

**OFFICIAL PLAN OF THE
VILLAGE OF WESTPORT**

**CONSOLIDATED COPY
JULY 2008**

**ADOPTED BY COUNCIL MARCH 2006 APPROVED BY THE
MINISTRY OF MUNICIPAL AFFAIRS WITH MODIFICATIONS
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SCHEDULE "A"

1.0 INTRODUCTION

1.1 APPLICATION

This Official Plan applies to the whole of the Village of Westport.

1.2 PLANNING ACT

Council is charged with the responsibility of preparing and adopting an Official Plan for the Village, and of reviewing the Official Plan from time to time, but not less than once every five years, in order to determine the need to revise/update it in accordance with the *Planning Act*.

Where an Official Plan is in effect, no public work shall be undertaken and no by-law shall be passed for any purpose, except as provided by Section 24 of the *Planning Act* that does not conform to the Official Plan.

In exercising its planning authority, Council shall be consistent with matters of Provincial interest as set out in Section 2 of the *Planning Act*, and in accordance with the Provincial Policy Statement.

1.3 OFFICIAL PLAN

The Official Plan represents Council's views on the quality of life and the kind of physical development that is desired for the Village of Westport now and in the future having regard to the relevant social, economic and environmental matters.

The policies within the Plan address matters of both local and provincial interest, as expressed in the Provincial Policy Statement (PPS), with the focus of creating a healthy, liveable, and sustainable community.

The Official Plan is not intended as an instrument by which policies and principles are implemented, nor is it intended to control or regulate the future development and use of lands. Rather, it is the intention of this Plan to set forth the necessary planning policies and principles that would guide both public and private interests in such a manner as to ensure a reasonable and desirable pattern for future land use and development. This represents a planning framework that is designed to direct land use in a manner that is beneficial to the residents.

While the document has a long-range planning orientation it also provides sufficient detail to guide day-to-day decision making on land use and development matters.

This Plan is intended to guide the future growth and development of the Village for a period of 20 years to the year 2025.

Council will make planning documents available to the public, as specified in the Planning Act such as the Official Plan, Community Improvement Plans, and Zoning By-Laws, to foster a greater awareness and knowledge of planning matters.

Land Use Schedules are included in the Official Plan to graphically display the long-term policies for development. On these maps every parcel of land in the municipality is given a "land use designation". This designation reflects what council deems to be the appropriate long-term use of the land.

The principal land use designations, shown on Schedule "A" are as follows: Residential (Phase 1, 2 and 3), Unserviced Residential, Open Space, Central Commercial, Highway Commercial and Sewage Treatment Facility.

To use this Plan simply locate a parcel of land on Land Use Schedule A, and determine its land use designation(s). Then, refer to the policies for that designation(s) within the text of the Plan. In addition to the specific land use policies, there are also General Development Policies, which should be reviewed since they may also affect the property.

1.4 ORGANIZATION OF THE PLAN

The Official Plan is organized into five major subject areas (Section 2.0, 3.0, 4.0, 5.0 and 6.0) and a supporting implementation section. (Section 7.0)

Sec.2.0 - Basis of the Plan: This reflects the findings of the survey and analysis carried out in the preparation of the Background Report. It also outlines the context in which the Plan was formulated and the guiding principles and assumptions upon which it is based.

Sec.3.0 General Development Policies: This encompasses those guiding policies, which are to be considered as part of the overall framework for growth within the Village.

Sec.4.0 Land Use Policies: This provides the specific goals, objectives and policy direction for the separate land uses along with guidelines for implementation. This section also includes introductory comments on the basis for the particular land use policies and any planning standards associated with that use.

Sec. 5.0 Transportation system: This section describes the classification and function of the municipal road system.

Sec. 6.0 Municipal Services: This outlines the municipal services in the Village

Sec. 7.0 Implementation: This outlines the various means for carrying out the policies and formulates a mechanism for monitoring change.

2.0 BASIS AND OBJECTIVES

From an examination and analysis of the supporting data gathered in connection with the preparation of the Official Plan, as well as examination of various studies carried out which pertain to the Village, various conclusions have been drawn and assumptions made upon which the Official Plan is based, such as, but not limited to:

Westport is located at the west end of Upper Rideau Lake, at the head of the navigable Rideau Canal, a national site and Canadian Heritage River. It is located in the United Counties of Leeds and Grenville. Westport has rolling farmland to the south and more rugged terrain to the north, including Foley Mountain.

In general, the Village is characterized by an older than average population and an above average proportion of 65+ population (29.4%). This age distribution indicates the continued need for community facilities and safety for the immediate present and the foreseeable future. As well it indicates requirements for residential, commercial and institutional facilities. This Plan establishes policies and designates land for the development of those facilities.

Recognizing the cost associated with extending municipal sewer and water services, the policies within the Plan encourage intensification and infilling on lands available within the Village. Residential or commercial development in a scattered manner will be discouraged.

Westport was founded in 1828 with the construction of a sawmill. In 1829 a gristmill was built. With the opening of the Rideau Canal in 1832, access to Kingston and Ottawa resulted in Westport thriving as a commercial centre. In 1888 the Brockville-Westport Rail line was completed. This rail line moved goods, mail and people to and from the St. Lawrence and Westport. The rail line also brought tourists north to Westport, which was the beginning of Westport as a tourist destination. The Village was incorporated in 1904. There is an extensive inventory of historic buildings and structures in the Village. These include public ones such as the Rideau District Museum, Town Hall, Post Office Building and the Westport Spring. There are also a large number of undesignated commercial and residential buildings within the Village. These historic buildings and structures provide an important backdrop to the evolution of the Village as a well-known tourist community.

Recent development activity within in the Village has occurred at a relatively moderate rate, with the bulk of this activity consisting of renovations and expansions to existing commercial and residential buildings to accommodate tourism uses. Most development within the Village has occurred on existing lots or through the consent process.

2.1 Basis

Within this overall context, the policies of this Plan are based on the following:

- 2.1.1 Development in the Village is expected to continue at its current pace for the foreseeable future, consistent with past trends.
- 2.1.2 The tourism potential of the Village of Westport located on the Rideau system is based on the Village's proximity both to the lake and the network of roads, which provide excellent access to the Village. It is expected that tourism will continue to provide an important source of income for the Village with investment from both the public and private sectors. As a result, the Plan must cater to both permanent residents and visitors.
- 2.1.3 To the extent possible, development is intended to take place on full municipal services.
- 2.1.4 The heritage character and tourism appeal of the Village is directly related to its building stock much of which may require minor and/or major repairs. Any application for redevelopment should be in keeping with the original character of the building and with the nature of adjacent land uses.

2.2 OBJECTIVES OF THE PLAN

Within the context of implementing the Provincial Policy Statement, the objectives of this Plan are:

- 2.2.1 To protect the natural resources and natural heritage features of the Village, such as ground and surface water quality, sensitive waterfront areas, and others which have contributed to the natural character of the Village.
- 2.2.2 To protect cultural heritage resources including buildings, structures, archaeological sites, cultural landscapes and areas of historical interest and value.
- 2.2.3 To ensure that an adequate supply of housing accommodation by type and tenure exists, in relation to the needs and demands of both present and future inhabitants of the Village.
- 2.2.4 To provide for the rehabilitation and renewal of existing housing stock in a manner which reinforces and retains the heritage character of the Village.
- 2.2.5 To preserve sites of historical significance and buildings of architectural or historical significance which enhance the historic and cultural heritage of the Village
- 2.2.6 To encourage the orderly development of commercial activities by the provision of suitably located areas for the various economic activities and allow for the evolution of the optimum economic functions of the Village.

