

Section 41 Development Setbacks from Rail Lines (Bylaw C-1260-90-May 7, 2018)

41.1 Deleted by Bylaw C-1260-90 - May 7, 2018.

- 41.2 Building setbacks and mitigation measures for development adjacent to the rail lines for residential uses, institutional uses, child care facilities, educational facilities and hotels shall, at a minimum, be in accordance with the following:
- a. 30.0m, excluding eaves and roof overhang, along the length of the site adjacent to a rail line right-of-way
 - b. A safety barrier (berm or a ditch);
 - c. A noise barrier may be required based on recommendations of Noise Impact Study; and
 - d. A 1.83m solid fence on top of the peak of the berm or a 1.83m chain link fence along the entire mutual property line.
- 41.3 The property owner/owners shall be responsible for maintaining the safety barrier up to and including the fence.
- 41.4 Noise Impact Studies prepared by a qualified engineer recognized by APEGA shall be required as part of the submissions for amendments to this Bylaw to allow for residential uses, institutional uses, child care facilities, educational facilities and hotels adjacent to the rail line right-of-way.
- 41.5 Noise Impact Studies prepared by a qualified engineer recognized by APEGA may be required as part of the development permit submissions for residential uses, institutional uses, child care facilities, educational facilities and hotels adjacent to the rail line right-of-way.
- 41.6 Vibration Impact Studies prepared by a qualified engineer recognized by APEGA may be required as part of the submissions for amendments to this Bylaw or development permit submissions to allow for residential uses, institutional uses, child care facilities, educational facilities and hotels adjacent to the rail line right-of-way.
- 41.7 Building setbacks for commercial, industrial buildings or structures shall be at a minimum 15.0m, excluding eaves and roof overhang, with a 1.83m chain link fence along the entire mutual property line.
- 41.8 Reductions to the required setbacks for any type of development may be considered in the following instances:
- a. Where the reduction in the required setback is mitigated by a reciprocal increase in the height or depth of the safety barrier; and
 - b. Where existing commercial, retail or industrial sites, whether vacant or underutilized, are small and cannot accommodate the setback requirements either for conversion or for development/redevelopment. In these cases, the required setback of the land use district where the site is located will apply and a chain link fence along the entire mutual property line will be required.

41.9 The table below summarizes the setbacks and the mitigation measures for the different development types when located adjacent to the rail line right-of-way:

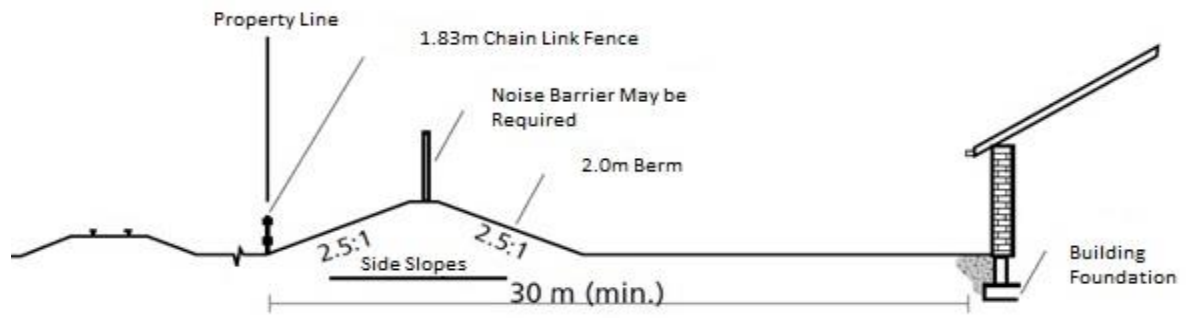
Type of Development	Minimum Development Setbacks	Safety Barriers (Berms or Ditches)	Noise Barriers	Fences	Noise Impact Study	Vibration Impact Study
Residential and Institutional Uses / Hotels	30.0m	Minimum 2.0m with side slopes not steeper than 2.5 to 1 in the case of a berm. In the case of a ditch, its depth shall be the equivalent to the required height of the berm.	May be required.	Required (1.83m solid fence on top of the peak of the berm) or a chain link fence along the length of the site in case of a ditch.	Required for amendments to the LUB/ may be required for development permits	May be required.
Commercial and Industrial Uses	15.0m	Not required.	Not required.	Required (1.83m chain link fence).	Not required.	Not required.

41.10 Notwithstanding the requirements above, the following are permitted within the required setbacks noted above:

- a. Unoccupied buildings, such as a garage; and
- b. Commercial or industrial buildings or structures serviced by rail line.

41.11 The building setbacks and the mitigation requirements above do not apply to detached dwellings, semi-detached dwellings or secondary suites in developed areas.

41.12 The figure below illustrates the setbacks and the mitigation measures for residential uses, institutional uses, child care facilities, educational facilities and hotels adjacent to the rail line right-of-way.



(Bylaw C-1260-77 - September 18, 2017)