

THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS

BY-LAW NO. 2023-1841

A BY-LAW TO AMEND ZONING BY-LAW NO. 2003-451 TO ALLOW ADDITIONAL RESIDENTIAL UNITS (ARUs)

WHEREAS, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the Township;

AND WHEREAS, By-Law No. 2003-451 regulates the use of land and the erection, location and use of buildings and structures within the Township of Lanark Highlands;

AND WHEREAS, the Council of the Corporation of the Township of Lanark Highlands deems it advisable to amend By-Law No. 2003-451 as hereinafter set out;

AND WHEREAS, this By-Law implements the policies and intentions of the Official Plan for the Township of Lanark Highlands;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of the Township of Lanark Highlands enacts as follows:

1. GENERAL REGULATIONS

- 1.1 THAT** By-Law No. 2003-451, as amended, is hereby further amended by adding a new Section 4.1.1, Additional Residential Units, which shall read as follows:

"4.1.1. Additional Residential Units (ARU)

Notwithstanding any provisions to the contrary, on lands where single detached, semi-detached, duplex, triplex, row or townhouse dwellings are permitted as a principal use of the land and where the lands are placed within the RU, R1, R2, H, LD and GC zones, additional residential units shall be permitted, as an accessory use subject to the following provisions:

- a) The subject property shall comply with the minimum lot area and minimum lot frontage requirements of the zone and shall have frontage on an opened and maintained year-round public road.
- b) The development of the subject property, including the proposed ARU, will not exceed the maximum lot coverage of the zone.
- c) The proposed ARU will be accessed using the existing driveway which accesses principal residential use.

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- d) The footprint of the proposed ARU will not exceed the total footprint of the principal residential use. ARUs within an accessory shall be limited to a maximum height of 6 m (19.7ft).
- e) Each additional residential unit (ARU) shall require the establishment of 1 parking space per unit.
- f) A maximum of three (3) additional residential units (ARUs) shall be permitted per property. Up to a maximum of two (2) ARUs may be permitted within an existing residential dwelling. An ARU may be permitted within an accessory structure.
- g) ARUs permitted within a principal dwelling shall be connected to the existing well and septic system services.
- h) ARUs permitted within an accessory structure may connect to existing well and septic systems, should the systems have the capacity to support additional development. Alternatively, an ARU in an accessory structure may be developed on its own private well and septic system.
- i) The applicant will be required to demonstrate, at the time of the request for a building permit that the existing well and septic system can support the additional development.
- j) ARUs shall not be permitted within lands identified as subject to flooding or natural hazards.
- k) ARUs shall not be permitted within lands identified as having Environmental Protection (E) zoning.
- l) ARUs and any required septic system shall not be permitted within the 30 m setback from water.
- m) ARUs proposed on lots less than 1 ha (2.45 ac) in size shall require the support of a hydrogeological assessment which demonstrates that the ARU can be supported by private services in accordance with MECP guidelines.
- n) ARUs proposed shall be permitted on properties that are a principal residence and shall not be permitted on properties which are seasonal dwellings or residences.
- o) The lands on which an ARUs is to be located shall have frontage on a publicly maintained road. For the sake of clarity, ARUs shall not be permitted on private roads.

1.2 THAT By-Law No. 2003-451, as amended, is hereby further amended by adding the following new definition to Section 20.0, Definitions:

"20. Additional Residential Unit shall mean an accessory use to the principle dwelling on the property, consisting of a self-contained residential unit with kitchen and bathroom facilities within a principal single detached, semi-detached or townhouse dwelling or within an accessory structure, where food preparation and sanitary facilities are provided, but shall not include a boarding house, hotel, motel, rental cottage or cabin or similar commercial use.

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- 1.3 **THAT** By-Law No. 2003-451, as amended, is hereby further amended by adding "Additional Residential Unit" in column 1, Section 4.27 Parking Requirement Chart, Residential.
- 1.4 **AND THAT** all applicable standards of By-Law No. 2003-451 shall apply to the subject property.
- 1.5 **AND FURTHER THAT** this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act, R.S.O. 1990*.

2. ULTRA VIRES

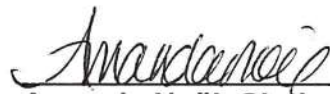
Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this 25th day of April 2023.



Peter McLaren, Reeve



Amanda Noël, Clerk