- 2.2.7 To promote a cohesive urban framework by the phasing of new development as a contiguous extension of the existing urban area and thereby ensure the efficient use of the existing municipal infrastructure.
- 2.2.8 To protect existing land uses from the impacts of incompatible development.
- 2.2.9 To develop a servicing strategy for the Village which will provide a cost-efficient means of servicing development.
- 2.2.10 To provide needed recreational and community facilities within the financial means of the Village.
- 2.2.11 To conduct planning with an open public consultation process, this will produce policies, which are fair in their distribution of benefits and influences.

3.0 GENERAL DEVELOPMENT POLICIES

The policies of this Section deal with development considerations that are common to a number of land use categories. These policies apply, where relevant, in addition to the policies under the specific land use categories.

3.1 ACCESSORY USES

3.1.1 General

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory or essential to that use shall also be permitted. Accessory dwellings for non-residential uses are only permitted where specifically identified as a permitted use under the various land use designations contained in Section 4 and in accordance with the Zoning By-law.

Notwithstanding the generality of the foregoing, the following are specifically permitted as accessory uses to a residential use that is permitted as the principal use in the land use designation in which it is located, unless otherwise prohibited below.

3.1.2 Accessory Apartment

Up to one accessory apartment unit shall be permitted in a single detached dwelling, subject to the following policies.

1. The physical character of the dwelling shall not be substantially altered. Pursuant to this policy, the implementing Zoning By-law shall contain regulations to define an accessory apartment unit and to restrict them so that a duplex or semi-detached dwelling cannot be constructed under this policy.
2. An accessory apartment unit shall only be permitted in a permanent single detached dwelling which is permitted as a principal use in the land use designation in which it is located.
3. Where an accessory apartment is to be located in a dwelling, which is serviced by a private sewage disposal system, the applicant shall obtain a Certificate of Approval from the Health Unit prior to the issuance of a building permit for an accessory apartment unit.

3.1.3 Bed and Breakfast

It shall be the policy of this Plan to permit a bed and breakfast use within a permanent single-detached dwelling provided that the physical character of the dwelling is not substantially altered. Pursuant to this policy, the implementing Zoning By-law shall define a bed and breakfast use, as distinct from a rooming or boarding house, and shall establish zone provisions, which restrict a bed and breakfast, use so that it is clearly an accessory use to the single detached dwelling.

3.1.4 Home Based Business

A home based business shall be permitted as an accessory use in all dwellings and shall be appropriately regulated in the implementing Zoning By-law to ensure that it is compatible with surrounding uses. To this end, only those uses with which there are no unacceptable associated noise, odour, smoke, outdoor display and/or traffic impacts shall be permitted. Pursuant to this policy, a distinction shall be made between a home based business, which is conducted entirely within a dwelling and a home based business, which is conducted partly, or entirely outside the dwelling.

3.1.5 Private Home Daycare

A private home daycare is defined as a small-scale daycare facility, which is operated in a dwelling where temporary care is provided for up to five children, not including any children permanently residing in the dwelling. A private home daycare shall be permitted in all dwellings in accordance with Provincial regulations.

3.2 **AESTHETICS**

The Village will actively promote the amenities of the Village and increase its profile in Eastern Ontario. While promoting economic development, Council will ensure that the social and environmental well being of the community will not be unnecessarily compromised. To this end, efforts shall be made, through appropriate by-laws and agreements, to:

1. control the display of advertising signs;
2. preserve existing vegetation;
3. replace trees and other vegetation which may be destroyed or removed during the development process;
4. re-establish natural shorelines and shoreline vegetation;
5. conserve visible significant heritage buildings, sites and other attributes.

3.3 **BUFFERING**

In order to reduce or eliminate the adverse effects of one land use upon another or overcome the conflicts between different land uses, the municipality shall require that buffering be provided. A buffer may be defined as any space or feature interposed between two conflicting uses in order to accomplish the previously mentioned purpose.

A buffer may be open space where distance is relied upon to produce the desired results, or it may be a berm, wall, fence, plantings or land use different from the two conflicting ones but compatible with both, or any combination sufficient to achieve the intended purpose.

3.4 COMMUNITY IMPROVEMENT

Community Improvement may generally be defined as encompassing all those activities, both public and private, which maintain, rehabilitate and redevelop the existing physical environment to accommodate the social and economic priorities within the community as provided in the Planning Act under Section 28.

3.4.1 Goal

The general goal of community improvement policies is to continue to make Westport a safe, convenient and attractive community for residents and visitors and to achieve any necessary improvements as economically as possible.

3.4.2 Objectives

The following specific objectives are identified as means for achieving this goal:

- i) Adequate social, recreational and community facilities should be made available to satisfy the needs of the residents and visitors.
- ii) To continue to improve hard services so that these meet the needs of the Village.
- iii) Public and private land and buildings should be maintained at a high standard to instill pride in the community and ensure its continued attractiveness to residents and visitors alike.
- iv) To resolve the land use conflicts which exist within the Village.
- v) To continue to maintain and promote the primary commercial areas in the community.

3.4.3 Criteria for the Selection of Community Improvement Project Areas

The various deficiencies identified in the background report have been used as the basis for selecting the criteria for the establishment of the Community Improvement Project Area. These criteria are as follows:

- a) Areas which are deficient in terms of the level of services such as roads, sanitary and/or storm sewers, watermains, drainage courses, sidewalks and street lighting;
- b) Areas which contain incompatible land uses either in the form of commercial/residential, industrial/residential or recreation/industrial which may prejudice the functional role of the area for its intended purpose;

- c) Buildings exhibiting signs of deterioration;
- d) Inadequate parks and recreation facilities;
- e) Areas which contain vacant and underutilized infill lands and buildings or structures which could be developed, redeveloped or converted to another use;
- f) Areas which contain man-made hazards such as level railway crossings, poor intersection design or vacant and abandoned buildings or lands, which could be eliminated in order to ensure a greater degree of public safety and to further enhance the function of the area;
- g) Need for off-street parking for privately and publicly owned buildings or lands;
- h) The overall streetscape or aesthetics of an area requiring upgrading.
- i) The presence of older industrial lands and/or buildings that exhibit deficiencies such as contamination, limited opportunity for expansion, servicing capacity, accessibility, negative impacts nearby residential areas.

3.4.4 Delineation of Community Improvement Project Area(s)

Based on the criteria outlined above, the entire Village of Westport is designated as a Community Improvement Area.

3.4.5 Implementation

It is council's intent to implement these policies by:

- a) Participate in and support for federal and provincial community improvement programs;
- b) Maintain Village property and buildings at a high standard;
- c) Encourage the rehabilitation of private buildings by advising owners of government subsidies and programs;
- d) Fund projects directly as revenue permits;
- e) Encourage infill development;
- f) Support heritage conservation efforts in the community.
- g) Enforce the municipality's Property Standards by-law.
- h) Passing appropriate By-laws, such as a Sign By-law;

- i) Designating community improvement project areas by By-law based on the selection criteria;
- j) Preparing more detailed community improvements plans, where required.

3.5 CONTAMINATED SITES

3.5.1 Where a development application is made where a known, suspected or potentially contaminated site exists, or on a property adjacent to such a site, the proposed development shall not be approved until:

1. A record of site condition, signed by a qualified person, as per Ontario Regulation 153/04, and acknowledged by the Ministry of the Environment , is received, and;
2. If necessary, a site clean-up plan is designed and the site is cleaned-up in accordance with the Ministry of the Environment regulation Record of Site Condition (O. Reg. 153/04).

