THE CORPORATION OF THE TOWN OF

GANANOQUE

*Canadian Gateway to the 1000 Islands*

# DEVELOPMENT PERMIT BY-LAW

Being a by-law to regulate
land use and development on lands
within the Town of Gananoque

October 05 2010




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# 1.0 EXPLANATORY NOTE AND INTENT

## 1.1 DEVELOPMENT PERMIT SYSTEM

The Province, in its 2007 revisions to the Planning Act, has provided for a new development approval framework which combines five (5) existing systems into one (1). A Development Permit By-law replaces zoning, site plan and minor variance approvals in areas of the municipality where a Development Permit By-law has been approved in accordance with the municipality's Official Plan and the Planning Act. The Development Permit By-law can also replace a Site Alteration By-law and Tree Cutting by-law within the jurisdictional boundaries of the corporation. It should be noted that the issuance of a Development Permit does not replace the requirement for building permits under the Building Code Act or approvals for the division of land under Section 50.1 of the Planning Act, R.S.O., 1990 as amended.

The Development Permit By-Law clearly articulates and establishes development requirements, provisions and standards that need to be met before approval(s) can be issued. It provides for a streamlined approach to development approvals and in addition allows for flexibility within a clearly articulated context. The Council of the Town of Gananoque decided to move forward with the intent to implement policies of the Official Plan, streamline development and provide for timely reviews of development proposals. These objectives are articulated in the Town's vision statement:

> To preserve and enhance the Town's unique "small town" heritage, preserve our historic and environmental character, and provide a high quality of life through a sustainable development pattern.

The Town is divided into distinct areas on schedules which identify specific land use designations. Provisions for new development, infill and construction are outlined within the Development Permit By-Law's text. The Development Permit By-law designations are consistent with the designations in the Official Plan and the By-law provisions implement Official Plan policies and directions provided for each specific designation.

## 1.2 DEVELOPMENT PERMIT SIMILARITIES AND DIFFERENCES WITH EXISITING LAND USE REGULATIONS

The Development Permit By-law outlines requirements, standards and provisions for the control of land use and development in a manner which is similar to a Zoning By-Law. In addition it resembles a Site Plan

Control By-Law as it allows the municipality to require plans showing the location, massing and conceptual design of any proposed building, structure or comprehensive development.

It differs from traditional land use regulations by allowing discretionary uses, conditional approvals, variations to standard requirements, control of exterior design elements and control over the removal of vegetation in specific areas. This provides staff and Council with flexibility within the context of the By-Law to review development proposals and provide approvals without further site specific amendments to this By-Law.

## 1.3 LEGITIMACY AND APPROVAL AUTHORITY

All approvals issued through the Development Permit system must be deemed to be consistent with the policies of the approved Official Plan.

The permitted and discretionary uses as well as the development and design standards of the Development Permit By-law were developed through extensive consultation with the citizens of the Town of Gananoque. It is both staff and Council's responsibility to uphold the principles of this By-Law.

The Development Permit By-Law provides that Council may delegate its approval authority to staff or to a Committee. The Development Permit By-Law identifies specific types of Development and the associated approval authority. Notification requirements specific to each development stream have been outlined within the By-Law. Criteria have been developed for ease of evaluation. The Development Permit By-law provides for up front appeal procedures. The approval of the By-law itself may be subject to an appeal to the Ontario Municipal Board. Once the By-law is in full force and effect (i.e. no appeals or appeals resolved) a development permit can not be appealed by third parties. Only the applicant may appeal a decision or non decision of a development permit application.

As with any by-law adopted under section 34 of the Planning Act this By-Law may be amended by Council from time to time or by individuals making application for amendment to the By-Law.

## 2.1 TITLE

This By-Law shall be referred to as the “Town of Gananoque Development Permit By-Law” or “By-Law No. 2010-65”

## 2.2 SCOPE

The provisions of this By-Law apply to all the lands falling within the municipal boundaries of the Corporation of the Town of Gananoque as identified on the attached schedules which form an integral part of this By-law.

## 2.3 ADMINISTRATION

This By-Law shall be administered by the Manager of Community Development or such other person as may from time to time be designated by Council. No permit for the use of land or for the erection or use of any building or structure or the approval of an application for any municipal license within the jurisdiction of the Council shall be issued or given where the proposed building, structure or use would be a violation of any provision of this By-Law.

## 2.4 INTERPRETATION

The provisions of this By-Law are minimum requirements except where a maximum requirement is specifically identified.

The Interpretation Act, R.S.O., 1990 applies to this By-Law

Definitions are given in this By-Law to aid in the understanding and implementation of the true spirit, intent and meaning of the By-law. They are not to be used to avoid an obligation imposed by the By-Law or any requirement enacted in a substantive provision of the By-Law.

For purposes of this By-Law the word “shall” means a mandatory requirement.

This By-Law makes reference to the Town of Gananoque Official Plan and should be viewed and interpreted in combination with the Official Plan.

Conversion of metric numbers into imperial is provided for general reference only. Where a discrepancy occurs between the metric number and the approximate imperial conversion, the metric value will constitute the requirement.

## 2.5 CONFORMITY AND COMPLIANCE WITH BY- LAW

Save as otherwise provided in this By-Law, no land, or building, or structure shall be used for any purpose except as hereafter stated in this By-Law and in conformity with all of the applicable provisions of this By-Law.

