

THE CORPORATION OF THE TOWNSHIP OF WESTMEATH

BY-LAW NUMBER 89-09

A By-Law to amend By-Law Number 81-9

- WHEREAS 1) By-Law No. 81-9 regulates the use of lands and the erection, location and use of buildings and structures within the Township of Westmeath:
- 2) Council deems it appropriate to further amend By-Law No. 81-9.

Now THEREFORE the Council of the Corporation of the Township of Westmeath ENACTS as follows:-

1. The area affected by this By-law is composed of Part of Lot 9, Concession East Front 'C', Township of Westmeath, as indicated on the attached Schedule 'A' which forms a part of this By-law.
2. The lands identified with shaded tone on Schedule 'A' to this By-law shall henceforth be zoned Environmental Protection, Special Exception Three (EP-3).
3. Schedule 'A', Map 2, to By-law No. 81-9 is amended in accordance with the provisions of this By-law.
4. By-law No. 81-9, as amended, is further amended by adding the following new subsection to section 15(3), Special EP zones:

(C) EP-3

Notwithstanding any provision of sections 15(1) and 15(2) to the contrary, on the lands identified as Environmental Protection, Special Exception Three (EP-3), the following shall apply:

Permitted Uses:

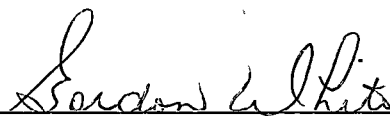
- only a fully detached dwelling house, provided no building openings such as doors or windows are located below the 109.1 m (358 ft) geodetic elevation.

Zone provisions:

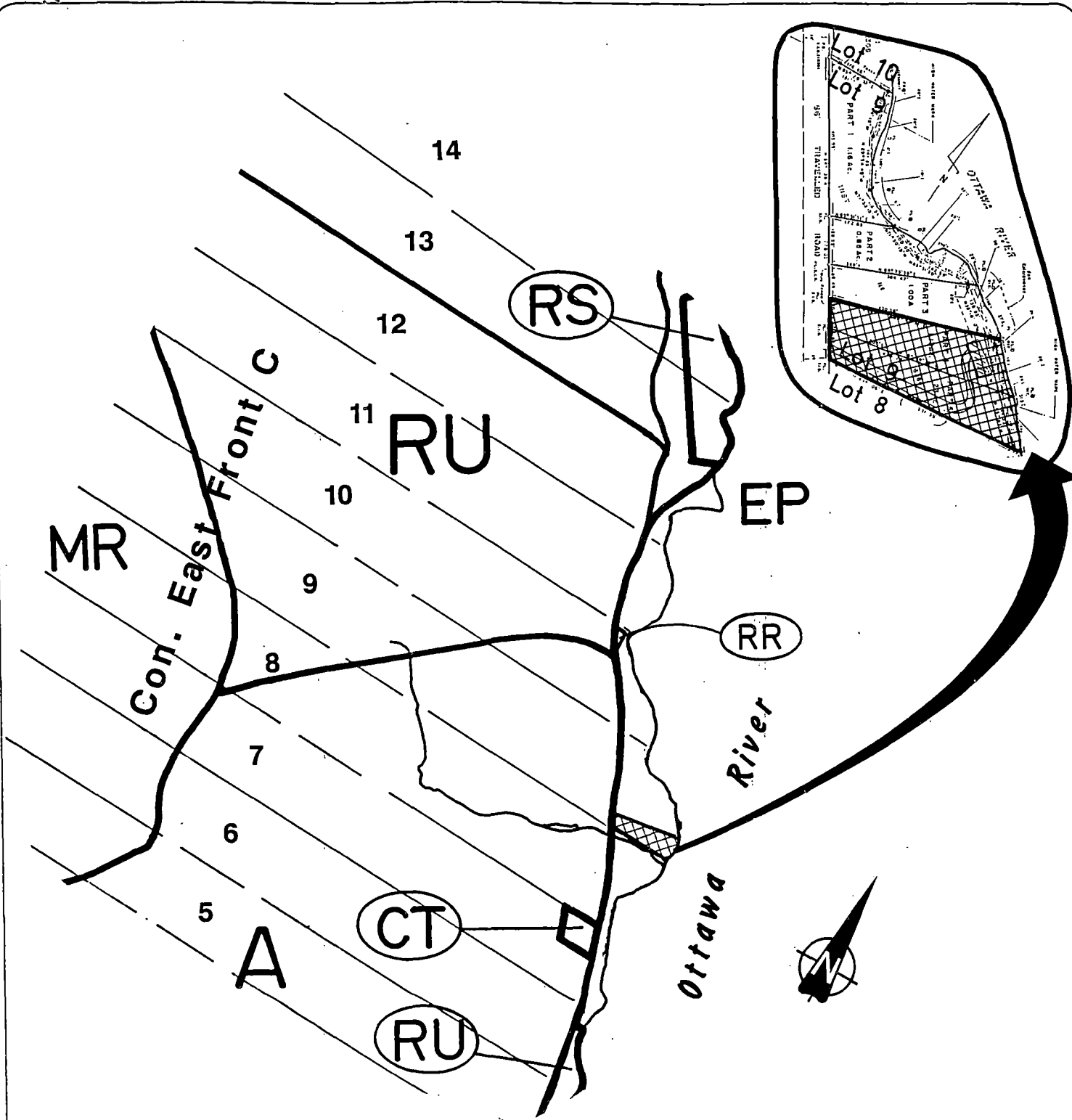
- in accordance with section 6(2), Zone provisions for the Rural Residential (RR) zone."

