

BY-LAW NO. 4396  
OF  
THE CORPORATION OF THE COUNTY OF SIMCOE

Being a By-law to Designate County Road 90  
as a Controlled Access Road

WHEREAS the Public Transportation and Highway Improvement Act, R.S.O. 1990, C.P. 50, Section 95, provides the County with the Authority to enact a by-law designating any road under its jurisdiction as a controlled access road;

AND WHEREAS Section 97 of this Act, also provides that the County may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, gate or other structure or facility as a means of access to a controlled access road designated under Section 95, and may impose penalties for contravention of any such by-law;

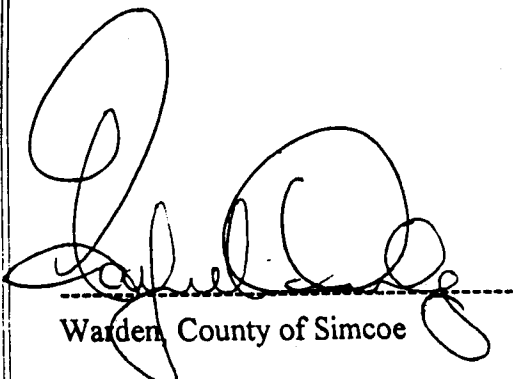
AND WHEREAS the Province of Ontario had designated Highway 90, now County Road 90, as a controlled access highway prior to the jurisdiction of the highway being transferred to the County of Simcoe;

AND WHEREAS the Transportation Services Committee by Report No 98-026, recommended that County Council adopt a By-law designating County Road 90 as a controlled access road;

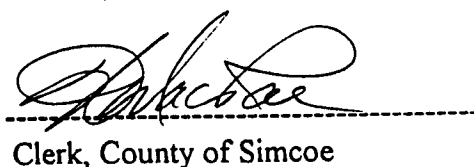
NOW THEREFORE be it resolved that the Council of the Corporation of the County of Simcoe enacts as follows:

1. That County Road 90 in its entirety be designated as a controlled access road;
2. That Schedule 1 attached hereto, the controlled access criteria, forms part of this by-law;
3. That the penalties and enforcement shall be in accordance with Section 97, subsection 2-7 of the Public Transportation and Highway Improvement Act, R.S.O. 1990, C.P. 50, and shall be enforced by the County of Simcoe Law Enforcement Officer.
4. This by-law shall come into force and effect on the 26th day of May, 1998.

By-law read a first, second and third time and finally enacted this 26th day of May 1998.



Warden, County of Simcoe



Clerk, County of Simcoe

**A. ACCESS CONTROLS:****I PRIVATE ACCESS****Existing Entrances**

1. All existing legal entrances are allowed to remain for their present use.
2. Upgrading of existing residential entrances to commercial \ industrial status is not permitted.
3. Upgrading of existing residential entrances to commercial \ industrial status may be considered in the following situations:
  - the property was zoned for commercial \ industrial uses prior to the date of this designation by the Province of Ontario being October 16, 1996, and all commercial safety requirements can be met.
  - at those locations acceptable for future public road access and where the municipality is willing to accept ownership of a future road allowance.

**New Entrances**

1. One residential / farm entrance may be granted for lots of record, legally existing at the date of this designation by the Province of Ontario being October 16, 1996, provided alternate access to a public road is not available.
2. Access for newly created lots for the residential purposes of a retiring farmer may be considered where the total highway frontage is in excess of 460 m, provided alternate access is not available. A mutual entrance may be considered where the total frontage is no less than 230 metres and the mutual access criteria can be met.
3. Commercial access for new lots may be considered:
  - at those locations acceptable for the future public road access and where the municipality is willing to accept ownership of a future road allowance.

**II PUBLIC ROAD ACCESS**

1. All existing public road accesses will be allowed to remain.
2. New public road accesses may be considered at locations consistent with the highway design. New public road accesses must maintain a minimum spacing of 460 metres.
3. Commercial/Industrial development is encouraged to develop in clusters with access via a service road and/or internal road network.

**III PRIVATE ROADS**

1. Private roads for municipal land fill sites, provincial parks, public institutions, etc. may be considered. Private roads must meet the minimum spacing requirements as that for public roads.

**IV SPECIAL EXEMPTIONS**

1. As approved by the Transportation Services Committee.

**V BUILDING SETBACK**

1. This criteria is aimed to protect an ultimate right-of-way of 37 metres. Building setbacks shall make provision for 20 metre service roads where possible. Normal setback distances will apply wherever adjacent development prohibits the provision of a service road.

**VI REMARKS**

1. This criteria has been prepared in accordance with the Entrance Section of the Corridor Control and Permit Procedures Manual and the County Roads Policy.
2. County Roads Policy minimum safety and visibility requirements must be met in all cases.