



# FENCING AND LANDSCAPING in Foothills County

## Land Use Bylaw Regulations & Applications

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**FENCE** means a vertical physical barrier constructed to prevent visual intrusions, unauthorized access, or to provide sound abatement and/or the confinement of live animals.

**SOLID FENCE** means a fence, as defined under this bylaw, constructed out of solid material (including chain link fence with slats) which acts as a visual barrier providing 50% or greater concealment through any openings or spaces in every segment of the fence.

**LANDSCAPING** means the modification and enhancement of a property through the use of any or all of the following elements:

- soft landscaping consisting of vegetation such as trees, shrubs, hedges, grass, and ground cover; and
- hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood, but including monolithic concrete and asphalt in the form of patios, walkways, paths but excluding parking lots.

**SCREENING** means a fence, earth berm, hedge or trees used to visually and/or physically separate areas or functions.

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### NO DEVELOPMENT PERMIT REQUIRED

In accordance with *Section 4.2* of the Land Use Bylaw, no Development Permit is required for:

- a. The erection, construction or maintenance of post and rail fence, standard wire fencing or other equivalent means of enclosure that do not create a shelterbelt or visual barrier, located wholly within the lot, constructed in accordance with all provisions of *Section 9.14* of the Land Use Bylaw;
  - b. On Commercial and industrial zoned properties, the erection, construction, or maintenance of a chain link fence less than 2.44m (8 ft.) in height located wholly within the lot.
  - c. The erection, construction or maintenance of a solid fence or similar structural means of enclosure that may create a visual barrier (including chain link fence with solid slats or equivalent), equal to or less than 2m (6.56 ft.) in height, constructed in accordance with all other provisions this bylaw, that meet the following criteria:
    - i. located wholly within the lot, and is located no closer than:
      - a. 20 m (65.62 ft.) from the centerline of a municipal road or municipal right-of-way.
      - b. 25m (82.02 ft.) from the centerline of a secondary highway and Dunbow road; and
      - c. 40m (131.23 ft.) from the ultimate right of way of any Primary Highway; and
    - ii. meets the minimum setback requirements for fencing on corner lots, in accordance with sub-section 9.27.9; (4.2.1.28)
  - d. A fence or other means of enclosure greater than 2m (6.56 ft.) in height, constructed in accordance with all other provisions of the Land Use Bylaw, for livestock confinement or as a livestock wind break on Agricultural and Agricultural Business District zoned lands where the fence is setback in accordance with the minimum yard setback requirements for the applicable land use district;
  - e. Landscaping, as defined by this bylaw, so long as it meets lot grading and all other requirements of the Land Use Bylaw. Please refer to *Section 9.17 "Lot Grading and Drainage"*.
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### LANDSCAPING, FENCING, AND SCREENING

1. The Development Authority may require that landscaping and/or screening is provided in conjunction with any development and is addressed as part of the Development Permit application. The intent of landscaping and screening is to contribute to a reasonable standard of appearance for developments, to provide a positive overall image for the County and to encourage good environmental stewardship.
2. Landscaping and screening requirements may be applied to commercial and industrial uses.
3. Where landscaping and screening is required, it shall be completed in accordance with the County's "*Screening Standards*" included as *Appendix G* of the Land Use Bylaw.
4. Where berms and/or fencing are used for screening purposes, the berm or fence shall be constructed in accordance with the *Screening Standards*.
5. The following shall apply to all fencing undertaken in the County.
  - a. If solid metal fencing is installed a border capping unfinished edges on the top and bottom of the fence shall be included.
  - b. Fencing shall be consistent with the character and quality of the design and materials of the structures on the property; and
  - c. The minimum setback distances required for yards do not apply to fences 2m (6.5 ft.) or less in height, except where applicable under *Section 9.14.7 and 9.27.9* of the Land Use Bylaw.
  - d. Fencing shall not be constructed that will interfere with the amenities of the neighborhood nor materially interfere with or affect the use, enjoyment, or value of neighboring properties.

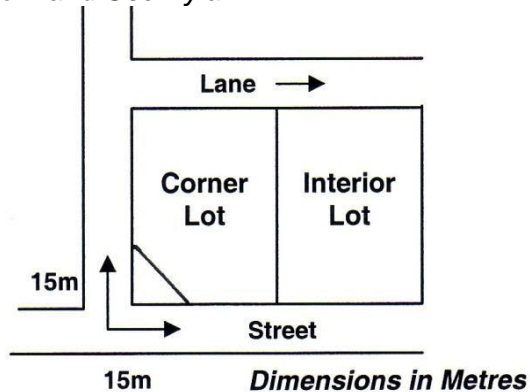
6. Where a fence is not exempt from the requirements of a Development Permit under *Section 4.2* of the Land Use Bylaw, a fence shall be considered a Discretionary use in all land use districts and may be approved if the Development Authority has determined that:
  - a. The fence would not interfere with the amenities of the neighborhood; and
  - b. The fence would not materially interfere with or affect the use, enjoyment, or value of neighboring properties.
7. All landowners must adhere to the *Line Fence Act* that is legislated by the Province of Alberta. Foothills County is not responsible for enforcing this act.

*The Line Fence Act pertains to two distinct fencing issues on property boundaries. The first relates to the requirements for erection of visible rail or dropper on wire fences across trails that have been in constant use by the public. The remainder of the Act applies to erection, maintenance, and repair of line or boundary rural fences that are designed to keep livestock from straying.*

## SETBACKS:

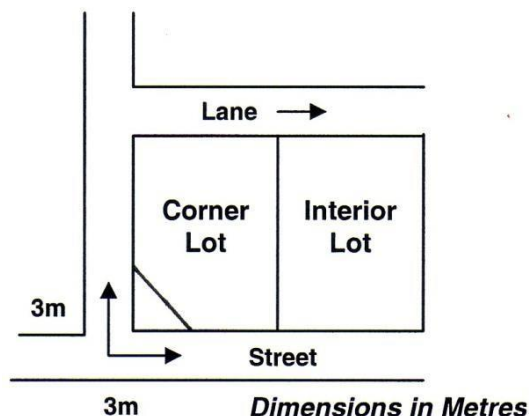
1. All trees, hedges, shrubs forming a shelterbelt or solid fences (including chain link fences with solid slats that may create visual barrier) shall be located no closer than:
  - a. 20 m (65.62 ft.) from the centerline of a municipal road or municipal right-of-way.
  - b. 25m (82.02 ft.) from the centerline of a secondary highway and Dunbow road; and
  - c. 40m (131.23 ft.) from the ultimate right of way of any Primary Highway.
2. Single tree planting may be located within 2m (6.56 ft.) of the property line.
3. On corner lots, setbacks for landscaping and fencing must be in accordance with *Section 9.27.9* of the Land Use Bylaw.
4. Notwithstanding any other provision contained in the Land Use Bylaw, no person shall place or maintain any object, structure, fence, hedge, shrub, or tree in or on that part of a corner lot location:
  - a. within Agricultural District, Country Residential District, Cluster Residential District, Rural Business District, Natural Resource Extraction District, all Park and Recreation Districts which lies within a triangle as illustrated on the sketch below:

*Figure 9.27.9A of Land Use Bylaw*



- b. within all other Residential and Commercial Districts not noted above, all Industrial Districts, Service, Districts, and Utility districts which lie within a triangle as illustrated on the sketch shown below:

*Figure 9.27.9B of the Land Use Bylaw*



5. Standard barbed wire fencing or equivalent, shall be permitted within the identified sight triangle so long as it does not form a visual barrier for sightlines.