3.5.2 The Village will require developers to identify current or past uses that may have or are known to have, contributed to the presence of contaminants as part of their applications for development approval.

3.6 DEVELOPMENT NEAR WATERBODIES

Buildings, structures and sewage disposal systems will be set back at least 30 m (98.5 feet) from the high water mark of all watercourses. In addition, it is important that this 30 m (98.5 feet) buffer strip be maintained with extensive natural vegetation types. Lawns, ornamental plantings and hard landscaping features do little to support the ecological health of waterfront areas. This measure will help to protect water quality as well as protecting environmentally sensitive riparian areas. It will also help to control erosion and assist in softening the visual intrusion of development in natural areas.

The 30 m (98.5 feet) buffer is considered the minimum comprehensive requirement to achieve effective environmental protection but should be increased in areas of steep slopes, poor natural vegetation cover, thin soils or where coarse soil types do not provide effective phosphorus retention adjacent to inland waterbodies and watercourses.

A minimum setback of 30 m (98.5 feet) with non-disturbance of soils and vegetation is recommended for development on existing lots of record. If the size or topography of the lot is such that this is not possible, the greatest setback that can be achieved is recommended.

Structures which require a waterfront location for their function (such as marinas, docks, boathouses, water intake facilities) are exempt from this policy but should be of a type and scale that minimizes their environmental, navigational and visual impacts. Where development for such structures is being considered, the builder/developer shall undertake

an Environmental Impact Study in accordance with the provisions of Section 3.8 of this Plan.

Prior to the issuance of a building permit, the applicant shall be required to submit a plot plan which illustrates the location of all buildings and structures on the lot, the proposed access to the shoreline, the extent to which the shoreline and shoreline vegetation within the waterbody setback is to be left undisturbed, and the mitigation measures to be implemented where the shoreline and shoreline vegetation within the watercourse setback have been previously altered or are disturbed as a result of a proposed development. This policy shall be reflected in the implementing Zoning By-law under the authority of Section 34 of the Planning Act.

Where new plans of subdivision or resort development is proposed adjacent to any waterbody, Council may require a site specific lake impact assessment to be completed to determine the impact of the proposed development on the waterbody. The assessment should include information pertaining to the nature of the development, proposed servicing, topography, location of septic systems, setback from the high water mark and clearing of trees and vegetation. Council may consult with the Ministry of the Environment when requesting these types of assessments.

3.7 DIVISION OF LAND

Lot creation can take place in two ways: by consent (severance) or by plan of subdivision. A plan of subdivision generally provides for a more thorough and comprehensive review of development. However, under certain circumstances where a plan of subdivision is not necessary for proper and orderly development, a consent to a land conveyance may be granted. The following policies apply to the creation of lots, in addition to any other specific policies contained elsewhere in this Plan.

3.7.1 General

The following policies apply to the creation of all lots, whether by plan of subdivision or by consent, in all land use designations:

- i) the size and shape of the lot created must be appropriate for the proposed use. Where the lot is to be serviced by an individual well and/or septic system, such lots should generally have a minimum lot area of 1 ha, but not less than 0.8 ha, depending on soil conditions, except where a hydrogeology and terrain analysis study demonstrates that a smaller lot size can be justified. In no case, should any parcel be created which does not conform to the provisions of the Zoning By-law.
- ii) Lots which create the undue extension of major services will generally be discouraged.
- iii) All lots, including the remnant parcel, must have access on to a public road.

- iv) Road widening may be required as a condition of any division of land.
- v) Lots shall not be created where traffic hazards may be created due to limited sight lines, curves or grades.
- vi) No lot shall be created which results in landlocking any parcel of land.
- vii) The lots created by any division of land must respect the separation distance for land uses as set out in this Plan and the Zoning By-law.
- viii) The Village is entitled to a dedication of land for park purposes as a condition of any division of land in accordance with Section 51 and 53 of the *Planning Act*. Cash in lieu of land may be required in situations where there is a public park in the area which is adequate for existing and future population. Cash in lieu may also be appropriate where the amount of land involved is small and therefore unsuitable for park development. Where lands are dedicated for park purposes, the municipality will accept only those lands suitable for park purposes.

3.7.2 Additional Policies for Consent

Where consents are intended to create a new lot for development, the following policies apply in addition to the policies of Section 3.7.1. Where the consent is for technical purposes such as a lot addition, or is to create a right-of-way or easement for such purposes as a utility corridor, access, conservation use, etc., the applicable policies of this section apply. Otherwise, such consents should be evaluated on the basis of policies of the land use designation(s) in which the land is located as well as the intent of the General Provisions policies contained throughout Section 3 of this Plan.

- i) Consents should serve to infill in existing built up areas where full municipal services are available, and will be discouraged in areas which indiscriminately extends the urban area through the creation of strip development.
- ii) Consents should only be granted in areas where the extension of municipal services is not required.
- iii) Consents should not result in the creation of new roads. Consents shall be granted only when the land fronts on an existing public road which is built to municipal standards.
- iv) The consent process is intended to be used for lot line adjustments, easements and similar administrative purposes or for the creation of very few new lots. Where more than a total of three lots are proposed from a holding as it existed on the date of approval of the Official Plan, development will generally occur by plan of subdivision.

3.7.3 Additional Policies for Plans of Subdivision

In addition to the policies of Section 3.7.1, the following policies apply to plans of subdivision.

It shall be the policy of Council to recommend for approval only those plans of subdivision:

1. Which comply with the technical requirements of the Planning Act and the policies of this Plan;
2. which can be supplied with adequate services such as schools, fire protection, stormwater quality and quantity management, water supply and sewage disposal services, and road access and maintenance to the satisfaction of Council; and,
3. Which would not adversely affect the economy or the financial capabilities of the Village.

All lots within a plan of subdivision shall generally front on an internal road network. Where necessary for design reasons, direct access to a County or Village road may be permitted.

All roads within a subdivision shall be constructed in accordance with the standards of the Village.

For residential subdivisions which are to be serviced by private wells and sewage disposal systems, development shall take place in phases, with each phase generally being a maximum of 15 lots. Prior to proceeding to a new phase, at least 50% of the lots in the preceding phase must have been developed and the existing wells examined to the satisfaction of the Health Unit.

All developers shall be required to enter into a subdivision agreement with the Village in accordance with the Planning Act before final approval of the subdivision is recommended by Council. All applicants will be required, at a minimum, to post a performance bond, file a letter of credit, or provide other financial considerations to the municipality to ensure the conditions of the subdivision agreement are fulfilled.

3.8 ENVIRONMENTAL IMPACT STUDY

Where an Environmental Impact Study (EIS) is required in support of an application for development or site alteration, Council shall be provided with a study at the expense of the applicant, prepared by a qualified expert, so that Council can determine whether a proposed development or site alteration should or should not be permitted. The study, at a minimum, shall:

1. Research, identify and map the natural feature(s), values and functions that are potentially affected;

2. describe and map the proposed development activities, including building location, excavation, site grading, landscaping, drainage works, roadway construction, paving, and sewer and water services (if any) in relation to the natural feature(s);
3. predict the effects of the proposed development on the various components of the environment on the site such as wildlife, fish, vegetation, soil, surface water, groundwater, air and any other relevant factors, taking into consideration effects during and after site alteration;
4. Evaluate the significance of all predicted negative and positive effects on the various environmental considerations;
5. itemize and recommend all measures that can be taken to reduce or mitigate the predicted negative effects;
6. evaluate the cumulative effect that the project (and any other known projects or activities) may have following implementation of any mitigation measures on the natural resource values and functions which make the natural feature(s) significant; and,
7. Conclude with a professional opinion on whether negative effects on the natural features or ecological functions will occur, the significance of such effects, and whether ongoing monitoring is required.

