



**AGENDA  
SPECIAL COMMITTEE OF THE WHOLE**

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**Wednesday, July 26<sup>th</sup>, 2017, 6:00 p.m.**  
**Lanark Highlands Municipal Office**  
**75 George Street, Lanark, Ontario**

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- ***Immediately following Committee of Adjustment and a Public Meeting under the Planning Act.***

**Chair, Deputy Mayor John Hall**

**1. PUBLIC MEETING TO CONSIDER ROAD CLOSURE**

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- i) **Stop Up, Close, and Dispose of Municipal Property** - Concession 4, Part Lot 1 and Concession 3, Lot 1

***Suggested Motion:***

***“THAT Council declare the unopened road allowance located between Concession 4 Part Lot 1 and Concession 3 Part Lot 1 in the former Township of Dalhousie as surplus lands;***

***AND THAT that Council adopt the necessary by-law for the stop up and close and disposition of the unopened road allowance.”***

**2. BUSINESS**

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- i) **Zoning Amendments ZA-03-17 and ZA-04-17 (Dunlop)**  
Amanda Noël, Planning Administrator/Deputy Clerk

***Suggested Motion:***

***“THAT Council pass the necessary by-law to permit zoning by-law amendment applications ZA-03-17 and ZA-04-17 (Dunlop) located at Concession 8 Part Lot 11, Geographic Township of Dalhousie, to rezone the subject properties from Commercial Recreational (CR) to Rural (RU).”***

ii) **Zoning Amendment ZA-05-17 (Charlebois)**

Amanda Noël, Planning Administrator/Deputy Clerk

***Suggested Motion:***

***“THAT Council pass the necessary by-law to permit zoning by-law amendment ZA-05-17 (Charlebois) located at Concession 8 Part Lot 6, RP27R6201 Part 1, Geographic Township of Lavant, to permit the construction of an accessory structure prior to the construction of a main use.”***

**3. ADJOURNMENT**

**THE CORPORATION OF THE  
TOWNSHIP OF LANARK HIGHLANDS**

**COMMITTEE OF THE WHOLE**

July 26, 2017

Report #PD-18-2017

**Request for Road Closing – Part of Unopened Road Allowance**

**STAFF RECOMMENDATION(S):**

*“THAT Council declare the unopened road allowance located between Concession 4 Part Lot 1 and Concession 3 Part Lot 1 in the former Township of Dalhousie as surplus lands;*

*AND FURTHER THAT that Council adopt the necessary by-law for the stop up and close and disposition of the unopened road allowance.”*

**BACKGROUND**

The Township has received a request from Mr. Oral Pretty to close a portion of the unopened road allowance located between 436 Iron Mine Road and a vacant parcel of land legally described as DAL Concession 3, Lot 1 RP26R2089 Part 9, in the former geographic Township of Dalhousie, now in the Township of Lanark Highlands.

Diagram of subject lands:



## **DISCUSSION**

The portion of the unopened road allowance subject to this application is located between Concession 4 Part Lot 1 and Concession 3 Part Lot 1, in the former Township of Dalhousie. The goal of the applicant is to apply for a building permit to construct a dwelling, therefore should the stop up and close and purchase of the portion of the unopened road allowance be permitted, the minimum setbacks required from the dwelling to the side lot line can be met.

The request has been circulated to the adjacent landowners within 120m in addition to every other landowner located along the section of unopened road allowance that extends North West to the Sheridan Rapids Road.

Comments were received from the Ministry of Natural Resources and Forestry (MNRF) which identified that they do not have any concerns with the proposed road closing.

Comments were also received from an adjacent landowner Mr. Jay Playfair with regards to a pre-existing fence within the road allowance and his interest in purchasing a portion of the unopened road allowance. Mr. Oral Pretty and Mr. Jay Playfair have both come to a mutually agreeable solution with respect to the fencing and the purchasing of the section of unopen road allowance.

