

THE CORPORATION OF THE DISTRICT OF BURBURY

INTER-OFFICE COMMUNICATION

TO: MUNICIPAL MANAGER

DEPARTMENT:

DATE: 15 October, 1970

FROM: PLANNING DIRECTOR

DEPARTMENT:

OUR FILE #

SUBJECT: TREE HEIGHTS

YOUR FILE #

OCT 15 1970  
MUNICIPAL CLERK

It was suggested at the Council meeting on 14 September, 1970, that the municipality should have regulations which control the height to which trees can grow, since often the extreme height of certain trees effectively obscure the view of people on nearby properties. The Council directed that a report be prepared on this subject for further consideration.

The only regulations governing tree heights in the Zoning By-law are included in Section 6.13 (Vision Clearance at Intersections) where trees, together with hedges, bushes, shrubs, fences and walls, are limited to a height of 3-1/2 feet for a distance of 30 feet from the intersecting street line at a street corner on a corner lot. Similar controls also apply in the case of a lane intersection with another lane or street. The purpose of these regulations is to ensure that vision clearance for vehicular traffic is not obstructed, which satisfies one of the principle concerns of zoning - the promotion of public safety.

Similar regulations are found in many zoning by-laws. Although tree height limitations are sometimes specified in private covenants which govern certain residential developments, as a means of protecting a particular view, such controls are seldom, if ever, included in zoning by-laws. In areas where special height limit districts are employed to ensure against visual obstruction (e.g. San Francisco and Seattle), the requirements cover only buildings or structures, and do not refer to trees.

To some extent, of course, view protection is an automatic and welcome by-product of public actions intended primarily to serve other purposes. Zoning provisions designed to control density, or to ensure light, air and privacy, will often preserve and create views. Wide streets, built to accommodate large volumes of traffic, may open wide vistas. This applies also to parks and open spaces, even though their intended use is generally for purposes of relaxation and recreation.

While the <sup>tree</sup> height restrictions might serve the interests of some individual property owners, the danger of possible abuses would, in our view, make the application of controls of this type of questionable value to the community.

The Municipal Solicitor, in his memo of 21 September, 1970, to the Municipal Clerk, has expressed the opinion that the Municipal Act, which provides the necessary authority for zoning controls, does not make provision for regulating the height of trees on private property for purposes of ensuring the preservation of a particular view.

RBC:ca  
c.c. Municipal Clerk

Chief Building Inspector, Municipal Solicitor

*A.L. Parr*  
A.L. Parr  
PLANNING DIRECTOR

MANAGER'S REPORT

ITEM No. 8