Council may consult with the relevant public agencies including Provincial Ministries, Conservation Authorities and Parks Canada prior to accepting the Environmental Impact Study.

3.9 EXISTING LAND USES

Non-conforming uses are legally established uses of land which do not conform to the Official Plan or Zoning Bylaw. The long-term intent of the Official Plan is to ensure that all uses eventually conform to the policies of this Plan.

A legally established use which does not comply with the policies of the Official Plan may be recognized as a permitted use in the Zoning Bylaw in accordance with the current use and performance standards. Council may also consider zoning the property to allow a similar or more compatible use or to provide for a limited expansion of the current use to avoid unnecessary hardship. It is the intention of this Plan that extensions and enlargements should be handled through Sections 34(10) or 44 of the Planning Act.

3.9.1 Zoning of Existing Non-conforming Land Uses

It is the intention of this Plan that any application, in accordance with Section 34(10) of the Planning Act, for the extension or enlargement of a use, which does not conform to the implementing Zoning By-law (hereinafter called a non-conforming use) and which

existed at the time of passing of such By-law shall be dealt with in the following manner.

Council shall determine the feasibility of acquiring the property concerned at the time of application or possibly at some future date and of holding, selling, leasing or redeveloping the property in accordance with the provisions of the Planning Act. Special attention will be given to the feasibility of re-establishing the use under consideration in a different location where it would be able to perform and produce under improved conditions in accordance with the policies of this Plan.

If acquisition does not appear to be feasible, and if the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, Council may consider the passing of a Zoning By-law pursuant to Section 34(10) of the Planning Act, and such By-law may then be passed without the necessity of amending this Plan providing it complies with this Plan.

Council, before passing such a By-law, shall be satisfied that those of the following requirements which are relevant to the specific application for the extension or enlargement of the non-conforming use are, or will be, fulfilled in order to safeguard the wider interests of the general public:

1. The proposed extension or enlargement of the non-conforming use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of this Plan, and the requirements of the Zoning By-law.
2. The proposed extension or enlargement shall be in an appropriate proportion to the size of the non-conforming use as established prior to the passing of the implementing Zoning By-law.
3. An application which would affect the boundary areas of different land use designations on the Schedules to this Plan will only be processed under these policies if it can be considered as a "minor adjustment" permitted under the flexibility clause of Section 7.8 of this Plan. A major variance will require an amendment to this Plan.
4. The characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generating capacity. No amendment to the Zoning By-law shall be made if one or more of such nuisance factors will be created or increased so as to add to the incompatibility of the use with the surrounding area.
5. The neighbouring conforming uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations shall be applied to the proposed extension or enlargement and, wherever feasible, shall also be extended to the established use in order to improve its compatibility with the surrounding area.

6. Traffic and parking conditions in the vicinity will not be adversely affected and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and by improvement of sight conditions especially in proximity to intersections.
7. Adequate provisions have been, or will be, made for off-street parking and loading facilities.
8. Municipal water supply and sanitary sewers are adequate and private water supply and sanitary sewage services are, or can be made, adequate in unserved areas of the Village. As well, other services such as storm drainage and roads, etc., are, or can be made, adequate.

3.9.2 Minor Variances

Section 45 of the Planning Act concerns applications to the Committee of Adjustment. The Committee may authorize minor variances from the provisions of the Zoning By-law, provided the minor variance(s) is desirable for the appropriate development or use of the land building or structure, and provided the general intent and purpose of the Official Plan and Zoning By-law are maintained.

3.10 FINANCIAL CONSIDERATIONS

When considering development proposals, Council shall have regard to the financial position of the Village and shall attempt to secure and maintain a satisfactory ratio between residential assessment and industrial-commercial assessment. In this regard, the timing, nature and location of new development shall be such that the demand for municipal services is not excessive in relation to the taxable assessment.

The provision of services to all new development will, wherever possible, be the responsibility of the developer through an agreement with the Village.

From time to time, in consultation with the appropriate agencies, Council shall review any increase in municipal costs for the provision of services which is attributed to severance activity. The results of these reviews shall serve, in part, as the basis for Council's recommendations on severance applications and shall be made available to the Land Division Committee for use in evaluating severance applications.

3.11 FISHERIES

All waterbodies surrounding the Village are fish habitat. The spawning grounds, and nursery, rearing, food supply and migration areas on which fish depend, directly or indirectly, in order to carry out their life processes constitute fish habitat. Council will only permit development that has no negative impacts on fish habitat or, alternatively, where compensation is provided.

The Ministry of Natural Resources has identified significant fisheries in the Village. Council will encourage and support the responsible authorities in their efforts to maintain, or where required, improve the quality of fish habitat in the Village, in accordance with the Ontario Fish and Wildlife Conservation Act, and the Canada Fisheries Act. Council will also encourage and support the responsible authorities in their efforts to achieve Provincial Water Quality Objectives.

In addition, Council will request comment from the Conservation Authority and Parks Canada with respect to development adjacent to waterbodies.

3.12 GROUP HOMES

A group home is defined as a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff or the receiving family) live together under responsible supervision consistent with the particular requirements of its residents, who by reason of their emotional, mental, social or physical condition require a group living arrangement. The home is licensed or approved under Provincial Statute and in compliance with Municipal by-laws. This definition does not include residences for young offenders, adult offenders, boarding houses or lodging houses.

The establishment of a group home shall be subject to the following policies.

1. A group home shall be permitted in all zones in the comprehensive Zoning By-law in which a single detached dwelling is permitted as a principal use.
2. The Zoning By-law may establish other appropriate requirements such as a minimum distance separation between group homes and parking standards, in addition to the zone regulations in which the group home is located.
3. Group homes shall be restricted to single detached dwellings, except that a group home may be located in a semi-detached dwelling unit and a duplex dwelling unit, provided that both units are occupied by one group home operation and that the total number of residents (excluding staff or receiving family) in both units does not exceed ten residents. In order to prevent an undue concentration of group homes in the Village, standards requiring a minimum distance separation between group homes may be incorporated in the implementing zoning by-law, but shall generally be limited to a minimum of 500 metres between any two group homes, such distance to be measured from the closest points of the two properties at the property line.

3.13 HERITAGE CONSERVATION

Historic buildings and sites are a resource which must be carefully considered in any land use planning decisions.

3.13.1. In the establishment of a program of heritage conservation, Council shall give consideration to the following:

- i) Establishing a municipal heritage committee under the provisions of the Ontario Heritage Act;
- ii) Developing ways and means in which Council may co-operate in the preservation of cultural heritage resources, including utilization of the Ontario Heritage Act. Cultural heritage resources include, but are not necessarily limited to archaeological sites, buildings and structural remains of historical, architectural and contextual value, and human-made rural, village and urban districts or landscapes of historic and scenic interest;
- iii) Preparing inventories of significant cultural heritage resources, including maintaining any available archaeological site data locations from the provincial archaeological database of the Ministry of Culture (MCL) under the provisions of a municipal-provincial data sharing agreement for the purposes of development planning;
- iv) Exercising its powers under the Ontario Heritage Act, to conserve, protect and enhance the heritage of the Village through the designation of individual properties and/or areas of architectural and historical significance. Where a heritage conservation district has been designated under the Act, plans for the area or areas will be prepared in accordance with the guidelines established by the Ministry of Culture and will be submitted to that Ministry for endorsement prior to implementation by Council; and
- v) Adopting archaeological zoning by-laws under Section 34 of the Planning Act or other similar provisions, to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.

