser, from their point of intersection, no fence, or hedge, sign or other structure or other natural or non-natural barrier shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade of the abutting property. Notwithstanding the above, fences of a greater height than three (3) feet (or 92 cm) but not exceeding six (6) feet (or 183 cm) shall be permitted within the aforementioned triangular area provided such fences are of open-type construction, unobstructed throughout the entire length except for necessary line posts, corner posts, top rails and other normal accessories.
- (iii) On a through lot which is adjacent to a lot that fronts on the street which the through lot backs onto and within a triangular space having sides of fifteen (15) feet (or 458 cm) formed by the intersection of the rear property line of the through lot and side property line of the adjacent lot fronting on the street which the through lot backs onto, no fence or hedge, sign or other structure or other natural or non-natural barrier shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade of the abutting property. Notwithstanding the above, fences of a greater height than three (3) feet (or 92 cm) but not exceeding six (6) feet (or 183 cm) shall be permitted within the aforementioned triangular area provided such fences are of open-type, construction, unobstructed throughout the entire length except for necessary line posts, corner posts, top rails, and other normal accessories.

For the purposes of this By-law, open-type construction shall mean any fence which is unobstructed throughout its length except for necessary line posts, corner posts, top rails, and other normal accessories and having for every square foot of fence area between the top and bottom rails and perpendicular to the said top and bottom rails at least 50% open air space.

Lot Through: For the purpose of this By-law and notwithstanding anything contained elsewhere in this By-law to the contrary, a through lot shall mean a lot having two lot lines which are not adjacent to one another abutting on two streets and except for the purposes of building setback requirements a through lot shall be deemed to front on only one street, being that opposite the principal entrance of the building. Further, and notwithstanding anything contained in this By-law to the contrary, a fence or hedge having a maximum height of six (6) feet (or 183 cm) may be erected or permitted to grow anywhere on a through lot subject to the fifteen (15) foot (or 485 cm) triangular daylight space requirements mentioned above and the three (3) foot (or 92 cm) height limitations applying to the yard opposite the main entrance of the building, i.e. the front yard (see diagram attached hereto).

- 3.18 (b) That with the exception of properties used for residential purposes, nothing in this Section shall prohibit the erection of a chain link or wire mesh type fence to a greater height than set out in (a) providing:
- (i) The fence is of a solid nature, firmly planted in the ground and attached to a steel frame.
  - (ii) The fence is not of a greater height than seven (7) feet (or 214 cm) if located in a residential zone.

4. That By-law 6357 establishing Zoning Area No. 5 is hereby amended by the insertion of the following Subsection:

- 12.1 (a) Notwithstanding any of the provisions of this By-law to the contrary, fences may be placed in any yard; however, on any lot, no fence, hedge, sign or other structure shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade at the street line on which such lot fronts between the front setback line and the street line. No fence or hedge shall be erected or permitted to grow elsewhere on a residential lot to a greater height than six (6) feet (or 183 cm) above the grade of the immediate abutting lot provided however that:
- (i) On a corner lot, and within a triangular space formed by the street lines for a distance equal to the flanking yard setback plus the front yard setback from their point of intersection, no fence, hedge, sign or other structure or other natural or non-natural barrier shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade at the street line (see diagram attached hereto).

- (ii) On a corner lot, within a triangular space formed by the intersection of the street line and the rear property line for a distance of fifteen (15) feet (or 458 cm) or a distance equal to the flanking yard setback, whichever is greater, from their point of intersection, no fence or hedge, sign or other structure or other natural or non-natural barrier shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade of the abutting property. Notwithstanding the above, fences of a greater height than three (3) feet (or 92 cm) but not exceeding six (6) feet (or 183 cm) shall be permitted within the aforementioned triangle area provided such fences are of open-type construction, unobstructed throughout the entire length except for necessary line posts, corner posts, top rails, and other normal accessories (see diagram attached hereto).
- (iii) On a through lot which is adjacent to a lot that fronts on the street which the through lot backs onto and within a triangular space having sides of fifteen (15) feet (or 458 cm) formed by the intersection of the rear property line of the through lot and side property line of the adjacent lot fronting on the street which the through lot backs onto, no fence or hedge, sign or other structure or other natural or non-natural barrier shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade of the abutting property. Notwithstanding the above, fences of a greater height than three (3) feet (or 92 cm) but not exceeding six (6) feet (or 183 cm) shall be permitted within the aforementioned triangular area provided such fences are of open-type construction, unobstructed throughout the entire length except for necessary line posts, corner posts, top rails, and other normal accessories (see diagram attached hereto).