This By-law shall become effective on the date of passing.

PASSED and ENACTED this 8th day of February, 1989.


Reeve


Clerk

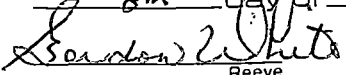
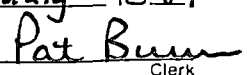


Area(s) Affected by this By-Law

Environmental Protection,
Special Exception Three (EP-3) 

Certificate of Authentication

This is Schedule 'A' to
By-Law No. 89-09, passed this
8th day of February 1989

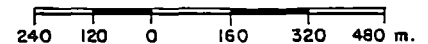
 
Reeve Clerk

**Schedule 'A'
to By Law No 89-09**

Part of Lot 9, Con. East Front C
Township of Westmeath

Prepared: Scale: 1:16 000

88/11/14



J.L. Richards & Associates Limited
Consulting Engineers & Planners

EXPLANATORY NOTE

The subject property is a lot abutting the Ottawa River and is entirely within the Sensitive Areas designation of the Official Plan, recognizing the flood susceptibility of the area. As set out in section 11(1)(c) of the Official Plan, the Ministry of Natural Resources has agreed in a letter from Mr. G.D. Yarranton dated October 17, 1988, that development can occur on the property, subject to several conditions. No Official Plan amendment is required since existing lots can otherwise be built upon.

A special exception to the Environmental Protection (EP) zone is being used to regulate the development of the land in a way which recognizes the potential flooding problems associated with this location.

PUBLIC INVOLVEMENT

Prior to the passing of this By-law, a public meeting was held in order to permit interested persons an opportunity to make representations in support of or in opposition to this By-Law. Vilmer Lacroix was present on behalf of the applicant Andrew Nellestyn to support the amendment and to answer any questions that might be asked.

Letters were read from the Renfrew County Health Unit and the Ministry of Natural Resources generally supporting the amendment, but suggesting some additions to the By-Law (which have been included in the By-Law) and recommending that an agreement be entered into between the applicant and the Township ensuring that the proper floodproofing measures will be taken. Such an agreement has been prepared and is attached as an appendix to the By-Law.

No one else was present at the meeting.

THIS AGREEMENT made this 1st day of February A.D. 1989

BETWEEN:

CORPORATION OF THE TOWNSHIP OF WESTMEATH

herein called TOWNSHIP, of the first part,

-and-

ANDREW NELLSTYN

herein called OWNER, of the second part.

WHEREAS the Owner has made application for the re-zoning of certain lands owned by him, namely part of Lot 9, Concession EFC., Township of Westmeath, more particularly as parts 4 and 5 Reference Plan 49R-3202;

AND WHEREAS the Township has agreed to a rezoning of the said lands from Environmental Protection to Environmental Protection Exception No. 3;

AND WHEREAS the Ministry of Natural Resources for the Province of Ontario has consented to the re-zoning providing an agreement is entered into with respect to site elevation and erosion control;

NOW THEREFORE this agreement witnesseth that in consideration of the sum of ONE DOLLAR (\$1.00) and the covenants hereinafter referred to the parties hereto agree as follows:

1. The Corporation of the Township of Westmeath shall re-zone the lands owned by Andrew Nellstyn, more particularly described as That Part of Lot 9 Concession East Front C, Township of Westmeath, County of Renfrew designated as Parts 4 and 5, on Reference Plan deposited as No. 49R-3202 from Environmental Protection Environmental Protection Exception No. 3;
2. The Owner agrees to provide the following within the period of one year from the date of this agreement:
 - (a) to backfill the foundation of the subject dwelling to the 357 feet 1: 100 year flood elevation and more particularly to grade in accordance with the attached elevation plan attached hereto as Schedule "A"
 - (b) The leading edge of the fill at the river shall be stabilized through the use of rip-rap
 - (c) The driveway to the subject dwelling shall be filled to an elevation of 356 feet;
3. In the event that the Owner fails to fulfill the terms of the agreement,

provided herein, the Township shall have the right to enter upon the property of the Owner and to complete the said work and to charge the costs of the same to the Owner and to collect the same in the same manner as other realty taxes.

