

PART 8L

RS – RAILWAY SETBACK OVERLAY ZONE

8L.1 INTENT

- (1) The Railway Setback Overlay zone is intended to establish setback requirements for residential buildings and structures located on properties adjacent to existing or future rail rights-of-way.
- (2) The setback is intended to provide adequate safeguards from potential conflicts between rail rights-of-way and residential buildings and structures to manage public safety and noise attenuation.

8L.2 APPLICATION

- (1) The Railway Setback Overlay zone shall apply to any lot where a dwelling may be developed that is within the close proximity to a lot that contains existing or future rail rights-of-way.
- (2) The overlay zone shall be in addition to and shall overlay all other zones where it is applied so that any parcel of land lying in the overlay zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (3) Unless specifically exempted, the regulations, standards and criteria of the overlay zone shall also supplement and be applied in addition but not in lieu of any regulations, standards and criteria applicable to the underlying zone.
- (4) In the event of conflict between the requirements of the overlay zone and those of the underlying zone, the overlay zone requirements shall apply, unless specifically exempted.
- (5) In the event of conflict between the requirements of this overlay zones and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.

8L.3 LAND USE REQUIREMENTS

3.1 PERMITTED AND DISCRETIONARY LAND USES

- (1) All permitted uses in the underlying zone are also permitted in this zone.
- (2) All discretionary uses in the underlying zone are also discretionary in this zone.

3.2 PROHIBITED LAND USES

All prohibited uses in the underlying zone are also prohibited in this zone.

8L.4 DEVELOPMENT STANDARDS

- (1) Subject to subsection 8L.4(2), the development standards of the underlying zone will apply, except for the application of minimum yard setbacks.
- (2) Pursuant to subsection 8L.4(1), for lots adjacent to railway operations, the minimum principal building setback from the property line of the lot containing the railway operations shall be as specified in the applicable secondary plan, concept plan or as follows where not specified in a secondary plan or concept plan:
 - (a) where a lot is adjacent to a freight rail yard, the minimum building setback shall be 300 metres to the nearest building face;
 - (b) where a lot is adjacent to a main rail line, the minimum building setback shall be 30 metres to the nearest building face; and
 - (c) where a lot is adjacent to a branch or spur rail line, the minimum building setback shall be 15 metres to the nearest building face.
- (3) Where the a main line, branch line, and/or spur line are co-located on the same section of a lot, the larger setback distance in subsection 8L.4(2) shall apply.
- (4) Where the minimum setback requirements are not specified in a secondary plan or concept plan, the Development Officer may reduce the minimum setback requirements in section (2) where:
 - (a) the applicant can demonstrate to the Development Officer's satisfaction that other appropriate mitigation measures are in place; or
 - (b) a Development Viability Assessment conducted by a registered Planner or Engineer is provided.
- (5) Where the applicable setback standards for the underlying zone are greater than the standards established in subsection 8L.4(2), the standards of the underlying zone shall apply.