

The Corporation of the Municipality of South Huron

By-Law #09-2022

Being a By-law to authorize the execution of a Limiting Distance Agreement between the Corporation of the Municipality of South Huron and 1343877 Ontario Ltd. (Pinnacle Quality Homes) for the property at 102 Rowe Avenue, Exeter, legally described as Lot 14, Plan 22M15, being all of PIN 41244-0538, in the Municipality of South Huron in the County of Huron.

Whereas Section 5 of the *Municipal Act 2001, S.O. 2001*, as amended, provides that a municipal power shall be exercised by by-law unless the Municipality is specifically authorized to do otherwise; and

Whereas Section 9 of the *Municipal Act, 2001* provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas the Building Code, O Reg 332/12, Table 9.10.15.5, forming part of Sentences 9.10.15.5(1) and (2) provides that any wall adjacent to the property line with a limiting distance of less than 1.2 meters is not permitted to have any glazed openings in the exterior wall; and

Whereas the residential building constructed on the Pinnacle Quality Homes Property does not meet the limiting distance for an exposing building face that is required to permit glazed openings in the exterior wall if measured to the property line; and

Whereas Council of The Corporation of the Municipality of South Huron deems it expedient to enter into a Limiting Distance Agreement with 1343877 Ontario Ltd. (Pinnacle Quality Homes) for the property at 102 Rowe Avenue, Exeter, legally described as Lot 14, Plan 22M15, being all of PIN 41244-0538 in the Municipality of South Huron in the County of Huron (the "Agreement");

Now therefore be it resolved that the Council of The Corporation of the Municipality of South Huron enacts as follows:

1. That the Limiting Distance Agreement between the Municipality of South Huron and 1343877 Ontario Ltd (Pinnacle Quality Homes), identified as Schedule "A" and attached hereto, forms an integral part of this by-law and is hereby adopted.
2. That South Huron Council hereby delegates the authority to approve revisions to the Limiting Distance Agreement between the Municipality of South Huron and 1343877 Ontario Ltd (Pinnacle Quality Homes) to the Chief Administrative Officer.
3. That the Mayor and Clerk are hereby authorized to sign the Limiting Distance Agreement on behalf of the Municipality of South Huron.
4. That this By-Law takes effect upon the date of final passing.

Read a first and second time this 22nd day of February, 2022.

Read a third time and passed this 22nd day of February, 2022.

George Finch, Mayor

Alex Wolfe, Deputy Clerk