Notwithstanding anything in this By-Law, no person shall reduce any lot in dimensions, either by conveyance or other alienation of title of any portion thereof, if the effect of such action is to cause the original, adjoining, remaining or new building, structure, lot or use of land to be in contravention of any provision of this By-Law. However, no person shall be deemed to have contravened any provision of this By-Law by reason of the fact that any part or parts of any lot has or have been conveyed to or acquired by any Public Authority.

Any use or structure which had been deemed to be a non-conforming use or structure in a predecessor By-Law shall be deemed to be non-conforming if also in violation of any of the provisions of this By-Law. Notwithstanding the above, the use or structure must pre-date the predecessor By-Law and must have existed prior to September 2010.

## 2.6 CHANGE IN USE

If the use of a property is altered or changed to a different use, which is permitted within the Development Permit Area, the property or use is subject to all relevant provisions of the Development Permit Area.

## 2.7 OBLIGATION

Nothing in this By-Law shall relieve any person from the obligation to comply with the requirements of the Ontario Building Code Act, and any other By-Laws of the Town of Gananoque and provincial and federal legislation.

## 2.8 UNLAWFUL USES

Any use established in violation of a predecessor of this By-Law is deemed to have been established unlawfully. If any use which was in violation of any predecessor of this By-law is now in conformity with By-Law 2010-65, the Development Permit By-Law of the Town of Gananoque, it shall now be deemed to be a lawful use.

## 2.9 INSPECTION OF LAND, BUILDINGS AND STRUCTURES

Subject to Section 49 of the Planning Act R.S.O., 1990, the Manager of Community Development or other such person as may from time to time be designated by Council or any person acting under his or her instructions, and upon producing proper identification, is hereby authorized to enter, at all reasonable times, upon any property or premises for the purpose of carrying out his duties under this By-Law.

Notwithstanding any provision of Section 2.9 hereof to the contrary, no officer or employee of the Corporation of the Town of Gananoque shall enter any room or place actually being used as a dwelling unit without obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused, except under the authority of a search warrant issued under Section 158 of the Provincial Offences Act.

## 2.10 ENFORCEMENT AND PENALTIES

Every person who contravenes any of the provisions of this By-Law is guilty of an offence and on conviction thereof shall forfeit and pay a penalty for each such offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O., 1990 and amendments thereto.

When a person who has been convicted of an offence under this By-Law, any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offence.

The requirements of this By-Law are severable, if any requirements of this By-Law are held invalid, the application of such requirements to other circumstances and the remainder of this By-Law shall not be affected.

## 2.11 EFFECTIVE DATE

This By-Law shall come into force in accordance with Section 9 of the Development Permit Regulation as amended. (Ontario Regulation 608/06).

## 2.12 REPEAL OF FORMER BY-LAWS

On the day that this By-law comes into full force and effect, By-Law 91-37, as amended, of the Town of Gananoque passed under Section 34 of the Planning Act, R.S.O., 1990 shall hereby be repealed.

The adoption of this By-Law shall not prevent any pending or future prosecution of, or action to abate any existing violation of the said By-Law if the violation is also a violation of any of the provisions of this By-Law.

## 2.13 SCHEDULES TO BY-LAWS

The following Schedules, which are attached hereto, form part of this By-Law;

a) Schedule A - Development Permit Areas

b) Schedule B - Overlays:

- I Waterfront Sector,
- II Entrance Sector,

c) Schedule C - Special Exception Designations

## 2.14 DEVELOPMENT PERMIT REQUIREMENTS

Except as outlined in Section 2.16 of this By-Law, all development within the Town of Gananoque and as identified on Schedules “A”, “B” and “C” to this By-Law shall require a development permit, subject to the provisions of this By-Law. For the purposes of this By-Law, development means:

a) The construction, erection or placing of one or more buildings or structures on land,

b) The making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability,

c) The laying out and establishment of a parking lot;

d) The removal of vegetation within thirty (30) metres of the Gananoque or the St. Lawrence Rivers in accordance with the General Provisions as outlined in Section 3.43.

## 2.15 DEVELOPMENT PERMIT AREAS

A Development Permit Area is a defined area that is shown on the attached Schedule A to this By-Law and that is specifically designated as one of the following:

a) Lowertown Mixed Use

b) Lowertown, Residential

c) Traditional Residential

d) Residential

e) Estate Residential

f) Commercial Traditional Core

g) Progressive Commercial District

h) Gateway Commercial

i) Employment District

j) Rural

j) Open Space

k) Environmental Constraint

The Development Permit Areas are further modified by the following Schedule B overlays:

i) I Waterfront Sector

ii) II Entrance Sector and;

Schedule C Development Permit Exceptions.

## 2.16 DEVELOPMENT PERMIT EXEMPTIONS

A Development Permit shall not be required for single dwelling units, semi-detached dwelling units and duplex dwelling units provided that such development or proposed development is deemed to be in conformity with the requirements, standards and provisions within the designated Residential Development Permit Area as shown on Schedule A, Schedule B and Schedule C, and which is also in full conformity with all of the following standards:

a) Development is setback a minimum 30 metres (98.4 feet) from any watercourse;

b) No site alteration or vegetation removal is required or proposed within 30 metres of the Gananoque or St. Lawrence Rivers.

In addition a Development Permit shall not be required for the following:

a) Any Development that has previously been approved through Site Plan Control may proceed with Development in accordance with the approved Site Plan.

b) Any necessary repairs or maintenance to existing development.

c) The placement of a portable classroom on a school site of a district school board is exempt from the requirement for a development permit if the school site was in existence on January 1, 2007.

