

**THE CORPORATION OF THE TOWNSHIP OF MONTAGUE  
BY-LAW NO. 3850-2021**

**BEING** a by-law to amend Comprehensive Zoning By-law No. 3478-2015 of the Township of Montague;

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A Zoning By-law, being a By-law to amend By-law No. 3478-2015 of the Township of Montague for prohibiting the use of land for or except for such purposes as may be set out in this By-law and for prohibiting the erection, location or use of buildings or structures for or except for such purposes as may be set out in this By-law within the said lands; and for regulating the character of buildings or structures to be erected or located on the said lands.

WHEREAS, the Council of the Corporation of the Township of Montague adopted by-law 3816-2021 authorizing an amendment to the Comprehensive Zoning By-law No.3478-2015 of the Township of Montague;

AND WHEREAS, Council deems it expedient to rescind By-law 3816-2021 based on the fact that time frames were not able to be met to the satisfaction of the County of Lanark;

**BE IT RESOLVED THAT** the Council of the Corporation of the Township of Montague enacts as follows:

**Part 1: Section 2 of By-law No. 3478-2015 (“Definitions”) is hereby amended as follows:**

Amend the definition of “*Secondary Dwelling Unit*” to read as follows: *Means a separate permanent self-contained second unit which is subordinate in size and located in the same building as the principal dwelling unit of a single detached, semi-detached, or townhouse dwelling. Its creation does not result in the creation of a semi-detached dwelling or duplex dwelling.*

Add the following new definition in the “*Dwelling*” tab: “*SECOND DWELLING means an accessory building constructed or placed on a foundation, which contains one or more habitable rooms designed and occupied as an independent dwelling in which living, kitchen and bathroom facilities are provided and which is located on the same lot as a single dwelling, semi-detached dwelling or rowhouse dwelling, as defined herein. A mobile home shall be included within this definition.*”

**Part 2: Section 3 of By-law No. 3478-2015 (“General Provisions”) is hereby amended as follows:**

- Section 3.16(1) (Parking Requirements) is amended to add the following line under “dwellings of three units or more”

*Secondary Dwelling Units and Second Dwellings: 1 parking space per dwelling unit, which may be a tandem space.*

- Section 3.19 (Secondary Dwelling Units) is deleted and replaced by a new Section 3.19, reading as follows:

### *3.19 Secondary Dwelling Units and Second Dwellings*

*Where a single dwelling, a semi-detached dwelling or rowhouse dwelling is permitted as a principal use in a zone, a secondary dwelling unit and a second dwelling, as herein defined, are permitted on the same lot, subject to the following provisions:*

#### *1. General*

- *The secondary dwelling unit or second dwelling shall comply with the provisions of the Building Code Act.*
- *Prior to obtaining a building permit for a secondary dwelling unit or a second dwelling, the applicant shall obtain the appropriate servicing approvals.*
- *A minimum of one parking space shall be provided for the secondary dwelling unit or second dwelling, in addition to the minimum parking requirements for the principal dwelling. This may include tandem parking.*
- *A secondary dwelling unit or second dwelling shall be permitted on all properties in which a single dwelling is permitted as a principal land use, with the exception of the following circumstances:*
  - *The secondary dwelling unit or second dwelling does not have direct driveway access to an improved street, as herein defined;*
  - *The secondary dwelling unit or second dwelling is located on a lot that does not meet the minimum size of the zone in which it is located; or*
  - *The secondary dwelling unit or second dwelling is located in a floodplain.*

#### *2. Additional Provisions for Second Dwellings*

- *A new accessory building may be constructed as a second dwelling provided that it complies with all applicable zoning provisions (excluding dwelling unit size) for the principal dwelling.*
- *An existing accessory building may be partially or fully converted to a second dwelling, except that no habitable room window shall face an interior side lot line or a rear lot line unless the existing accessory building conforms to the minimum side lot line setback and rear lot line setback as is required for the principal dwelling, as the case may be.*
- *A second dwelling shall comply with the height limits for an accessory building outlined herein, except where the second dwelling is located in a Settlement Area and on a lot that is less than 0.2 ha in size, in which case it shall be limited in height to one storey.*

- A second dwelling shall share the driveway entrance to the lot with the principal dwelling. A second dwelling shall be separated by less than 30 m from the principal dwelling.

**Part 3: Section 5 of By-law 3478-2015 (“Residential Zones”) and Section 11 (“Rural Zones”) are hereby amended as follows:**

- Sections 5.1.2 (General Residential); 5.2.2 (Rural Residential); 5.3.2 (Limited Services Residential); 5.4.2 (Mobile Home Park Residential) and 11.1.2 (Rural) to change “Dwelling Unit Floor Area (minimum) in each category to “Principal Dwelling Unit Floor Area (minimum) 75 m<sup>2</sup> (807 ft<sup>2</sup>).
- Sections 5.1.2 (General Residential); 5.2.2 (Rural Residential) and 11.1.2 (Rural) to delete “Dwellings per Lot (Maximum) 1”
- Section 5.4.2 (Mobile Home Park Residential) to delete “Accessory Dwellings or Dwelling Units per Lot, excluding mobile homes (maximum) 1”


**Part 4: Section 6 of By-law 3478-2015 (“Commercial Zones”), Section 7 (“Industrial Zones”), Section 8 (“Institutional Zones”), Section 9 (“Open Space Zones”) and Section 12 (“Agriculture Zones”) are hereby amended as follows:**


Sections 6.1.2 (General Commercial); 6.2.2 (Highway Commercial); 6.3.2 (Tourist Commercial); 7.1.2 (General Industrial); 7.2.2 (Light Industrial); 7.4.2 (Salvage Yard Industrial); 8.1.2 (Institutional); Section 9.1.2 (Open Space); and Section 12.1.2 (Agriculture)- to Delete “Dwelling Unit Floor Area (minimum)” provisions for Dwellings and Dwelling Units in each category and replace with “Dwelling Unit Floor Area (minimum) – 75 m<sup>2</sup>”

**Part 5: This By-law shall come into effect upon such time that Official Plan Amendment Number 3 takes full force and effect, subject to the provisions of Sections 34 and 34(10) of *The Planning Act*, R.S.O. 1990 as amended.**

BY-LAW READ, passed, signed and sealed in open Council this 6<sup>th</sup> day of July, 2021.

PASSED, SIGNED & SEALED THIS 6<sup>th</sup> DAY OF JULY, 2021

  
REEVE

  
CLERK