3.13.2 Where development is proposed on lands containing known archaeological resources or areas of archaeological potential, Council shall:

- i) Require an archaeological assessment by a licensed archaeologist as a condition of development approvals;
- ii) Require that any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48(1) of the Ontario Heritage Act;

- iii) Ensure that significant archaeological resources and sites identified are preserved insitu to ensure that the integrity of the resource is maintained, or that it can be systematically removed through excavation by a licensed archaeologist.
- iv) Ensure adequate archaeological assessment and consultation with appropriate government agencies including the Ministry of Culture and the Ministry of Consumer and Business Services (MCBS), when an identified marked or unmarked cemetery is affected by land use development. The provisions under the Heritage Act and the Cemeteries Act shall apply;
- v) Ensure adequate archaeological assessment and consultation with appropriate government agencies, including the Ministry of Culture (MCL) and the Ministry of Consumer and Business Services (MCBS), when an identified marked or unmarked cemetery is affected by landuse development. The provisions under the Heritage Act and the Cemeteries Act shall apply;
- vi) Require any necessary heritage assessments or studies, if there are any development-related impacts to built and/or landscape heritage resources within the Village.

Archaeological potential is determined using provincial screening criteria, or qualified mapping development based on the known archaeological record within the Village.

3.14 INFILLING

It shall be the policy of the Village of Westport to encourage infilling of vacant areas within the Village which can be readily provided with municipal services. This shall be a criteria for basing recommendations of proposed Plans of Subdivisions, consents, extension of utilities or construction of roads.

3.15 LAND ADJACENT TO WESTERN BOUNDARY OF THE VILLAGE

Although not within the boundaries of the Village, the Ministry of Natural Resources has indicated that currently there are two separate licensed quarries in the Township of Rideau Lakes. Therefore any development proposed within 50 metres of the western edge of the Village boundary, which is within 500 metres of a licensed quarry, will only be considered if it is supported by a compatibility study, undertaken by a qualified expert, which demonstrates that continued use of the mineral aggregate operation will not be precluded or hindered as a result of the proposed development. Implementation of this policy will require contact with the Township of Rideau Lakes. Current information with respect to the status and location of licensed mineral aggregate operations and technical advice in the preparation of the terms of reference for a compatibility study can be obtained from the Ministry of Natural Resources.

3.16 MOBILE HOMES

It is the intention of Council that mobile homes will not be permitted in the Village.

3.17 NATURAL HAZARD FEATURES

Under a Memorandum of Understanding with the Province of Ontario, Conservation Authorities have been identified as the lead agencies in planning for natural hazards.

Through the plan review process, the Village will work with the Rideau Valley Conservation Authority to help direct development to areas outside of hazardous lands, thereby minimizing the potential for property damage and risks to health and safety.

It is the intention of Council that the implementation and recommendation of any watershed plan affecting areas within the Village boundaries be included in this Plan by way of an amendment.

3.18 NOISE CONSTRAINT

When considering new residential development in close proximity to a major source of noise i.e. A major road or commercial uses, and when considering new commercial uses near residential uses, Council may require a noise feasibility study prepared by a qualified consultant in order to demonstrate whether noise levels can be reduced to meet provincial standards.

In the consideration of proposed development, which may be adversely affected by excessive noise levels, Council, in consultation with the Ministry of the Environment, may require the submission of a noise feasibility study, dealing with matters such as noise level affecting the proposed development and the proposed methods which would be employed to reduce noise to an acceptable level.

3.19 PUBLIC AND INSTITUTIONAL USES

Except as otherwise provided elsewhere in this Plan, public utilities and other public, community, institutional or quasi-institutional uses which provide services to the general public shall be permitted as follows:

1. Public utilities such as roads, water and wastewater services, hydro, natural gas, telephone and telecommunications infrastructure, railways, etc. shall be permitted in all land use designations on Schedules A subject to the criteria listed herein. Public utilities shall also be permitted in all Zones in the implementing Zoning By-law.
2. Other public, community, institutional or quasi-institutional uses may also be

permitted in all land use designations on Schedule A, subject to the criteria listed herein. Some of these uses shall be permitted in all Zones in the implementing Zoning By-law while others will require site-specific zoning.

3. The following criteria apply to all uses permitted under this Section of the Plan:
 - the use is necessary in the area, that it can be made compatible as far as practical with its surroundings, and that adequate measures are taken to ensure this compatibility;
 - adequate off-street parking and loading facilities are provided;
 - the construction of permanent buildings shall be limited and generally discouraged in any areas which may be environmentally sensitive; and,
 - the general intent of the policies of this Plan, including the policies related to municipal servicing (see Section 6) and Environmental Impact Studies (see Section 3.8), and of the site plan control requirements contained in this Plan shall be satisfied (see Section 7.3).

3.19.1 Notwithstanding the power of Provincial agencies or local Boards, as defined in the Planning Act, to undertake public works by authority granted under other statutes, Council shall ensure to the extent possible that such development will follow the general intent of this Plan and will be compatible with the type, quality and character of development in the area in which it is proposed.

3.20 GROUNDWATER PROTECTION

The Village of Westport is committed:

- ◆ To maintain the quantity and quality of the groundwater resources in order to protect it as a safe supply of potable water for current and future generations;
- ◆ To the implementation of measures for protection of surface water quality and ensure the maintenance of long term quality and quantity in the groundwater; and
- ◆ To accommodate new technologies and development forms for groundwater sustainability.

3.21 SERVICING REQUIREMENTS

Surface water quality protection will be considered in the approval process for new plans of subdivision or resort development on a water body. Appropriate stormwater quality and quantity controls will be provided, generally on-site, in accordance with best management practices of the Ministry of the Environment. Stormwater management is particularly important for developments with impervious surfaces such as roofs and

parking areas, as well as for golf courses and other developments with large areas of turf grass. Ministry of the Environment manuals should be consulted in the design of treatment systems.

Sewage disposal system leaching beds are a potential source of contamination of ground and surface waters. It is a policy of this Official Plan to consider the introduction of a sewage system re-inspection program to ensure that faulty systems are not contributing to water quality problems.

New plans of subdivision or resort development proposed adjacent to any waterbody should have a site specific lake impact assessment completed to determine the impact of the proposed development on the waterbody. The assessment should include information pertaining to the nature of development, proposed servicing, topography, location of septic systems, setbacks from the high water mark, clearing of trees and vegetation. Site specific lake impact assessments consists of a “best management” approach to the development of the lot. The municipality may consult with the Ministry of the Environment when requesting these types of assessments.

4.0 LAND USE POLICES

This section establishes the detailed development policies for each of the land use categories identified on Schedule “A”.

4.1 RESIDENTIAL

4.1.1 Intent of the Designation

The Residential classification shall mean that the land in the areas so designated shall be used predominantly for residential purposes.