Development proposals which meet the above noted criteria may proceed to the building department for building permit review.

## 2.17 DEVELOPMENT PERMIT CLASSES

Three streams of approval have been developed to provide consistency and transparency and to provide the ability to increase the level of review and approval controls based on the requested variation to the standards, the scale of the proposed development, the need for securities and the potential for off site impacts.

### 2.17.1 Class I Development Permit

A Class I Development Permit shall be required under the following circumstances where the result is a minor variation from approved standards and criteria:

1. Where the development generally meets the requirements, standards and provisions of the Development Permit Area but requires relief from one or more of those requirements. In such cases it must be demonstrated that:

    a) There is no impact to adjacent properties or where the proposed development would result in minor impact(s) on adjacent properties and such impacts can be mitigated through on-site works; and

b) The development proposal is an appropriate land use which is permitted within the designation; and

c) The development proposal is in conformity with the Official Plan and the Provincial Policy Statement as amended; and

d) The development's proposed variation from area standards will not negativity impact the area's character.

2. Where the applicant is required to formally recognize an existing legal non-conforming use or non-complying use.

3. Where the type, location and scale of the proposed development is such that there is no municipal requirement for a security / performance deposit to guarantee on-site or off-site works.

4. Where development is proposed within any Residential designation and is either:

a) Single Family Dwelling

b) Semi-Detached Dwelling

c) Townhouse

d) Duplex or;

within the Open Space Area and;

requires limited relief from the standards, provisions and requirements of By-Law 2010-65.

### 2.17.2 Class II Development Permit

A Class II Development Permit shall be required under any one or more of the following circumstances:

1. Where the municipality has received a request to have a Class I Permit reviewed by Planning Advisory Committee in accordance with Section 2.19.3 of this By-law; or

2. Where the development generally does not meet the requirements, standards and provisions of the Development Permit Area and requires relief from one or more of those requirements provided that;

a) Impact(s) on adjacent properties can be mitigated through on-site and \ or off-site works; and

b) The development proposal is an appropriate land use within the designation; and

c) The development proposal is in conformity with the Official Plan and the Provincial Policy Statement as amended; and / or

3. The proposed development is a discretionary use in the Development Permit Area.

4. The proposed development is a temporary use as defined in Section 3.48 of this By-law.

### 2.17.3 Class III Development Permit

A Class III Development Permit shall be required under any one or more of the following circumstances:

1. Where the municipality has received a request to have a Class II Permit reviewed by Council in accordance with Section 2.19.4 of this By-law; or

2. Where the development generally does not meet the requirements, standards and provisions of the Development Permit Area and requires relief from one or more of those requirements provided that;

   a) Impact(s) on adjacent properties can be mitigated through on-site and \ or off-site works; and

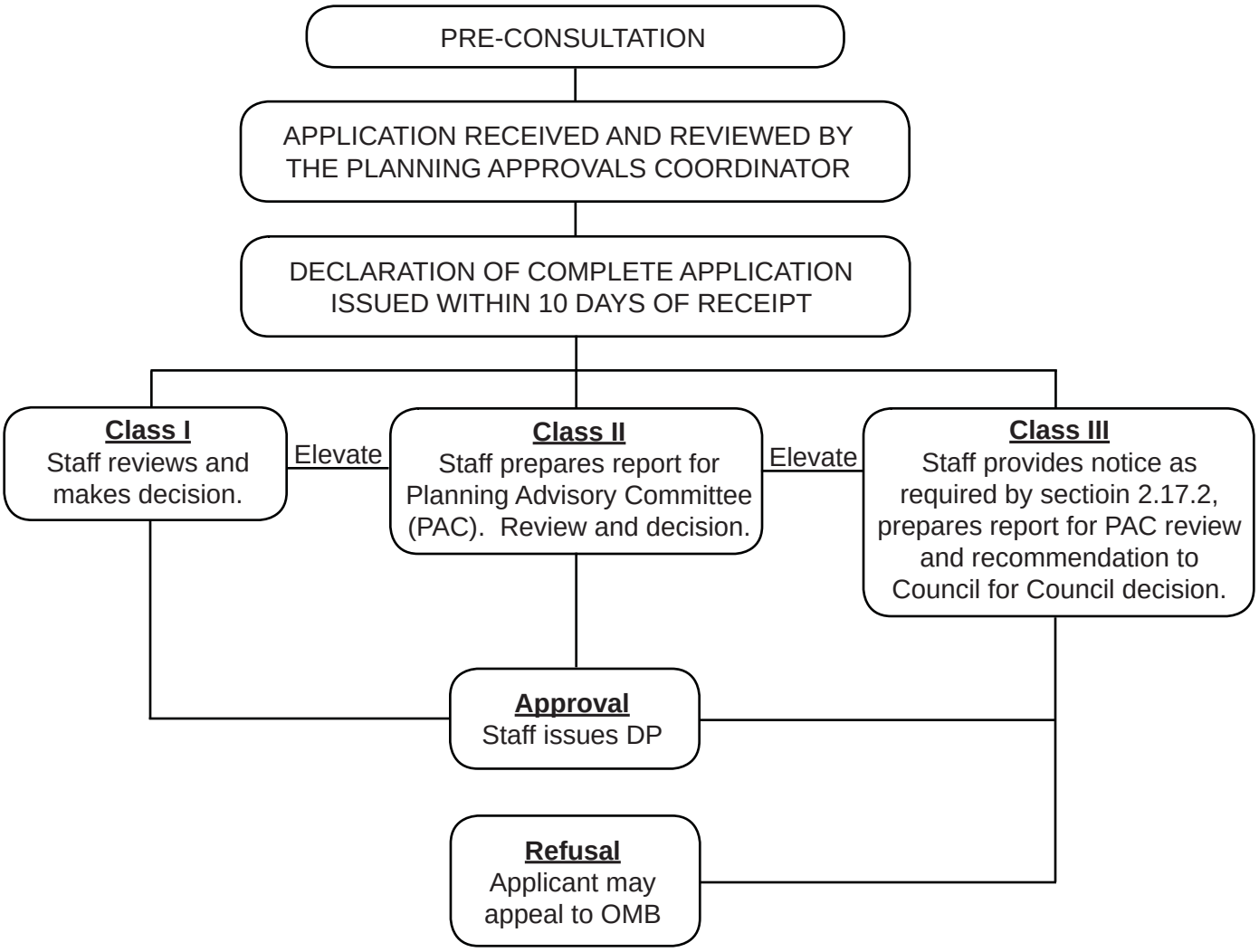
   b) The development proposal is an appropriate land use within the designation; and