This report has been circulated to the Roads Superintendent. No concerns were identified with this proposal.

## **Applicable Legislation – The Municipal Act, 2001**

### ***What constitutes a highway?***

**26.** *The following are highways unless they have been closed:*

- 4.** *All road allowances made by the Crown surveyors that are located in municipalities.*

### ***Local municipalities***

**(2)** *Except as otherwise provided in this Act or under section 8 of the Public Transportation and Highway Improvement Act, a local municipality has jurisdiction over,*

- (a)** *all road allowances located in the municipality that were made by the Crown surveyors;*

### ***Ownership***

**30.** *A highway is owned by the municipality that has jurisdiction over it subject to any rights reserved by a person who dedicated the highway or any interest in the land held by any other person. 2001, c. 25, s. 30.*

### ***Highway closing procedures***

**34.** *(1) A by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office. 2006, c. 32, Sched. A, s. 18.*

**Consent**

*(2) A by-law permanently closing a highway shall not be passed without the consent of the Government of Canada if the highway,*

*(a) abuts on land, including land covered by water, owned by the Crown in right of Canada*

**Applicable Township Policies:**

TR-04-2017-roa – Road Closing Procedure Policy Resolution COW-2017-082

ME-01-2007-not – Public Notice Policy, By-law 2007-820

**Procedure Summary:**

- The Applicant shall submit a written request, including a detailed sketch, to the Clerk;
- The Committee of the Whole shall review the application and make a recommendation to proceed or reject the application.
- The Applicant must submit a \$1,000 deposit to cover administration, advertising, appraisal, legal and land value costs and survey costs;
- Circulation to Adjacent Landowners, the Clerk shall notify all landowners abutting the portion of the unopened road allowance proposed to be closed and sold.
- A professional appraisal and a Registered Plan will be obtained for the portion of the unopened road allowance.
- At least 20 days before the scheduled meeting of Council, notice will be sent to all parties as listed in steps 12 and 13 of Schedule A of the Road Closures Policy. Notice will be circulated to adjacent land owners, as well as agencies that may be affected by the sale.
- Council will pass a bylaw confirming the sale of the lands. Council will obtain consent, if required, from the Government of Canada and Ontario.
- Township staff, the Applicant and municipal lawyers are to execute a purchase and sale agreement and prepare and deliver documents as detailed in Sections 20 to 28 of Schedule A of the Road Closures Policy.

**FINANCIAL IMPLICATIONS**

In accordance with the Township's Road Closing Procedure Policy, the lands shall be appraised by a professional surveyor and monies received for the land shall be placed in a reserve for roads. The lands subject to this request are approximately (20m x 167m) 3340m<sup>2</sup> (.83 acres). The applicant will be responsible for all costs associated with the purchase including the land survey, legal fees and transfer.

The lawyer will determine the shared costs between the interested parties for the stop up and closing and sale of the portion of unopened road allowance.

**References:**

TR-04-2017-roa – Road Closing Procedure Policy Resolution COW-2017-082

**Prepared and Submitted By:**  
**Amanda Noël**  
**Planning Administrator/Deputy Clerk**

**Reviewed for Submission By:**  
**Stacey Blair**  
**Clerk Administrator**

**THE CORPORATION OF THE  
TOWNSHIP OF LANARK HIGHLANDS**

**COMMITTEE OF THE WHOLE**

July 26<sup>th</sup> 2017  
PD-19-2017

**Amanda Noel, Planning Administrator/Deputy Clerk**

**Zoning Amendment Draft By-law (Dunlop)**

**STAFF RECOMMENDATION**

**THAT** Council pass the necessary by-law to permit zoning by-law amendment applications ZA-03-17 and ZA-04-17 (Dunlop) located at Concession 8 Part Lot 11, Geographic Township of Dalhousie, to rezone the subject properties from Commercial Recreational (CR) to Rural (RU).