For the purposes of this By-law, open-type construction shall mean any fence which is unobstructed throughout its length except for necessary line posts, corner posts, top rails, and other normal accessories and having for every square foot of fence area between the top and bottom rails and perpendicular to the said top and bottom rails at least 50% open air space.

Lot Through: For the purposes of this By-law and notwithstanding anything contained elsewhere in this By-law to the contrary, a through lot shall mean a lot having two lot lines which are not adjacent to one another abutting on two streets and, except for the purposes of building setback requirements, a through lot shall be deemed to front on only one



street, being that opposite the principal entrance of the building. Further, and notwithstanding anything contained in the By-law to the contrary, a fence or hedge having a maximum height of six (6) feet (or 183 cm) may be erected or permitted to grow anywhere on a through lot subject to the fifteen (15) foot (or 458 cm) triangular daylight space requirements mentioned above and the three (3) foot (or 92cm) height limitations applying to the yard opposite the main entrance of the building, i.e. the front yard (see diagram attached).

- 12.1 (b) That with the exception of properties used for residential purposes, nothing in this Section shall prohibit the erection of a chain link or wire mesh type fence to a greater height than set out in (a) providing:
- (i) The fence is of a solid nature, firmly planted in the ground and attached to a steel frame.
  - (ii) The fence is not of a greater height than seven (7) feet (or 214 cm) if located in a residential zone.

5. That By-law Numbers 4942 and 6609 known as zoning area numbers 6 and 8 respectively, are hereby amended by deleting Section 9 and substituting thereto the following Subsection:

9. (a) Notwithstanding any of the provisions of the By-law to the contrary, fences may be placed in any yard; however, on any lot, no fence, hedge, sign or other structure shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade at the street line on which such lot fronts between the front setback line and the street line. No fence or hedge shall be erected or permitted to grow elsewhere on a residential lot to a greater height than six (6) feet (or 183 cm) above the grade of the immediate abutting lot provided however that:
- (i) On a corner lot, within a triangular space formed by the street lines for a distance equal to the flanking yard setback plus the front yard setback from their point of intersection, no fence, hedge, sign or other structure or other natural or non-natural barrier shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade at the street line (see diagram attached hereto).
  - (ii) On a corner lot, within a triangular space formed by the intersection of the street line and the rear property line for a distance of fifteen (15) feet (or 458 cm) or a distance equal to the flanking yard setback, whichever is greater, from their point of intersection, no fence or hedge, sign or other structure or other natural

or non-natural barrier shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade of the abutting property. Notwithstanding the above, fences of a greater height than three (3) feet (or 92 cm) but not exceeding six (6) feet (or 183 cm) shall be permitted within the aforementioned triangular area provided such fences are of open-type construction, unobstructed throughout its length except for necessary line posts, corner posts, top rails, and other normal accessories (see diagram attached hereto).

- (iii) On a through lot which is adjacent to a lot that fronts on the street which the through lot backs onto and within a triangular space having sides of fifteen (15) feet (or 458 cm) formed by the intersection of the rear property line of the through lot and side property line of the adjacent lot fronting on the street which the through lot backs onto, no fence or hedge, sign or other structure or other natural or non-natural barrier shall be erected or permitted to grow to a greater height than three (3) feet (or 92 cm) above the grade of the abutting property. Notwithstanding the above, fences of a greater height than three (3) feet (or 92 cm) but not exceeding six (6) feet (or 183 cm) shall be permitted within the aforementioned triangular area provided such fences are of open-type construction, unobstructed throughout the entire length except for necessary line posts, corner posts, top rails, and other normal accessories (see diagram attached hereto).

For the purposes of this By-law, open-type construction shall mean any fence which is unobstructed throughout its length except for necessary line posts, corner posts, top rails, and other normal accessories and having for every square foot of fence area between the top and bottom rails and perpendicular to the said top and bottom rails at least 50% open air space.