   c) The development proposal is in conformity with the Official Plan and the Provincial Policy Statement as amended; and / or

3. Where the municipality requires technical studies or reports such as a Traffic Impact Study, Servicing Options Report, Environmental Impact Study or any other study or report which may be required to ensure a full and complete review of the proposed development.

4. Where off site works such as the extension of municipal services, road improvements, stormwater management facilities etc. are required.

## 2.18 DEVELOPMENT PERMIT REVIEW PROCESS



## 2.19 APPROVAL AUTHORITY AND PUBLIC NOTICE

| CLASS OF DEVELOPMENT PERMIT | APPROVAL | NOTIFICATION REQUIREMENTS |
|---|---|---|
| Class I | Planning Approvals Coordinator | None |
| Class II | Planning Advisory Committee | - Posting of property<br>- Circulation of properties within 120 metres of the subject lands |
| Class III | Council | - Posting of property<br>- Circulation of properties within 120 metres of the subject lands |

### 2.19.1 Complete Application

A complete application shall include all of the following elements:

1. A signed “Confirmation of Pre-Consultation Form”
2. A fully completed and signed Development Permit Application Form
3. Submission of the required application fees
4. Submission of all required Plans and Drawings
5. Submission of any required technical reports of studies. These studies or information may include, but are not limited to:

    a) A servicing options report;
    b) A hydrogeological study;
    c) A drainage and/or stormwater management report;
    d) An Environmental Impact Assessment for a natural heritage feature or area;
    e) An Archaeological Assessment;
    f) An influence area study for development in proximity to a waste management facility or industrial use;
    g) A traffic study;
    h) A mine hazard rehabilitation assessment;
    i) A Phase I Environmental Study and if necessary further investigation as required;
    j) A noise and/or vibration study;
    k) A source water protection study;
    l) A minimum separation distance calculation for an industrial use or a waste management facility;
    m) Confirmation on sufficient reserve sewage system capacity and reserve water system capacity.

n) Vegetation Inventory and /or Tree Preservation Plan.
p) Heritage Resource Assessment

The Manager of Community Development will evaluate each application within ten (10) working days of its submission and to determine whether the application is complete or whether additional information is required. The applicant will receive formal correspondence from the Planning and Approvals Coordinator within ten (10) business days of receipt of said application. The timelines for review will commence on the date when the application is considered complete.

### 2.19.2 Notice Provisions:

Notice of a complete Class II and Class III Development Permit application shall be issued within ten (10) working days of the receipt of a Complete Application as described in Section 2.19.1. Notice shall be posted on site and circulated to properties within 120 metres of the subject lands. The notice shall include an explanation of the purpose and effect of the application, a contact name and phone number to obtain additional information or to submit comments or concerns and the deadline for the submission of comments. The notice will allow for a minimum of 15 (fifteen) days prior to the meeting of the Planning Advisory Committee where the item is to be considered.

### 2.19.3 Requests for PAC Review for Class I Applications

A Class I Development Permit Application may be referred to PAC by the Manager of Community Development where the Manager of Community Development is of the opinion that the application would benefit from PAC review. The applicant will be advised of the referral decision and the date of PAC review within ten (10) days of the date the application was declared complete.

### 2.19.4 Requests for Council Review for Class II Applications

Any Development Permit Application may be referred to Council by means of a written request to the Manager of Community Development. Requests may be forwarded by personal service, ordinary mail, email or facsimile and must include the name and address of the person or organization requesting the referral to Council as well as the reason(s) for the request. Requests must be received within ten (10) days of the date that notice was provided.

### 2.19.5 Issuance of Development Permits

Council hereby delegates to staff, the authority to issue provisional approvals and development permits, in accordance with the following:

Class I permits shall be issued by the Manager of Community Development;

Class II permits shall be issued by the Manager of Community Development as authorized by the Planning Advisory Committee or Council subject to policies outlined in Section 2.18 of this By-law.

Class III permits shall be issued by the Manager of Community Development as authorized by Council subject to the policies outlined in Section 2.18 of this By-Law.

### 2.19.6 **Conditions**

Where a Development Permit is required in accordance with the provisions of this Bylaw, the Corporation may impose conditions and grant provisional approval prior to final approval.