**BACKGROUND**

Two public meetings were held July 26<sup>th</sup>, 2017 at the Township of Lanark Highlands to hear ZA-03-17 and ZA-04-17 (Dunlop) for zoning amendments.

**DISCUSSION**

To date, no comments in support of or against the application have been received. At the public meetings, members of the Committee of the Whole were given the opportunity to hear the merits of this application. Provided that there is no opposition to the applications and that the Committee of the Whole supports the applications, the Committee can consider the attached draft zoning amendment by-law which encompasses both applications.

**ATTACHMENTS**

1. Draft By-law - Zoning Amendment ZA-03-17 and ZA-04-17 CR to RU (Dunlop)

**Prepared and submitted by:**

**Amanda Noel, Planning Administrator/Deputy Clerk**

**Reviewed by:**

**Stacey Blair, Clerk Administrator**

**THE CORPORATION OF THE  
TOWNSHIP OF LANARK HIGHLANDS**

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**BY-LAW NO. 2017-14XX**

**A BY-LAW TO AMEND ZONING BY-LAW NO. 2003-451**

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**WHEREAS** pursuant to the provisions of the Planning Act, RSO 1990, Section 34, the Council of a municipality may enact by-laws regulating the use of land and the erection of building and structures thereon;

**AND WHEREAS** By-law No. 2003-451 regulates the use of land and the erection of building 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;

**NOW THEREFORE** the Council of the Corporation of the Township of Lanark Highlands ENACTS AS FOLLOWS:

1. **THAT** By-Law No. 2003-451, be and is hereby amended by changing Schedule "A2" thereto in accordance with Schedule "A" attached hereto and forming part of this By-law, for lands located at DALHOUSIE CON 8, Geographic Township of Dalhousie, so that the subject lands shall henceforth be zoned RURAL.

**AND THAT** all applicable standards of By-Law No. 2003-451 and the RU zone shall apply to the subject property.

**THAT** this By-law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*.

**ENACTED and PASSED** this \_\_\_<sup>th</sup> day of August, 2017.

\_\_\_\_\_  
Mayor, Brian Stewart

\_\_\_\_\_  
Planning Administrator, Amanda Noël

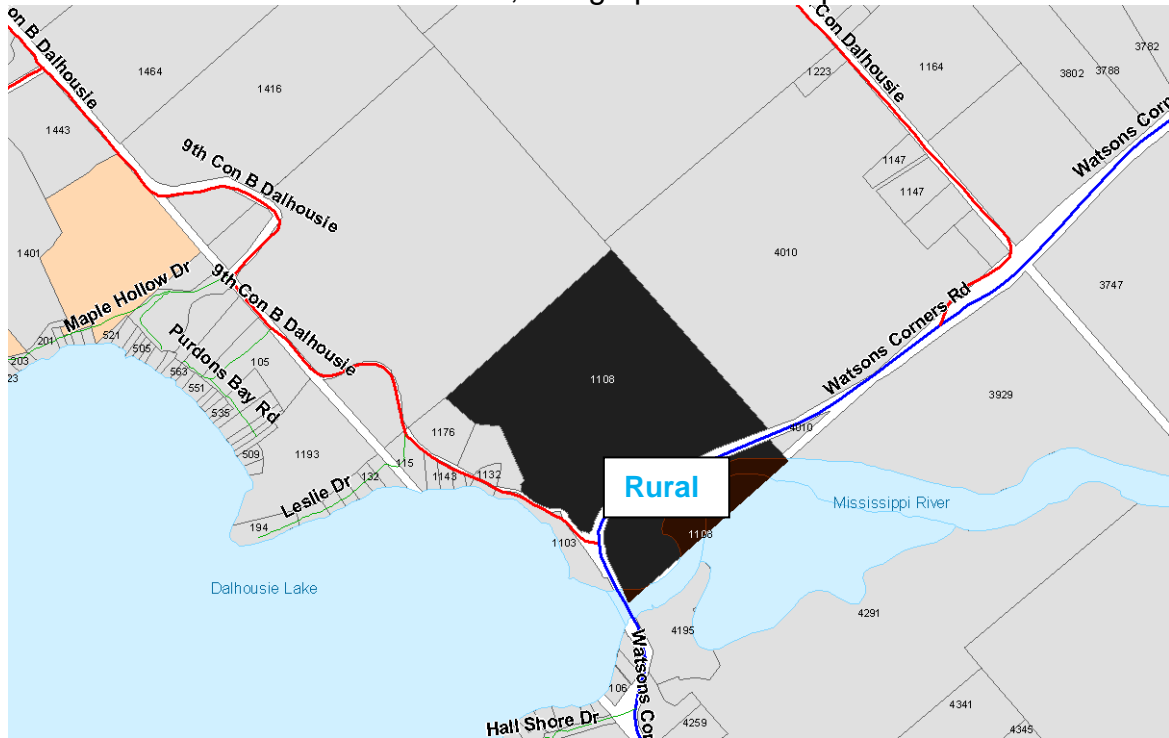
THE CORPORATION OF THE  
TOWNSHIP OF LANARK HIGHLANDS