- 4. The Parties further agree that this agreement is in addition to the agreement dated the 14th day of October 1988 between the same parties and that it does not amend or in any way change the terms of the aforesaid agreement.
- 5. The Parties hereto agree that this agreement may be registered against the said lands by the Corporation of the Township of Westmeath, and that it shall be binding on all subsequent purchasers of the said land.
- 6. This agreement shall enure to the benefit of and be binding upon the parties hereto their heirs successors and assigns forever.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED
in the presence of:

)
) THE CORPORATION OF THE TOWNSHIP OF WESTMEATH

)
) Per *Brandon White*
)
) Reeve

)
) *Pat Bunn*
) Clerk

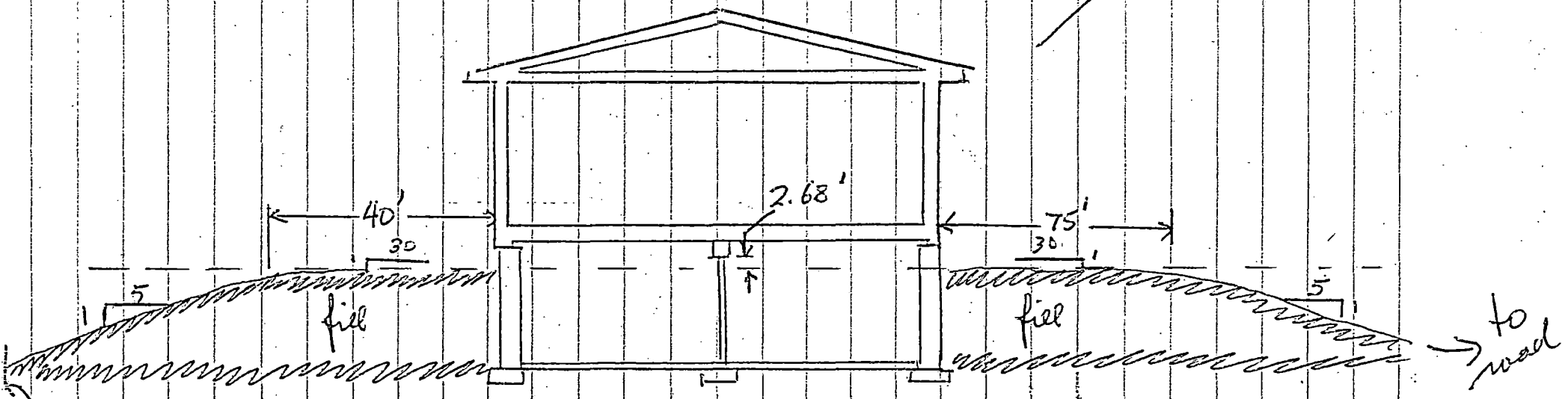
)
) *Lillian Renaud*
) Witness to signature of
Owner.

)
) *[Signature]*
) Owner

LOT 9 CONCESSION GFC LADAKK ONTARIO
A. NELESTYN ELEVATION PLAN

SCHEDULE 'A'

Drawn
Oct 14 / 88



lot line
(inner side)

THE CORPORATION OF THE TOWNSHIP OF *Westmeath*

I, *Pat Burn*, hereby certify that the notice for By-law No. *89-10* of the Township of *Westmeath* passed by the Council of the Corporation on the *8th* day of *March 1989* was given in the manner and form and to the persons and agencies prescribed by Regulation 404/83, made under subsection 17 of Section 34 of the Planning Act, 1983.

I also certify that the 35 day objection period expired on *April 12th* *1989* and to this date no notice of appeal has been filed by any person or agency in the office of the Clerk.

DATED THIS *13th* DAY OF *April 1989*

Pat Burn

Clerk

FORM 1

PLANNING ACT, 1983

NOTICE OF THE PASSING
OF A ZONING BY-LAW AMENDMENT BY
THE TOWNSHIP OF WESTMEATH

TAKE NOTICE that the Council of the Corporation of the Township of Westmeath passed By-law 89-10 on the 8th day of MARCH, 1989 under section 34 of the Planning Act, 1983.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Municipal Board in respect of the by-law by filing with the Clerk of the Township of Westmeath no later than the 12th day of APRIL, 1989, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

An explanation of the purpose and effect of the by-law and a copy of the by-law are attached.

Dated at the Township of Westmeath this 9th day of MARCH, 1989.

Pat Burn

Mrs. Pat Burn,
Clerk-Treasurer,
Township of Westmeath,
Westmeath, Ontario.
KOJ 2L0

(613) 587-4464

PUBLIC INVOLVEMENT

Prior to the passing of this By-law, a public meeting was held in order to permit interested persons an opportunity to make representations in support of or in opposition to this By-law. The meeting was advertised in accordance with the provisions of the Planning Act and the Regulations, with the following result:

Mr. Ted Barron, the applicant attended the meeting to support the proposed amendment.

Letters from the Township of Ross and the Ministry of Natural Resources, expressing no objections or concerns to the amendment were read.

No one else attended the meeting.