The proposed development shall in all cases be required to occur as illustrated on the approved and stamped drawings including all grading and drainage, servicing, lighting, landscaping, and elevation designs. A development agreement, registered on title may be required prior to final approval for any development application.

Technical reports may be required to allow completion of the review process and any recommendations therein may be imposed as conditions of Development Permit Approval. Such reports as outlined in Section 2.19.1 of this By-law may include but are not limited to Stormwater Management Report, Noise Impact Analysis, Environmental Impact Statement, Tree Preservation Plan, Lighting Analysis, Traffic Impact Analysis and Archeological Assessment. In the event that any recommendations within a submitted Technical report exceed the minimum requirements of any section of this By-Law the stricter requirement will be imposed prior to approval.

Conditions which address the following issues or concerns may be imposed:

1. Buffering of adjacent properties through hard or soft landscaping materials.

2. The provision of required site works including but not limited to servicing, road access, grading and drainage, fire routes, lighting details, parking facilities including the provision of barrier free parking spaces, elevations and landscape details.

3. The provision of performance securities for 100% of the value of all onsite and offsite works.

4. Road widening(s) by the Town or Province.

5. The construction or re-construction of access or egress onto all major roads or highways and any upgrading of the roads that may be necessary as a result of the increased traffic caused by the development.

6. Easements for access or servicing.

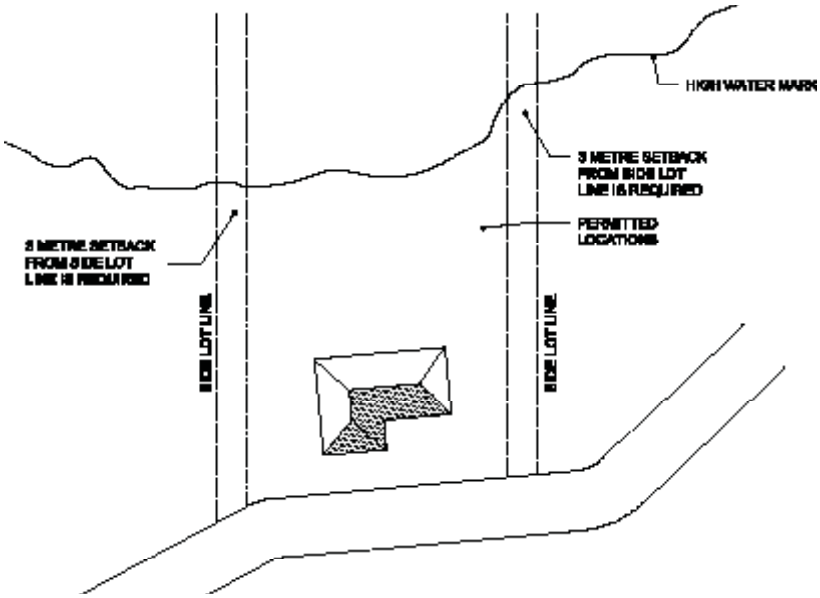
7. The provision of children's play areas may be required with any multi residential unit and apartment dwelling.

8. Cash-in-lieu of parking.

## 3.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

Where a lot is devoted to a permitted use, customary accessory uses, buildings and structures are authorized provided that:

- All accessory uses, buildings and structures to a permitted principal use shall be located on the same lot and in the same designation as the principal use.
- The use of any accessory building for human habitation is not permitted except where specifically listed as a permitted use.
- No accessory Buildings, Structures and Uses shall be located closer to the front lot line or the exterior side lot line setback of the designation where it is located. Notwithstanding the foregoing no accessory Buildings, Structures and Uses are permitted closer to the front lot line or exterior lot line than the main structure.
- Accessory Buildings, Structures and Uses abutting a laneway should also refer to section 3.18.
- Except where specified otherwise, no accessory Buildings, Structures and Uses shall be located closer than 1.0 m (3.2 ft.) to any interior side lot line, rear lot line or the main building.
- Any building or structure which is attached to the main building shall not be considered an accessory building or structure.
- Accessory uses, excluding outdoor swimming pools, shall not cover more than 10% in any residential designation or more than 20% of the total lot area in any non-residential designation.
- The maximum gross floor area of any accessory building may not exceed 100m2 (1,076 ft2) in a residential designation. This shall be calculated as part of the maximum lot coverage permitted in any designation.
- Air conditioners shall not be permitted within a minimum interior side yard setback.




**PERMITTED LOCATIONS FOR BOAT HOUSE, DOCK OR WHARF**

Despite Section 3.1 above, a boat house, shed, dock or wharf may be located in the front yard, side yard or rear yard where a lot abuts a navigable waterway, provided that the approval of any governmental authority having jurisdiction has been obtained and provided that the boat house, dock or wharf is located not closer than 3.0 m (9.8 ft.) to the nearest adjacent lot line and does not encroach on adjacent frontage when the lot boundaries are extended into the water.

The maximum height of accessory buildings shall be 4.5 metres (14.8 feet)

## 3.2 AUTO SERVICE STATION, COMMERCIAL GARAGE, GASOLINE BAR, CAR WASHING ESTABLISHMENT

Despite any other provisions contained in this By-law, for all designations within which an automobile service station, gasoline bar, and/or car washing establishment is permitted the following shall apply:

**Gasoline Pump Island Location**
The minimum distance between the gasoline pump island, pumps and their related overhead canopies and any pump shall be 6.0 m (19.7 ft.) from any lot and street line.