Schedule "A" to

BY-LAW NO. 2017-14XX

ZONING BY-LAW AMENDMENT

DALHOUSIE CON 8 PART LOT 11, Geographic Township of Dalhousie



To By-Law No. 2017-14XX

Area affected by this By-Law

DALHOUSIE CON 8, PART LOT 11,

Geographic Township of Dalhousie, now in the Township of Lanark Highlands

Legend	
R	Rural

Certificate of Authentication.

This is Schedule "A" to By-Law 2017-14XX  
passed this --<sup>th</sup> day of August, 2017.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Planning Administrator,  
Deputy Clerk



**THE CORPORATION OF THE  
TOWNSHIP OF LANARK HIGHLANDS**

**COMMITTEE OF THE WHOLE**

July 26<sup>th</sup> 2017  
PD-20-2017

**Amanda Noel, Planning Administrator/Deputy Clerk**

**Zoning Amendment Draft By-law (Charlebois)**

**STAFF RECOMMENDATION**

**THAT** Council pass the necessary by-law to permit zoning by-law amendment ZA-05-17 (Charlebois) located at Concession 8 Part Lot 6, RP27R6201 Part 1, Geographic Township of Lavant, to permit the construction of an accessory structure prior to the construction of a main use.

**BACKGROUND**

A public meeting was held July 26<sup>th</sup>, 2017 at the Township of Lanark Highlands to hear an application for a zoning amendment.

**DISCUSSION**

To date, no comments in support of or against the application have been received. At the public meeting, members of the Committee of the Whole were given the opportunity to hear the merits of this application. Provided that there is no opposition to the application and that the Committee of the Whole supports the application, the Committee can consider the attached draft zoning amendment by-law.

**ATTACHMENTS**

1. Draft By-law - Zoning Amendment LD-41 (ZA-05-17)

**Prepared and submitted by:**

**Amanda Noel, Planning Administrator/Deputy Clerk**

**Reviewed by:**

**Stacey Blair, Clerk Administrator**

**THE CORPORATION OF THE  
TOWNSHIP OF LANARK HIGHLANDS**

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**BY-LAW NO. 2017-14XX**

**A BY-LAW TO AMEND ZONING BY-LAW NO. 2003-451**

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**WHEREAS** pursuant to the provisions of the Planning Act, RSO 1990, Section 34, the Council of a municipality may enact by-laws regulating the use of land and the erection of building and structures thereon;

**AND WHEREAS** By-law No. 2003-451 regulates the use of land and the erection of building 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;