Lot Through: For the purposes of this By-law and notwithstanding anything contained elsewhere in this By-law to the contrary, a through lot shall mean a lot having two lot lines which are not adjacent to one another abutting on two streets and, except for the purposes of building setback requirements a through lot shall be deemed to front on only one street, being that opposite the principal entrance of the building. Further and notwithstanding anything contained in this By-law to the contrary, a fence or hedge having a maximum height of six (6) feet (or 183 cm) may be erected or permitted to grow anywhere on a through lot subject to the fifteen (15) foot (or 458 cm) triangular daylight space requirements mentioned above and the three (3) foot (or 92 cm) height limitations applying to the

yard opposite the main entrance of the building, i.e. the front yard (see diagram attached hereto).

9. (b) That with the exception of properties used for Residential purposes, nothing in this Section shall prohibit the erection of a chain link or wire mesh type fence to a greater height than set out in (a) providing:
- (i) The fence is of a solid nature, firmly planted in the ground and attached to a steel frame.
  - (ii) The fence is not of a greater height than seven (7) feet (or 214 cm) if located in a Residential zone.

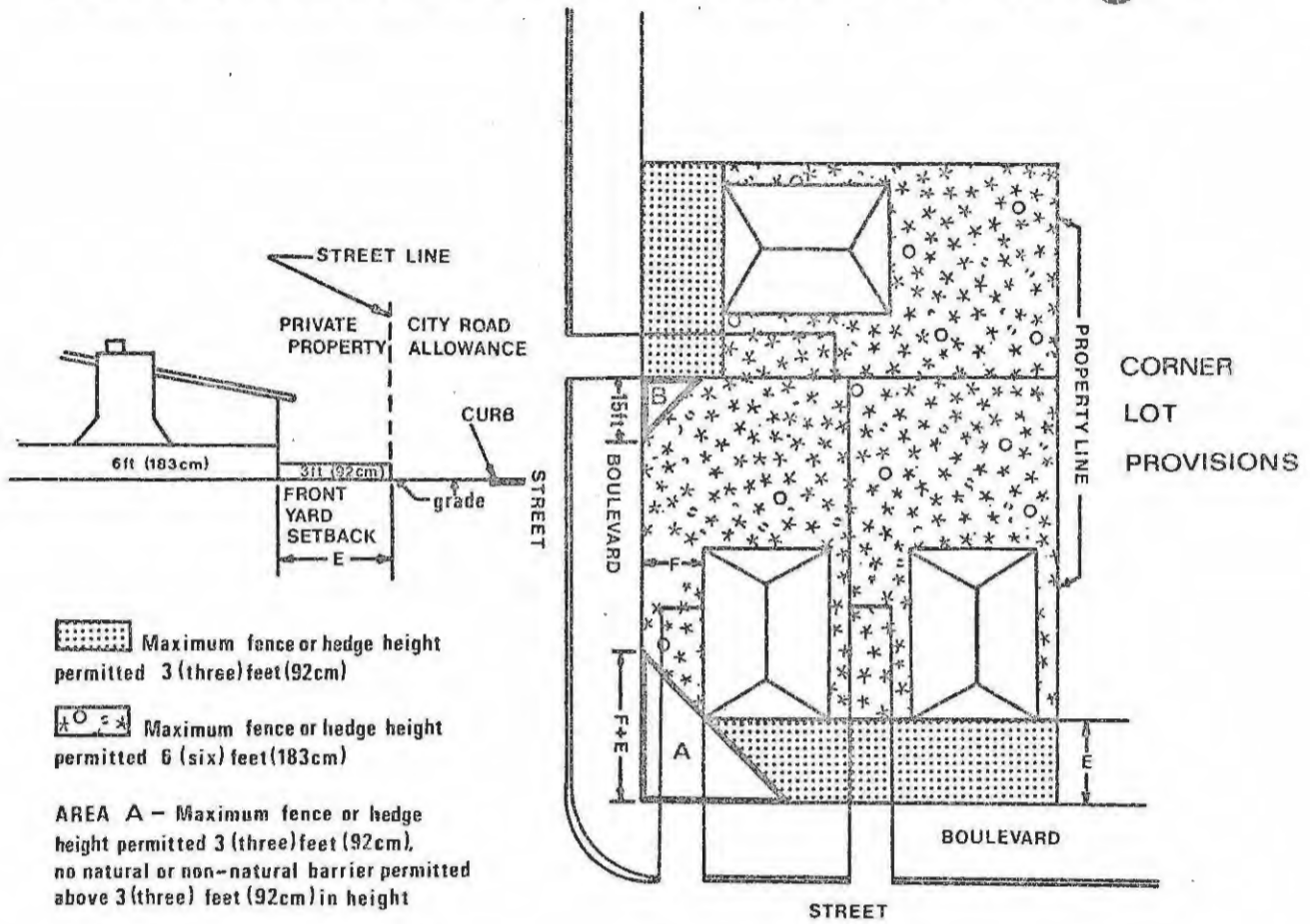
6. This By-law shall take effect on the date of its passing subject to the approval of The Ontario Municipal Board.


