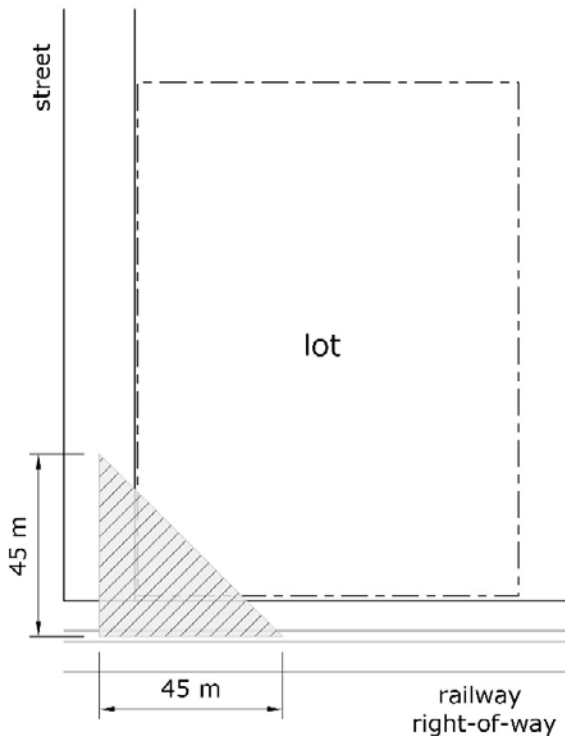


Section 401 – Minimum Distance Separation – Livestock Operations

Provisions	Notes
(1) The development of new livestock operations or the expansion of existing livestock operations must comply with the minimum distance separation formulae of the Province of Ontario’s Ministry of Agriculture and Food. (2) New development in proximity to existing livestock operations must also comply with the minimum distance separation formulae. (3) Despite subsection (2), where residential uses are permitted, up to two dwelling units are permitted on a vacant lot in existence as of [the date of passing of this By-law] provided that the building is located the furthest distance possible from the livestock operation and that the applicable zone’s setback provisions are complied with. NOTE: <i>The minimum distance separation is applied between a livestock operation and another land use in order to minimize the impact of odours emanating from the livestock facility.</i>	Subsections (1) and (2) – Carried forward from Section 62 of the current Zoning By-law 2008-250. Subsection (3) – Revised from the current Zoning By-law. Minor modification to the term for dwelling unit to recognize the number of dwelling units that were permitted under Section 62 of Zoning By-law 2008-250.

Section 402 – Setback from Railway Right-of-Ways

Provisions		Notes
(1)	In Rural Zones: (a) no obstruction to the vision of motor vehicle operators higher than one metre above grade including but not limited to buildings, structures, parking, storage or vegetation is permitted on any lot abutting an at-grade intersection of a street and a railway track within the triangle formed by connecting to a point 45 metres from the intersection of the centerline of the street and the centerline of the railway right-of-way; (b) for the purposes of clause (1)(a), an agricultural crop, chain link fence or other similar feature that can be seen through is not an obstruction; and (c) no building within 30 metres of a railway right-of-way is to be used for a residential use building, day care or school. <i>Figure 402-1</i> ILLUSTRATION OF RAILWAY SETBACKS 	Subsection (1) – Carried forward from Section 68 of the current Zoning By-law 2008-250.
<i>Figure 402-1 illustrates the location and required dimensions of a setback from a railway right-of-way. The area of the grey hatched triangle must be kept free of visible obstructions over one metre tall to ensure visibility for motor vehicle operators at railway right-of-way crossings.</i>		

Section 403 – Setback from TransCanada Pipeline

Provisions		Notes / Rationale
(1)	Despite any other provision to the contrary, buildings, structures, parking spaces, queueing spaces, loading areas, bicycle parking spaces, and any associated aisles or driveways must be set back from a lot line abutting the FAC2 – Open Space Facility subzone 2 which contains the TransCanada Pipeline a minimum distance of seven metres.	Subsection (1) – Carried forward from Section 72 of the current Zoning By-law. Revised as a result of correspondence from TransCanada Pipelines Limited: increasing all setbacks to 7 metres and to clarify that the setback applies to parking and loading areas and infrastructure.

Section 404 – Setbacks from Surface Water Features

Provisions	Notes
(1) Despite the provisions of the underlying zone, the following provisions apply: (a) except for flood or erosion control works, a public bridge, or a marine facility, no building or structure, including any part of a sewage system, and no parking areas may be located closer than the greater of: (i) 30 metres from the top of bank of any surface water feature; or (ii) 15 metres from the existing stable top of slope in the case of a valley slope or ravine. (2) Despite subsection (1), an alternative setback, developed in accordance with the criteria set forth in the Official Plan, may be provided where such a setback is identified in the conditions of approval of a site plan control or plan of subdivision agreement. (3) Despite subsection (1), where the minimum setback for a surface water feature is addressed through a recommendation in a Council-approved watershed, subwatershed, or environmental management plan, a Council-approved alternate setback will be applied, and where the development is not subject to a <i>Planning Act</i> application, the reduced minimum setback as identified on Schedule A7 – Setbacks from Surface Water Features applies.	Subsections (1) to (3) – Revised from Section 69 in the current Zoning By-law 2008-250 to ensure policies in <u>Section 4.9.3</u> of the Official Plan relating to setbacks from surface water features are implemented. Subsection (1)(a) – Revised the term “water-oriented facility” from the Official Plan, to “marine facility”, which is a defined term in the Zoning By-law, for clarity purposes. In Draft 3, subsection (1)(a) was revised to allow driveways to cross watercourses. A driveway over a watercourse is regulated through local conservation authorities who are responsible for ensuring sufficient protection is provided for the watercourse. The new Official Plan requires the same setbacks that the previous Official Plan required, however the definitions relating to surface water features, stable top of slope, and top of bank were revised in the new Official Plan. The definitions in the current Zoning By-law 2008-250 have been modified to accord with the definitions and intent of the new Official Plan; please see definitions below. The term “Top of Bank” in the draft Zoning By-law replaces the term “Normal Highwater Mark” in the current Zoning By-law 2008-250. Depending on the profile of the watercourse, the new definitions in the Official Plan and draft Zoning By-law can result in a slightly larger setback from surface water features. “Top of Bank” means the maximum point to which water can rise within a channel before spilling across onto adjacent land; and where this point is not well defined such as in a valley, top of bank means either the maximum well defined point upstream or downstream of the property, or the maximum point where a distinct change in vegetation, colour, or surface markings on the property that can be documented by a qualified professional. “Stable Top of Slope” means the physical top of slope where the existing slope is stable and not impacted by toe erosion as determined by a qualified professional. “Surface Water Feature” means water-related features on the earth’s surface, including headwater drainage features, rivers, stream channels, drains, inland lakes, seepage areas, recharge/discharge areas, springs,

wetlands and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics, including fish habitat.

For development that does not require an application under the *Planning Act*, new provisions are being introduced to implement modified setbacks along certain surface water features. These new provisions will apply where setbacks that are different than those in the Official Plan have been identified in Council-approved watershed, subwatershed, and environmental management plans. A new Schedule A7 will be included in the draft Zoning By-law to identify which surface water features are subject to these modified setbacks.