**NOW THEREFORE** the Council of the Corporation of the Township of Lanark Highlands ENACTS AS FOLLOWS:

1. **THAT** By-Law No. 2003-451, be and is hereby amended by changing Schedule "A4" thereto in accordance with Schedule "A" attached hereto and forming part of this By-law, for lands located at LAVANT CON 8 PT LOT 6, RP 27R6201 PART; so that the subject lands shall henceforth be zoned LAKEFRONT DEVELOPMENT – SPECIAL EXCEPTION 41 (LD-41).
2. **THAT** notwithstanding Section 11.0 of By-law No. 2003-451, the following shall be permitted:
  - **The construction of an accessory structure (garage) prior to the construction of a main use (main dwelling)**
3. **THAT** all other applicable standards of By-Law No. 2003-451 shall continue to apply to the subject property.
4. **THAT** this By-law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*.

**ENACTED and PASSED** this \_\_\_ day of August, 2017.

\_\_\_\_\_  
Mayor, Brian Stewart

\_\_\_\_\_  
Deputy Clerk, Amanda Noel

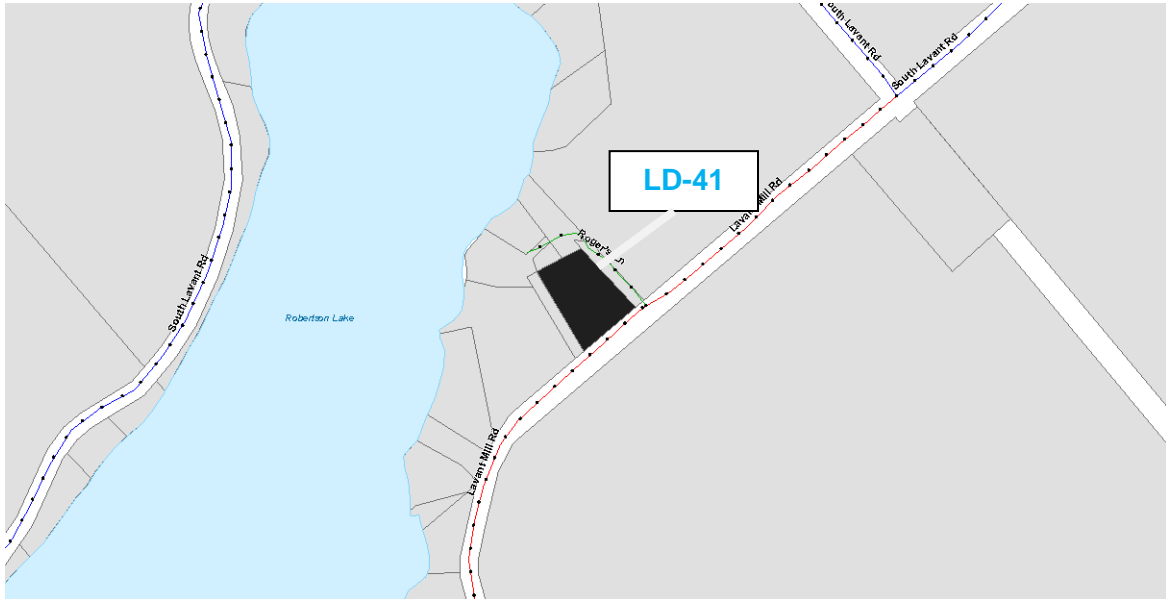
THE CORPORATION OF THE  
TOWNSHIP OF LANARK HIGHLANDS

Schedule "A" to

BY-LAW NO. 2017-14XX

ZONING BY-LAW AMENDMENT

PT LT 6 CON 8 LAVANT, PT 1 on RP 27R6201



To By-Law No. 2017-14XX  
Part Lot 6, Concession 8  
RP 27R6201 Part 1  
Geographic Township of Lavant  
Township of Lanark Highlands

Area affected by this By-Law

LAKEFRONT DEVELOPMENT -  
Special Exception 41

<u>Legend</u>	
LD	Lakefront Development

Certificate of Authentication.  
This is Schedule "A" to By-Law 2017-14XX  
passed this \_\_\_\_ day of August, 2017.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Deputy Clerk