PASSED this *24th* day of *May* 1977.


*[Signature]*  
CLERK.

*[Signature]*  
MAYOR.

# REQUIREMENTS: fences & hedges



 Maximum fence or hedge height permitted 3 (three) feet (92cm)

 Maximum fence or hedge height permitted 6 (six) feet (183cm)

AREA A - Maximum fence or hedge height permitted 3 (three) feet (92cm), no natural or non-natural barrier permitted above 3 (three) feet (92cm) in height

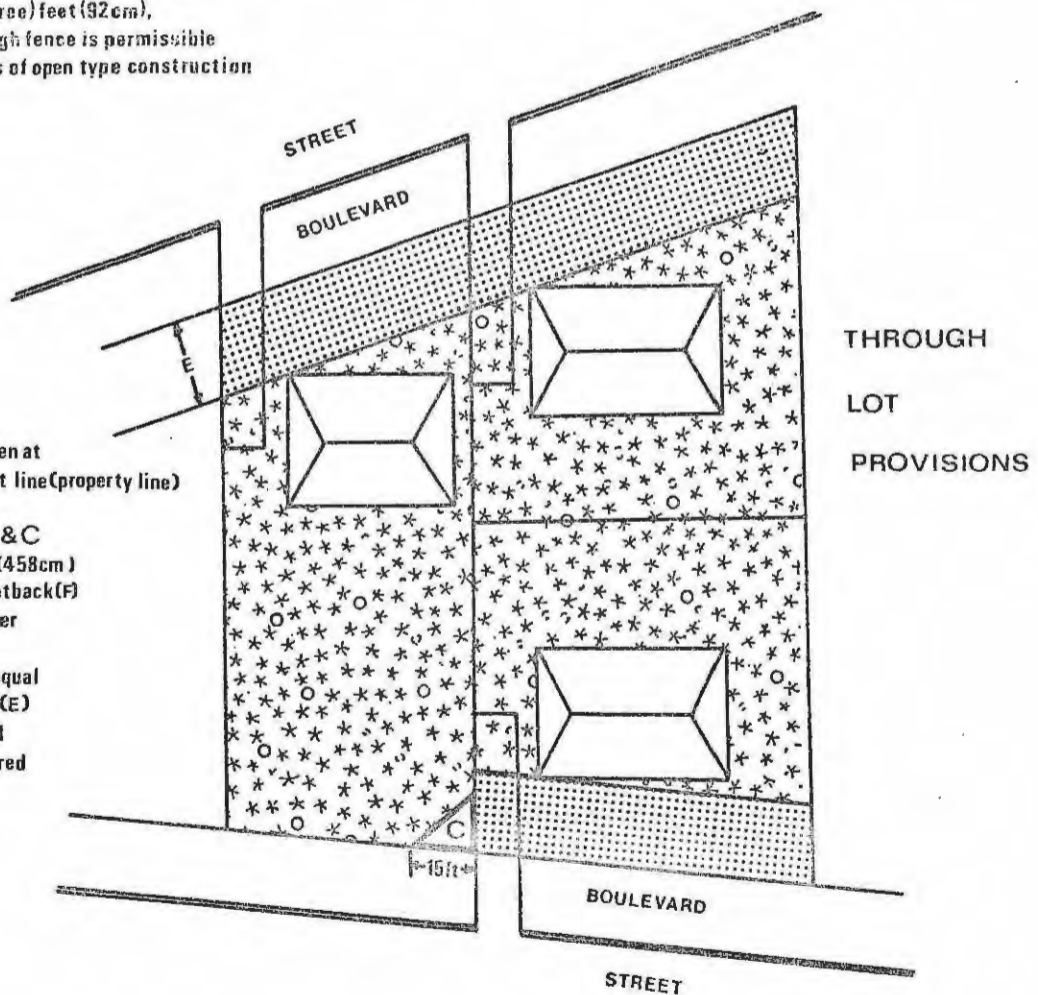
AREA B & C - Maximum fence or hedge height permitted 3 (three) feet (92cm), 6 (six) feet (183cm) high fence is permissible providing the fence is of open type construction