Where the lot is a corner lot, no portion of any gasoline pump island shall be located closer than 3 m (9.8 ft.) to a sight triangle.

**Separation of Propane Tanks**
No person shall erect or use a tank for the storage of propane for sale at an automobile service station or gas bar or on any other property where

vehicle fuel may be dispensed unless a license has been obtained from the Ministry of Consumer and Commercial Relations and the location is in compliance with the requirements under the Ontario Propane Code.

**Access and Egress**
The combined width of any entrance or exit measured at the front lot line or exterior side lot line shall not be greater than 9 m (29.5 ft).

The minimum distance of any access from a street intersection shall be 12 m (39.4 ft) and the minimum distance between accesses shall be 7.5 m (24.6 ft.).

The minimum distance between an interior side lot line and any driveway shall be 3 m (9.8 ft.).

## 3.3 BOUNDARY INTERPRETATION

When interpreting designation boundaries, as illustrated on Schedules A, B and C and forming an integral part of this By-Law, the following provisions shall apply:

1. A boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane;

2. A boundary indicated as following a watercourse, creek, stream or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse, creek, stream or right-of-way;

3. A boundary indicated as following the shoreline shall follow such shoreline, and in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline;

4. A boundary indicated as approximately following lot lines shown on a Registered Plan of Subdivision, or Reference Plan, or Town lot lines shall follow such lot lines.

Where a boundary is indicated as approximately parallel to a street line or other feature as stated in clauses 1, 2 and 3 above, and the distance from such street line or other feature is not indicated, and clause 4 above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance from there shall be determined according to the scale shown on the applicable Schedule.

A boundary indicated as following the limits of the Municipality shall follow such limits.

In the event a dedicated street, lane or right-of-way shown on any Schedule forming part of this By-Law is closed, the property formerly in such street, land or right-of-way shall be included within the designation of the adjoining property on either side of such closed street, lane or right- of- way. If a closed street, lane or right-of-way is the boundary between two or more different designations the new designation boundaries shall be the former centre line of the closed street, lane or right-of-way.

## 3.4 BUILDINGS TO BE MOVED

No building or structure shall be moved within the limits of the Town or shall be moved from outside the Town into the Town unless the building or structure is a permitted use and satisfies all the requirements of the designation in which it is to be located and then only after a permit has been obtained from the Chief Building Official.

## 3.5 CEMETERY

Cemeteries shall solely conform to the Cemeteries Act.

## 3.6 CONFLICTING STANDARD

The available building area left on a lot after the required minimum yards have been established may not necessarily be greater than or equal to the maximum lot coverage permitted. Where there is a discrepancy, the more restrictive standards shall apply.

Where there are any other conflicting requirements in this By-law, the more restrictive standards shall apply unless specifically stated otherwise.

Where any provision of this By-law conflicts with the provisions of any regulation, By-law or statute of any other government authority, the higher or more stringent standard shall prevail.

## 3.7 CUMULATIVE STANDARDS

Despite anything contained in this By-law, where any land, building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with.

## 3.8 DANGEROUS SUBSTANCES

No use shall be permitted which, from its nature or the materials used therein, is declared to be a noxious trade, business or manufacture under The Health, Protection and Promotion Act or regulations thereunder.

## 3.9 DAY NURSERY

Private home day nurseries are permitted in all designations where residential uses are permitted as a principal use. Such day nurseries shall comply with the provisions of the Day Nurseries Act.

## 3.10 DRIVE THROUGH OPERATIONS

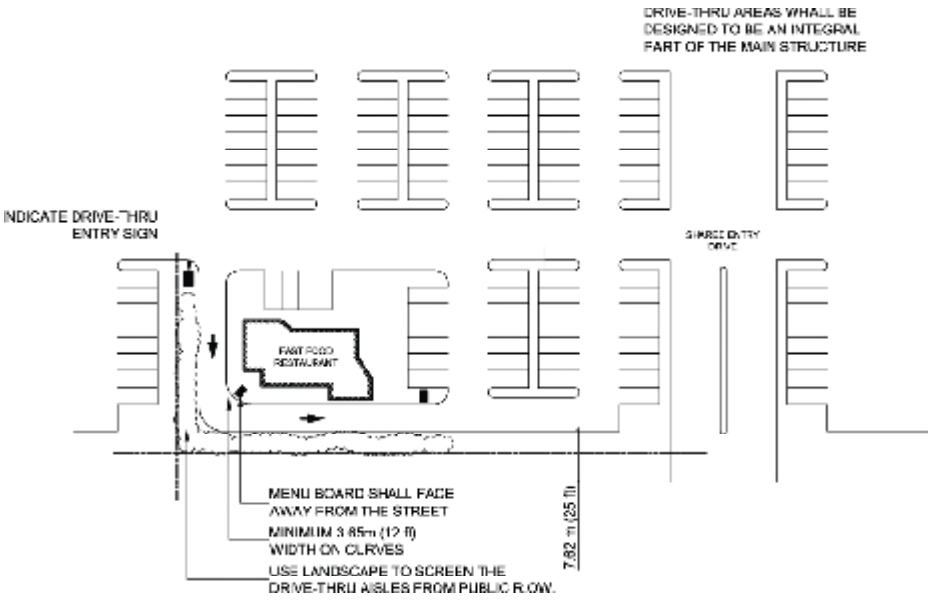
A drive through facility may be provided in conjunction with any restaurant, bank or bank machine, a gasoline pump at a gas bar or service station, a pharmacy or drug store or with any use that is associated with a shopping centre. A traffic impact study may be required before approval to support the proposed development.