4.1.2 Permitted Uses

The permitted residential uses shall include the full range of dwelling types from low density single-detached dwellings to medium density multiple dwelling. In addition uses which are complementary to the proper functioning of a residential area shall also be permitted. These shall include home based businesses, institutional uses such as schools, nursing homes and churches, open space uses such as parks and community centres, neighbourhood commercial uses such as convenience stores, clinics, licensed daycares and similar uses which are compatible with residential uses, provided that steps are taken to protect the residential amenities of the area, such as provision for increased setbacks, landscaping, buffering, off-street parking, etc.

4.1.3 Policies

A variety of low and medium density residential uses are permitted throughout the Residential designation. Lot sizes appropriate to the various types of residential development shall be established in the Zoning By-law. Where appropriate, density standards for residential development shall also be outlined in the By-law.

4.1.3.1 The following policies apply to multiple dwellings:

- a. Multiple dwellings should be designed to integrate with the surrounding uses in order to maintain the appearance of the residential environment.
- b. Multiple dwellings shall be encouraged to locate near or on arterial or collector roads in order to encourage the most efficient flow of traffic.
- c. Multiple dwellings should be only permitted where sufficient municipal services are available.

4.1.3.2 New development is intended to occur in accordance with the phasing indicated on Schedule “A”:

1. Phase I areas are currently serviced and infilling within these areas is encouraged.
2. Phase II areas are intended for development subsequent to the Phase I areas provided arrangements can be made, at the developer’s expense, to properly service the lands with municipal water supply, sewage disposal, storm drainage, road and related services. Phase II areas shall be placed in a holding zone until such time as a firm agreement is reached pertaining to all services. No new lots shall be created until an agreement is reached concerning all services.
3. Phase III areas are intended for long term future development subsequent to Phases I and II. Interim uses such as agriculture, forestry, conservation, open space and similar uses which will not prejudice the long term goal of achieving orderly, fully serviced development may be permitted provided they are compatible with the neighbouring uses.

4.1.3.3. Areas designated for unserviced residential development may be permitted to develop on the basis of municipal sanitary sewage and water supply systems or on the basis of private individual systems in accordance with the policies of Section 6 of this Plan. Before such development is permitted, however, Council shall determine whether the proposed development is premature and should be postponed until municipal services are available. The existing unserviced residential areas are located at the outer edges of the Village as shown on Schedule “A” to this Plan. The areas are substantially developed at present and only minor infilling, generally on existing lots, is intended to be allowed in these areas.

4.1.3.4. Non-residential uses and medium density residential development will be zoned in separate categories in the implementing Zoning By-law.

4.1.3.5. Any residential development proposed within 500 metres of an existing licensed pit area, whether such pit is located within or beyond the limits of the Village of Westport, shall require an Environmental Impact Assessment in accordance with Section 3.8 of this Plan.

4.1.4 Special Policy Areas

4.2 CENTRAL COMMERCIAL

4.2.1 Intent of the Designation

The Central Commercial designation includes the downtown together with additional, contiguous areas considered appropriate for the expansion of the downtown. It is the intent of this Plan to maintain the Central Commercial area as the focal point of activity and as the principle retail centre of the community. The Central Commercial Area is also intended to include the institutional, public and residential uses, as well as the commercial uses, that are typically found in a downtown. It is to serve as the focal point of the Village's tourism, as well as providing a vibrant community core for the Village's residents.

4.2.2 Permitted Uses

The permitted uses include the full range of activities traditionally found in the downtown of an urban centre, including retail sales, personal and professional services, offices, hotels, motels, restaurants, clubs, facilities for entertainment, culture and recreation, and residential, open space and institutional uses.

Where land within the Central Area fronts on the Lake, the permitted uses shall also include water-oriented commercial uses such as a marina.

4.2.3 Policies

It is the intent of Council to recognize the established historic nature of the Central Commercial Core and to preserve the viability and identity of this area through the policies contained herein.

- 4.2.3.1 Council shall consider the development of a coordinated program to improve townscape features on publicly-owned lands and to support the improvement of privately-owned lands.
- 4.2.3.2 Council will examine the opportunities available for funding downtown improvement projects, including the preparation of a Community Improvement Plan in accordance with Section 3.4 of this plan, and will consider establishing priorities in the municipal capital budget specifically for downtown renewal.
- 4.2.3.3 Mixed commercial/residential uses shall be encouraged to develop in the central commercial core area in order to create a vibrant commercial core. The policies with respect to multiple residential developments shall also be regarded when an application for mixed commercial/residential development is reviewed by Council.
- 4.2.3.4 Adequate buffering shall be provided for commercial development located on lands abutting residential uses.

- 4.2.3.5 Council will consider implementing a long range plan for the provision of off-street municipal parking and by encouraging the private sector to provide more efficient off-street parking through consolidating existing and proposed parking lots.
- 4.2.3.6 Council shall determine an appropriate standard for private off-street parking in the Central Commercial Area and may accept cash-in-lieu of parking where there is insufficient land to provide on-site parking as provided for under Section 40 of the Planning Act. Where Council accepts cash-in-lieu of parking, the money collected shall be used exclusively to provide additional public parking.
- 4.2.3.7 It is not intended that the entire Central Commercial Area will necessarily develop in commercial uses. Accordingly, the Central Commercial Area will be zoned in separate Commercial, Residential, Institutional and Open Space Zones.
- 4.2.3.8 All new commercial uses are designated Site Plan Control Areas.
- 4.2.3.9 New development, beyond those areas designated Central Commercial, should be planned as an extension of the existing area and not be permitted to infiltrate unnecessarily into adjoining areas, in order to maintain a compact pedestrian-oriented commercial area and to avoid land use conflicts between commercial and other uses.

4.2.4 Special Policy Areas

4.3 HIGHWAY COMMERCIAL

4.3.1 Intent of the Designation

The Highway Commercial designation shall mean that the predominant use of the land in the area designated shall be for commercial establishments, which because of the nature of their business require a highway location. The uses permitted are those commercial establishments which primarily serve the motoring public and relying heavily upon automobile traffic for their existence or which are service uses which do not directly serve the general public such as office and wholesale uses. Other commercial uses may be permitted which, due to their nature and operating requirements, require large sites or would be incompatible with a pedestrian-oriented commercial environment such as that found in the Central Commercial Area.

4.3.2 Permitted Uses

The permitted uses in a Highway Commercial designation include the following and similar uses: automobile sales and service uses; public garages; hardware and home improvement stores; building contractor's yard, restaurants; convenience stores; factory outlet stores; catalogue stores; offices; hotels and motels; commercial sports and recreation establishments; equipment sales and rental; warehousing; building contractor's yards; storage areas and wholesale uses.

4.3.3 Policies

- 4.3.3.1 Highway Commercial uses shall be located on an Arterial Road.
- 4.3.3.2 Adequate buffering shall be provided for highway commercial development located on lands abutting residential uses.
- 4.3.3.3 Adequate off-street parking facilities shall be provided by all permitted uses.
- 4.3.3.4 Road access to and from the highway commercial uses shall be limited to a maximum of two points, and shall be designed in a manner that will minimize the danger to vehicular and pedestrian traffic.
- 4.3.3.5 All new Highway Commercial Uses are designated as Site Plan Control Areas.

4.3.4 Special Policy Area

4.4 OPEN SPACE

4.4.1 Intent of the Designation

The Open Space designation has been placed on existing recreational areas, uses and facilities owned by government bodies or public agencies. The Open Space designation shall mean that the predominant use of land in the areas designated shall be for conservation and recreation, or similar uses.