## NOTES:

-all fence heights taken at the grade at the street line (property line)

-sides of triangles B & C equal 15 (fifteen) feet (458cm) or the flanking yard setback (F) whichever is the lesser

-sides of triangle A equal the front yard setback (E) plus the flanking yard setback (F) as measured along the street line



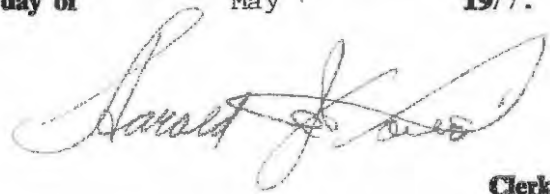
**CITY OF ST. CATHARINES**

**BY-LAW No. 77 — 126**

**A BY-LAW** to amend By-law Nos. 70-139, 68-121, 66-165, 64-270, 6756, 4942, 62-86, 6609, and 64-207, establishing Zoning Area Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 respectively.

*Received Ontario Municipal  
Board Approval November  
15th 1977. R. 77/126*

**BY-LAW** read a first, second and third  
time and passed this 24th  
day of May 1977.

  
**Clerk**



Ontario  
Municipal  
Board

416/965-1908

180 Dundas St. W.  
Toronto Ontario  
M5G 1E5

Mr. David W. Oakes,  
Assistant Clerk,  
City of St. Catharines,  
Box 3012, City Hall,  
ST. CATHARINES, Ontario.  
L2R 7C2

Quote File Number  
R 771677

November 25, 1977

CLERK'S  
ST. CATHARINES, ONT.  
RECEIVED

NOV 27 1977

Dear Sir

Enclosed is documentation as follows:

- Copy of Decision Dated
- Copy of Decision dated  
(Signed Duplicate Original to follow)
- Duplicate Original of Decision dated
- Board's Order made November 15, 1977
- Appointment for Hearing

Yours truly,

C. Saruyama  
Supervisor  
Planning Administration

ts  
Enclosure

RECEIVED  
R

D.O.

Legal	
Planning	
Engineering	
Building Dept	
Zoning	

*Received in file 100-35.2*



R. 771677

Ontario Municipal Board

IN THE MATTER OF Section 35  
of The Planning Act (R.S.O.  
1970, c. 349),

- and -

IN THE MATTER OF an application  
by The Corporation of the City  
of St. Catharines for approval of  
its Restricted Area By-law  
77-126

B E F O R E :

W. SHUB, Q.C.,  
Chairman

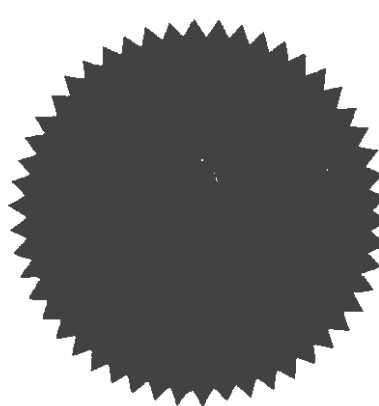
-and-

D. S. COLBOURNE,  
Vice-Chairman

} Tuesday, the 15th day of  
} November, 1977

The objectors to approval of the said by-law  
having withdrawn their objections;

THE BOARD ORDERS that By-law 77-126 is hereby  
approved.



*Handwritten signature of the Secretary*

SECRETARY

ENTERED
O. B. No. <i>R.77-5</i>
Folio No. <i>111</i>
NOV 25 1977
<i>Handwritten signature of the Secretary</i>
SECRETARY, ONTARIO MUNICIPAL BOARD