The study shall illustrate traffic patterns and controls. Where multiple drive through facilities are proposed all drive through facilities must be considered within the traffic impact study.

A drive through facility is required to provide off-street motor vehicle queuing space as outlined section 3.33;

All queuing spaces must be 2.75 metres (9.0 feet) in width by 6 metres (19.7 feet) in length.

All queuing spaces must be separated by at least 3 metres (9.8 feet) from any residential use. Any yard abutting a residential use must be screened by solid fencing at least 1.5 metres (4.9 feet) in height.




All drive through facilities must provide screening from any public right of way to minimize any visual impacts of the use.

Pedestrian walkways should not intersect the drive through aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving or striping.

## 3.11 DWELLING UNITS BELOW GRADE

### Location

No dwelling unit shall in its entirety be located in a cellar. However, a portion of a dwelling unit may be located in a cellar provided such portion of the dwelling unit shall be used only as a furnace room, laundry room, storage room, recreation room, or for similar use only and shall not be used for sleeping accommodations.

A dwelling unit, in its entirety, may be located in a basement provided that the finished floor level of such basement is located above the level of the sanitary or storm sewer serving the buildings or structure in which such basement is located or provided that the dwelling unit is serviced by an appropriate sewage pumping facility.

### Yard Provisions

Where a dwelling unit is located in a non-residential building, such dwelling unit shall comply with the yard provisions of this By-law which apply to the non-residential building.

## 3.12 ESTABLISHED BUILDING LINE IN BUILT-UP AREA

Notwithstanding the yard setback provisions of the By-law to the contrary, where a permitted building is to be erected on a lot in a built-up area, such permitted building may be erected closer to the street line or the centreline of the street as the case may be if the existing buildings(s) on the adjacent lot(s) is (are) closer to the street line or centreline than the By law provisions permit.

For a proposed building where buildings on both adjacent lots are closer than By-law provisions would permit, setback and yard provisions are calculated as follows: the total of the sum of the two existing adjacent setbacks or yard with the sum divided by two;

For a proposed building where building on one adjacent lot is closer than By-law provisions would permit, setback and yard provisions are calculated as follows: the sum of the existing adjacent setback or yard plus the adjacent By-law requirement, with the sum divided by two;

For a proposed building where buildings on both adjacent lots meet By law requirement, normal By-law requirements shall apply.

## 3.13 EXCEPTION DESIGNATION

Where a designation symbol is followed by the suffix “-X” this shall mean that a specific exception is being made to one or more of the standards of that designation for a specific area governed by the By-law. All other provisions of the By-law shall continue to apply.

A number after the “-X” (eg. R-X1) indicates the order of the various exception designations.

## 3.14 EXISTING LOTS

Where additional land is added to an existing lot which complies with this by-law (such as a lot addition or road allowance closure), the new lot configuration is deemed to conform to the By-Law.

Where there is a developed existing lot that does not meet the minimum setback requirements of the designation, construction of additions or accessory structures shall be permitted provided that the proposal complies with all other provisions of the By-Law.

Where a land acquisition by any public authority results in a change to the configuration of a lot that before said change conformed to the By-Law but will not conform when land acquisition is complete, such lot is deemed to comply.

## 3.15 EXTERIOR DESIGN

Elements of exterior design are subject to the provisions outlined in Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this By-Law. All proposals must include elevation drawings.

Notwithstanding the foregoing, if the Manager of Community Development or designated alternate reviews the proposal and determines that the proposed development will have no or minimal impact on adjacent properties the requirement for elevation drawings may be waived.

## 3.16 FENCES

Any fence erected hereafter within the municipality shall conform to the provisions of any Fence By-Law as may from time-to-time be enacted under the Municipal Act or the provisions of the Line Fences Act.

## 3.17 FRONTAGE ON A PUBLIC STREET, ROAD, LANEWAY OR WATER

No person shall erect any building or structure in any designation unless the lot upon which such building or structure is to be erected has sufficient frontage on a public road or street maintained year round, as per the requirements of the applicable designation except for the following:

- A communications facility;
- A public utility;

**Exception for Existing Agreements**
Despite Section 3.18, where a maintenance agreement exists between the municipality and a land owner and is registered on title, frontage on an unassumed, unopened or unmaintained public right-of-way shall be deemed to conform to the provisions of this section, provided that such frontage is in conformity with the standards set out in the corresponding designation or any exception thereto.

Despite Section 3.18, where an access agreement registered on title between or amongst landowners that provides for a right-of-way to an existing lot which is developed for a single detached dwelling or seasonal dwelling as of the date of the passing of this By Law, such uses shall be deemed to conform with the provisions of this By-Law for access.

**Ministry of Transportation Access Requirements**
In addition to all the requirements of the Corporation, all development adjacent to any Provincial Highway is also subject to the requirements and permits of the Ministry of Transportation.

**Frontage on More Than One Street**
Where a lot fronts on more than one street and is not a corner lot, the requirement for front yards contained in this By-law shall apply to each yard abutting the street in accordance with the provisions of the designation or designations in which such lot is located.

**Frontage on a Laneway**
Where a lot has frontage only on a laneway, the yard requirements shall apply in accordance with the provisions of the designation or designation in which such lot is located. The yard abutting the laneway shall be considered the front yard for setback purposes for accessory Buildings, Structures and Uses.