4.4.2 Permitted Uses

Lands designated as Open Space are intended to be used for park and recreation uses, and for the conservation and protection of significant natural features. Such lands shall generally be kept free of buildings and structures, except for accessory buildings and structures which are necessary to serve the use, or which are recreational facilities such as arenas, pools, marinas, etc. Accessory uses such as gift shops, restaurants, etc. are permitted as part of the Open Space use.

4.4.3 Policies

Council shall ensure that adequate public parks, open space and recreational facilities are available to provide for a high quality urban environment. Lands designated as recreational open space are primarily intended for both public and private parks and open space conservation uses which provide for a range of leisure opportunities for all age groups. In developing open space areas regard shall be had for the characteristics and attributes of the natural landscape to provide for both active and passive recreational pursuits.

Where any lands designated for Open Space are under private ownership, this Plan does not intend that this land will necessarily remain as Open Space indefinitely, nor shall it be construed as implying that the Open Space areas are free and open to the general public or that such lands will be purchased by the Village of Westport.

At any time, when proposals to develop lands designated as Open Space which are in private ownership are made and the Municipality or the Conservation Authority or a public agency having an interest in the lands do not wish to purchase such lands in order to maintain the Open Space, then an application for redesignation of such land for other purposes will be given due consideration by Council.

Where recreational facilities are developed on lands within the Open Space designation, the following principles shall be adhered to:

1. wherever possible, those sites proposed for recreational development shall have good drainage, areas of shade, limited topographic relief and good pedestrian access;

2. adequate public parking areas shall be established and access points to parking areas shall be designed in such a manner that they will minimize the danger to pedestrian traffic;
3. pedestrian and vehicle movement shall be separated wherever possible;
4. buffer planting, screening and fencing may be required adjacent to a residential area;
5. Open Space areas may also include institutional uses which serve the general public so that they can be integrated into a single site.

4.5 SEWAGE TREATMENT FACILITY

4.5.1 Intent of Designation

The Village's sewage treatment facility is operated under Certificates of Approval from the Ministry of the Environment. The intent of this designation is to recognize the existing site in order to protect adjacent land from potential adverse impacts.

4.5.2 Permitted Uses

The sewage treatment facility lands are intended to be used for the treatment of municipal sewage.

4.5.3 Policies

4.5.3.1 The establishment of a new sewage treatment plant will require an amendment to the Zoning By-law as well as a Certificate of Approval from the Ministry of the Environment.

4.5.3.2 A sewage treatment plant must be located an adequate distance from any land use susceptible to noise, odours or groundwater contamination. The requirements of Guideline D-2, Compatibility between Sewage Treatment and Sensitive Land Use, produced by the Ministry of the Environment, will apply.

4.5.3.3 A sewage treatment plant will be located so that contamination of groundwater does not occur.

4.5.3.4 Any sewage treatment plant must be operated in accordance with the requirements of the Ontario Water Resources Act and any regulations hereunder.

4.5.3.5 Any proposed development within 400 m (1312.3 feet) of an existing sewage treatment facility will also be subject to the requirements of Guideline D-2, referenced above.

4.5.4 Special Policy Areas

5.0 TRANSPORTATION

5.1 GENERAL

5.1.1 The location of the three road classifications for the Village of Westport are shown on Schedule “A”. The roads are classified according to the function they should perform.

5.1.2 Roads improvements, such as widening, reconstruction, realignment, adding turning lanes, intersection improvements, and other traffic control measures should be made according to a schedule of priorities established by the various public agencies having jurisdiction over the roads. In general, priorities should be based on the nature and extent of any safety hazard and on traffic volumes. The schedules of road works to be undertaken by the County and Village should also be consistent with one another.

5.2 ARTERIAL

The arterial road in the Village is the “connecting link” extending to Bedford Street from County Road No. 42. An arterial road is intended to carry a high volume of traffic and to connect major traffic generators. Direct lot access should be carefully controlled. Intersections with other roads should be adequately spaced and limited in number so that they do not become a safety hazard and do not seriously interrupt the flow of traffic. The Village shall cooperate with the County in undertaking public works or approving development applications which may have an adverse impact on the arterial road.

All plans of subdivision, severances or site plans which are approved along a County Road shall be subject to a road widening dedication. The land dedication shall be as determined by the United Counties of Leeds and Grenville. The owner will be required to pay all of the costs associated with the land dedication, in addition to providing the land. The minimum right-of-way for a County Road is 26 m.

5.3 COLLECTOR

Collector roads are intended primarily for the distribution of medium volumes of traffic from significant generators to the arterial roads and secondarily for serving abutting properties. Junctions of local roads to collectors should be adequately spaced and, where possible, in the form of a “T” junction rather than a four-way intersection. Adequate street lighting and sidewalks should be provided.

5.4 LOCAL

The primary function of a Local Road is to provide direct access to abutting properties. Generally, the volume of traffic will be low and the traffic will have its origin or destination on the road. Through-traffic should be discouraged. Local roads are under the jurisdiction of the Village.

All plans of subdivision, severances and site plans which are approved along a local road, shall be subject to a road widening dedication sufficient to achieve the minimum right-of-way width of 16 metres.

5.5 PROPOSED ROAD WIDENINGS

All Village roads shall be considered Designated Roads, pursuant to the site plan control policies of this Plan, and shall have a minimum width as described in Section 5.4. As a condition of site plan approval, road widenings may be required to bring Village roads up to the minimum required width, and may be taken in equal amounts from both sides of the road, except that where a road widening has already been taken from one side of a Designated Road, then the required road widening shall be taken only from the other side of the road.

6.0 MUNICIPAL SERVICES

6.1 GENERAL

The pattern of growth in the Village shall be controlled through the provision of municipal services. All land uses (with the exception of those uses permitted on private services as specified elsewhere in the Plan), shall be serviced with municipal water and sanitary sewage.

In areas intended for serviced development, as indicated on Schedule "A" as "Phase 1", it is intended that these areas will be developed on full municipal services. Such services shall include municipal water supply, sanitary sewers, storm sewers and waste disposal facilities.

Approval of new development will depend on existing sewage and water capacity.

As of early 2005, the uncommitted reserve capacities were 240 households (water) and 60 households (sanitary sewage). Water is supplied from communal wells located in the centre of the Village. A draft wellhead protection study was issued in 2004 in order to identify measures which would help to protect the quality of Westport's public water supply. Council will ensure that these measures are implemented as soon as possible.

Generally, new development which is located at or near the periphery of existing water and sewer services is to be connected to these services. However, development may be permitted on private services in accordance with the policies of Section 4.1.3.3. Generally private communal systems will not be permitted unless they are designed to be connected to the municipal sanitary sewers once additional capacity at the treatment plant has been obtained.

6.2 WASTE DISPOSAL

Westport's solid waste disposal site is located in the Township of Rideau Lakes, and is located 1 km north of the Village on County Road No. 36. The site is jointly owned by the Village and Rideau Lakes.

7.0 IMPLEMENTATION

7.1 GENERAL

This Official Plan shall be implemented by means of the powers conferred upon the Council by the Planning Act, The Municipal Act, and such other statutes as may be applicable. In particular, this Plan shall be implemented through Zoning By-laws, legislation pursuant to the Municipal Act, and the construction of public works.

7.2 ZONING BY-LAWS

7.2.1 General

It is intended that comprehensive Zoning By-laws shall be brought into effect in accordance with the provisions of the Planning Act to implement the policies of this Official Plan. Such By-laws shall regulate the use of lands, the erection or use of buildings, the construction of buildings and provisions for parking and loading spaces among other matters.

