

THE CORPORATION OF THE TOWNSHIP OF WESTMEATH

BY-LAW NUMBER 92-10

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

- WHEREAS: 1) By-Law No. 81-9 regulates the use of land 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 Number 81-9.

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

- 1 The lands affected by this By-law are those existing lots which have less than the minimum frontage and/or area required for the zones in which they are located.
- 2 Section 2(78)(b) is deleted in its entirety and replaced with the following:-  
"(b) EXISTING LOTS:  
"Existing Lots" means a lot which was existing on the date of passing of this By-Law."
- 3 Section 3(15)(c) is deleted in its entirety and replaced with the following:  
"(c) USE OF UNDERSIZED LOTS:  
Nothing in this By-Law shall prevent the use of an existing lot which has a lesser lot area and/or lot frontage than the applicable minimum lot area and/or minimum lot frontage required herein or a lot which has been increased in lot area and/or lot frontage but still does not meet the minimum lot area and/or minimum lot frontage required herein, or a lot which has been created as a result of expropriation provided:  
(i) such lot has a minimum lot area of 1,110.0 square metres and a minimum lot frontage of 25.0 metres.  
(ii) the proposed use of such lot is a permitted use;  
(iii) the proposed use shall not contravene any other zone provision."

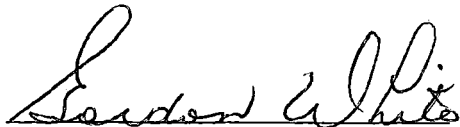
4 Section 3(15) is further amended by adding the following subsection:-


"(d) ENLARGEMENT OF UNDERSIZED LOTS CONTAINING  
NON-COMPLYING BUILDINGS OR STRUCTURES

Nothing in this By-Law shall prevent the enlargement of an existing non-complying lot, which has existing non-complying buildings or structures located upon it, provided no zone provisions are further contravened by the enlargement.

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

PASSED and ENACTED the 8th day of April 1992.

  
Reeve

  
Clerk

## EXPLANATORY NOTE

The purpose of this amendment is to revise the wording of Sections 2.78, the definition of an existing lot, and 3(15)(c), which affects the use of existing undersized lots.

On a number of occasions, the Renfrew County Land Division Committee has considered an application to enlarge a lot, even where no additional building is being proposed and has made its decision conditional on the municipality rezoning the property. The Land Division Committee requires this action because the existing comprehensive Zoning By-Law 81-9 only permits the use of an existing undersized vacant lot, provided it is not smaller than 1,110.0 square metres with a minimum lot frontage of 25.0 metres. If an individual obtains additional land to add to a lot, it loses its non-conforming status and must proceed through a site specific amendment to the Zoning By-law or a minor variance in order to "conform" to the Zoning By-Law. Since the enlargement of existing lots is a planning goal which should be encouraged, the Zoning By-law is being amended to allow lots which are being increased in size to retain their non-conforming status.

At present, an individual with any lot must obtain a Health Unit permit prior to a building permit being issued, providing an opportunity for the Health Unit to determine if the property can be properly serviced by a sewage disposal system having regard to the placement of a building and a well and the location of wells, septic systems and buildings on adjacent properties. This process will continue to apply to all lots. These changes in no way reduce the power of the Health unit to individually evaluate the private servicing of any lot and grant or deny a permit as it sees fit. Any individual contemplating a lot addition should discuss the proposal with Health unit staff, in advance, to ensure that the most appropriate lot addition possible is acquired.

This amendment makes several related administrative changes to the Zoning By-law:

1. The current regulation applies only to a vacant lot. The word vacant is being deleted to allow any undersized lot to be treated the same way.
2. The impact of the addition of the provision allowing occupied existing lots to be added to, without amendment to the Zoning By-Law, is to assist the Land Division Committee in making lot addition decisions, and does not automatically entitle an owner of a non-complying lot to a building permit for any enlargement of buildings or structures.
3. The definition of an existing lot is currently complex in that two lots owned by one individual might be legally conveyable but the current definition would prohibit a building permit from being issued on either one, if they are no longer in the same ownership. This confusing definition conflicts with the definition of the terms "existing" and "lot" as set out in Section 2 of the By-law. As a result of this change, consistency and a less complex regulatory mechanism will result.

In order to make these changes, sections 2.78 and 3(15)(c) are simply being deleted and replaced with revised sections, and a further subsection to Section 3(15) is being added.

The public should be aware that further research is occurring in many parts of the Province to more fully evaluate the long term cumulative impacts of development on private services.

This may result in more comprehensive changes to the Municipality's Official Plan and Zoning By-law in the future. The purpose of the present amendment is to simplify procedures in the interim.

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, the proposed amendment. The meeting was advertised in accordance with the provisions of the Planning Act and the Regulations. One rate-payer, all of the Council, the Planning Administrator and the Clerk attended the meeting. Letters were received from the Ministry of Natural Resources (no objections) and from the Renfrew County District Health Unit. The Health Unit had some concerns with the clarity and implications of the by-law, but minor changes to the by-law, and the explanatory note have resolved its' concerns. There were no other comments or objections.