

THE CORPORATION OF THE UNITED COUNTIES

OF STORMONT, DUNDAS AND GLENGARRY

BY-LAW NUMBER NO. 5074

A **BY-LAW** regulating the location of buildings and other structures on lands abutting County Roads.

WHEREAS Section 11(3) of the Municipal Act, R.S.O. 2001, as amended, states that an upper tier municipality may pass By-laws respecting matter dealing with Highways, including parking and traffic and structures including signs and fences;

AND WHEREAS the Council of the Corporation of the United Counties of Stormont, Dundas and Glengarry deems it necessary and expedient to regulate the location of buildings and structures within a distance of forty-five (45) metres from the centre of the County Road;

AND WHEREAS notice of the passing of the By-law was posted on the County web site.

NOW THEREFORE THE COUNCIL FOR THE UNITED COUNTIES OF STORMONT, DUNDAS AND GLENGARRY ENACTS AS FOLLOWS:

1. That the location of buildings and other structures on lands abutting County Roads shall be in conformity with the terms, conditions and specifications as outlined within Schedule "A" to this by-law.
2. That By-law No. 4956 is hereby repealed in its entirety.

READ and passed in Open Council, signed and sealed this 19th day of September, 2016.



WARDEN



CLERK

SCHEDULE 'A' TO BY LAW NO. 5074

SETBACK REQUIREMENTS

1. In this By-Law

- (a) "Setback Line" shall, unless otherwise provided, mean the nearest limit of a proposed building to the centerline of any County Road in the Road System established by the Corporation.
- (b) "Building" shall mean to include any structure or addition to an existing building, and any building or part thereof that may be constructed to replace a building which existed at the time of the passing of this By-law that is subsequently destroyed by any cause either in whole or in part.
- (c) "Established Building Line" shall mean the average setback from the centreline of a road to the existing buildings within the immediate vicinity of the proposed building.
- (d) "Council" means the Council of the United Counties of Stormont, Dundas and Glengarry

2. Setback Requirements

- a) No person shall construct, erect or alter any building on lands lying within a distance of 45 metres (150 feet) from the centre of a County Road without first obtaining a permit from the County.
- b) No person shall locate or install a septic tank, field bed for a septic tank system, or a well, within 3.05m (10 feet) of the nearest limit of a County Road.
- c) The County Engineer, or designate, shall review any application within 14 days of receipt of the application.
- d) No person shall locate any building or part thereof that is to be constructed, erected or altered, closer than 30.48 metres (100 feet) to the centreline of the road except as provided in (3).

3. Exceptions to the Setback

- a) Where the proposed building is to be erected between two adjacent existing buildings, not more than 91.4 clear metres (300 feet) apart, the setback line shall be the line joining the front of the two adjacent buildings, but in no case shall the setback line be less than 3.05 metres (10 feet) from the nearest limit of the County Road. In no case shall any adjusted setback line impede any sightlines required for safety purposes.
- b) Where the proposed building is to be built within 45.72 metres (150 feet) of only one existing building, the setback line may be adjusted. The adjusted setback shall be no less than the setback of the existing building, plus an additional distance equal to one third the clear distance between the existing building and the proposed building location. In no case shall the setback line be less than 3.05 metres (10 feet) from the nearest limit of the County Road. Adjusted setback lines shall not impede any sightlines required for safety purposes.
- c) Where the proposed building is to be built within a hamlet, urban area or built-up area the setback line may be adjusted to the established building line provided the building does not impede any sightlines required for safety purposes. In no case shall the setback line be less than 3.05 metres (10 feet) from the nearest limit of the County Road.
- d) If the proposed setback is for a rear-yard or side-yard setback within a hamlet, urban area or built-up area the setback line may be adjusted to match other County Road side-yard or rear-yard setbacks within the settlement area. In no case shall the setback line be less than 3.05 metres (10 feet) from the nearest limit of the County Road. Setbacks shall not impede sightlines required for safety purposes or be less than what is permitted by the municipality.
- e) Where a parcel of land on which the proposed building is to be erected is owned under distinct and separate title at the date of the passing of this By-law, does not have sufficient depth to allow a minimum setback line of 30.48 metres (100 feet), together with a clear distance of 4.57 metres (15 feet) from the building to the rear lot line, the setback line shall be adjusted to allow a clear distance of 4.57 metres (15 feet) at the rear of such building, provided the setback line is not less than 22.86 metres (75 feet.).
- f) Where the limit of a County Road is more than 27.4 metres (90 feet) from the centerline, no building shall be erected closer than 3.05 metres (10 feet) from such limit.
- g) Where the proposed building is associated with an approved Community Improvement Project, the setback line may be adjusted to 0m from the right-of-way provided the building does not create a safety hazard.
- h) The County Engineer, or designate, may, notwithstanding the foregoing, with the concurrence of Council, exercise restricted discretionary authority for the issuance of a permit when peculiar or extraordinary circumstances occur.

4. Every person applying for a permit shall pay the application fee approved by County Council. Setback permit application fees are in accordance with the County's User Fee By-law, as amended from time to time. There shall be no permit fee for setbacks between 30.48m to 45m from the centreline of a County Road nor for setbacks associated with Community Improvement Projects.
5. County Council may authorize a minor variance from the requirements of this By-law. The fee to make a request for a setback minor variance shall be in accordance with the County's User Fee By-law, as amended from time to time.
6. A permit issued by the County Engineer, or designate, shall be valid for a period of 6 months from its date of issuance.
7. In default of any matter or thing directed or required to be done by this By-law, such matter or thing shall be done by the Corporation at the expense of the person or persons so in default and any expenses incurred with regard thereto shall be recovered.