7.2.2 Holding Zones

It is the intention of Council to place certain lands within a holding category in the Zoning By-law when the principle of development has been established, in order to:

1. achieve orderly development;
2. prevent premature development;
3. ensure that any development constraints can be properly overcome;
4. affect the phasing and/or proper design of large scale residential or commercial development;
5. Ensure proper agreements are in place and that any required permits with respect to servicing or other matters have been obtained, pursuant to the policies of the Plan.

Land which is subject to the holding provisions will be identified in the Zoning By-law by an “h” symbol in conjunction with the appropriate zone symbol denoting the eventual use of the land and shall be subject to the following policies:

1. Lands which are shown to be in a holding category shall generally be restricted to existing uses.
2. New development proposed on land zoned in a holding category shall not be permitted unless Council deems it appropriate to remove the “h” symbol through an amending By-law.

An application for removal of the “h” symbol shall be reviewed by Council in accordance with the following policies:

1. The proposed use shall conform to the requirements of the Zoning By-law;
2. The required municipal services are available or will soon be available;
3. The necessary tests and reports have been prepared to prove to the satisfaction of the regulating agencies that the proposed development is feasible;
4. The financial requirements of the municipality have been fulfilled;
5. The phasing and design of the proposed development is to Council's satisfaction; and/or
6. Any development constraints which have been identified can be overcome to the satisfaction of Council.

7.2.3 Interim Control

Council may pass an Interim Control By-Law under Section 38 of the Planning Act should it wish to control development in areas where a review of the existing land use and development policies is deemed necessary. The By-Law may be passed when a planning study is in progress.

The Interim Control By-Law passed under these provisions will identify the permitted land uses during the period in which the By-Law is in force. These uses will conform, to the policies of this Plan as set out for the given area.

An Interim Control By-Law passed under this section may be in force for a period up to one year from the date of passing but may extend for a maximum of one additional year.

7.2.4 Temporary Use By-law

Council may pass Temporary Use By-laws to permit temporary uses, in accordance with the provisions of Section 39 of the Planning Act. A temporary use may be permitted for a period of up to three years from the date of the passing of the by-law, except where the by-law is for the purpose of permitting a garden suite, in which case the temporary use may be permitted for a period of up to ten years. Permission to extend a temporary use beyond the time period specified in the by-law may be granted through by passing a further by-law, provided that no such by-law shall extend the permission beyond the maximum permitted time period.

When considering a Temporary Use By-law, Council shall be guided by the following:

1. The temporary use should not jeopardise the long-term development of the land or surrounding area as intended by the policies of this Plan;
2. The temporary use should be compatible with surrounding uses, or be made compatible through the provision of appropriate buffering; and,
3. The by-law should contain adequate provisions to ensure that the use is terminated at the appropriate time.

7.3 SITE PLAN CONTROL

Site Plan Control is intended to be used, as provided for under Section 41 of the Planning Act, where the development of a particular site requires greater regulation or management of the permitted land use activities than is possible or practical through the Zoning By-law.

The specific designations or land uses which may be subject to Site Plan Control are identified in various sections of this Official Plan and include medium or high density residential uses, accessory uses and all permitted commercial and industrial uses.

It is Council's intention to also use Site Plan Control to obtain road widening in appropriate circumstances, especially where the proposed use will generate significant volumes of traffic or where the entrance onto the public road would otherwise be unsafe. This policy applies to all roads under the Village's jurisdiction.

Site Plan Control will be used to ensure that:

1. Proposed buildings and structures are well-sited vis-à-vis adjacent land uses;
2. Design details, such as lighting, walkways, landscaping materials, stormwater management, etc., are adequate for the uses proposed;
3. The proposed development is built and maintained as approved by Council;
4. Road allowances of adequate width are provided;

7.4 COMMITTEE OF ADJUSTMENT

A Committee of Adjustment has been appointed to consider applications for minor relief from any Zoning By-law implementing this Plan. The Committee will be guided by Section 44 of the Planning Act and by the rules of procedures and regulations issued from time to time by the Minister.

The Committee will also bear in mind the non-conforming use policies contained in Section 3.9.

When considering a minor variance for approval, the Committee shall consider whether the application is in keeping with the general intent of this Plan and of the comprehensive Zoning By-law, whether the proposal is desirable and appropriate for the development of the land, and whether the variance is minor.

7.5 PUBLIC PARTICIPATION

Council intends to provide a public participation process, which allows individuals and organizations affected by an Official Plan, a Community Improvement Plan, a Zoning By-law, and amendments and repeals thereto, to be made aware of planning proposals and to be provided an opportunity to express their views to Council. The requirements of the Planning Act and its related Regulations will apply to the public notification process.

On a case-by-case basis, additional notification over and above the statutory requirements and the Council procedural requirements may be considered. For those amendments to the Official Plan and Zoning By-law, which are of housekeeping nature (for example, typographical, grammatical or dimensioning errors, rearranging format or renumbering, consolidations, etc.), Council may forego public notification. This will not apply to any changes, which would affect the policies, designations or the intent of the Official Plan.

In order to facilitate public participation in planning issues Council will employ appropriate methods at varying stages of the decision-making process such as, but not limited to, delegations at Committees of Council, formal and informal public meetings, open houses, workshops, displays, area or municipality-wide advertising, working committees, task forces, consultation with ratepayers associations, and posting of affected properties.

7.6 PROPERTY STANDARDS BY-LAW

It is Council's intention to undertake the preparation, enactment and enforcement of a property standards by-law under the Building Code Act. The purpose of this By-law is to establish minimum standards of occupancy in order to conserve, sustain and protect the existing and future development in the Village.

The property standards by-law shall contain requirements with respect to:

1. Garbage disposal;
2. Pest prevention;
3. Structural maintenance of buildings;
4. Safety of buildings;
5. Cleanliness of buildings;
6. Services to buildings, such as plumbing, heating and electricity;
7. Keeping properties free from rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, barges, mechanical equipment or other material;
8. Maintaining yards, lanes, and parking and storage areas;

9. Maintaining fences, swimming pools, accessory buildings and signs; and,
10. Occupancy standards.

Council will appoint a Property Standards Officer who will be responsible for administering and enforcing the property standards by-law. Council will also appoint a Property Standards Committee, in accordance with the Building Code Act, for the purpose of hearing appeals against an order of the Property Standards Officer.

The measures to be used generally in achieving the property standards program would include an education and public relations program to show people the benefits of continued property maintenance, together with information showing what improvements can be made without increasing assessment.

Complementary to the enforcement of minimum standards on private properties, the Council will undertake to keep in a fit and well-maintained condition all municipally-owned properties and structures, and to provide or maintain in good repair such municipal services as public roads, sidewalks, parkland, community facilities, etc.

7.7 OFFICIAL PLAN AMENDMENTS

From time to time, changing conditions may require that this Plan be amended. Such Amendments shall be prepared and adopted by Council in accordance with the requirements of the Planning Act and its Regulations. When Council adopts such an Amendment, a corresponding Zoning By-law Amendment shall also be adopted, as required, so that the Zoning By-law remains in conformity with the Official Plan.

7.8 INTERPRETATION

It is intended that the boundaries of any land use designation shown on Schedule “A” be considered as approximate only, except where bounded by such features as existing roads, railways, rivers or natural features. It shall not be necessary to make amendments to the Official Plan for minor variations in the approximate boundaries provided that the intent of the Plan is preserved.

Where any Act or portion of an Act is referred to in this Plan, such references shall be interpreted to include any subsequent legislation that may replace or revise the specified Act.