**Frontage on Water**
Where a lot fronts on a watercourse or waterbody and a street, the frontage requirement for setbacks contained in this By-law shall apply to both the waterfrontage and the street frontage. All other setback requirements shall continue to apply. Despite the foregoing accessory structures are allowed as per the requirements of section 3.1.

## 3.18 GARAGES AND STORAGE SHEDS

Detached garages and storage sheds are subject to the provisions of Section 3.1, Section 3.14 and Section 3.17.

## 3.19 GROUP HOMES

Group Homes shall be permitted in all designations that allow residential uses provided that they are licensed by the Province.

## 3.20 HEIGHT EXCEPTIONS

Where height limitations are set forth in this By-law, such limitations shall not apply to water tanks, flag poles, lightning rods, lighting standards, ventilators, skylights, mechanical equipment penthouses, air conditioning ducts, antennae, satellite dishes, church steeples, belfries, clock tower, chimneys, electrical supply facilities, an ornamental roof structure that contains no floor area, and communications towers. Notwithstanding the foregoing, limitations prescribed by the Federal Ministry of Transport or practices recommended by the Ministry with respect to height limitations shall prevail.

## 3.21 HERITAGE TOURIST INNS

All Heritage Tourist Inns shall be required to submit a Heritage Resource Assessment to confirm the heritage and architectural merit of the existing built form prior to commencement of the use.

## 3.22 HOME OCCUPATIONS

Home occupation shall be permitted within a residence or an accessory building or both for the same home occupation. Further guidance is provided in section 15, Home Occupation.

**Residential Designations**
Home occupation shall be permitted as an accessory use in residential designations in accordance with the following provisions:

- The business is conducted by a person(s) residing on the premises.
- No more than two persons, other than a person(s) residing on the premises shall be engaged in the business.
- Not more than 25% of the total floor area of the dwelling shall be used for such purposes.
- A home occupation may be located in whole or in part in an accessory building however the total floor area of the home occupation shall not exceed 25% of the total floor area of the dwelling
- Where instruction is carried on, no more than 5 pupils are in attendance at one time.

- The activity shall not create or become a nuisance, in particular, in regard to noise, odour, vibration, dust, fumes, traffic or parking outside the property limits.
- No mechanical or electrical equipment is used except that which is reasonably consistent with the residential use of the dwelling.
- One parking space per 20 $m^2$ of floor area used for the home occupation and one parking space per employee shall be provided in addition to the required parking for the residential use.
- No outside storage is permitted.

**Non-residential Designations**

Home occupation shall be permitted in residential units as an accessory use in non-residential designations in accordance with the following provisions:

- The business shall be conducted by a person(s) residing on the premises.
- No more than 2 persons, other than a person(s) residing on the premises, shall be engaged in the home occupation.
- No more than 25% of the floor area of the dwelling unit shall be used for the home occupation. Where the home occupation is located in an accessory building, 100% of such building may be used for the home occupation.
- Open storage may be permitted for the home occupation provided such storage is a minimum of 15 m (49.2 ft.) from any lot line and a minimum of 45 m (147.6 ft.) from a residential use on another lot and provided that the open storage area is no more than 20 m2 (215 ft2). All open storage areas adjacent to any residential use shall be screened and buffered through the use of a 3 metre (9.8 ft.) landscaped area.
- One parking space per 20 m2 of floor area used for the home occupation plus one parking space per employee shall be provided in addition to any other required parking spaces.

## 3.23 ILLUMINATION

Illumination of buildings and grounds shall be permitted provided that:

- Illumination shall not cause direct or indirect glare on a street that may interfere with traffic or pedestrian safety.
- Illumination shall not consist of a colour or be so designed or located that it may be confused with traffic signals.
- Illumination shall not cause direct or indirect glare on adjacent properties.

## 3.24 LANDSCAPED OPEN SPACE

Provisions for landscaped open space with respect to buffering non-compatible land uses are set forth in the specific land use designations of this By-Law.

In any Residential, Commercial, or Employment designation any portion of any front yard which is not used for any other permitted use shall be exclusively devoted to landscaped open space.

Any land used for landscaped open space shall be included in the calculations of lot area, yard requirements, etc. as set forth in this By-Law.

Where landscaping is required as a buffer, such landscaping shall be continuous except for lanes, driveways, aisles or walkways which provide access to the lot.

## 3.25 LAND SUITABILITY FOR USE AND ORGANIC SOILS

Despite any other provision of this By-Law, no habitable building or structure shall be constructed, erected, altered or used on land which, by reason of its rocky, low lying, marshy, unstable character or which is located or may be located on organic soil unless the proponent or applicant for development can demonstrate conclusively using scientific approaches that the physical constraint can be mitigated or overcome and that the requirements of the Ontario Building Code with respect to construction and the requirements of the Ontario Water Resources Act and the Environmental Protection Act with respect to the installation of an individual on-site sewage and water system can be met.

## 3.26 LOADING REQUIREMENTS

The owner or occupant of any lot, building or structure located in an Industrial or Commercial Designation which involves the frequent receiving, shipping, loading or unloading of goods, wares, merchandise or raw materials shall provide and maintain on the lot occupied by the building or structure, loading spaces in accordance with the following regulations:

**Number of Spaces Required**
The number of loading spaces provided shall be in accordance with the floor area of the building or structure as follows:

| FLOOR AREA OF THE BUILDING | NUMBER OF LOADING SPACES |
|---|---|
| 250 square metres or less | 0 |
| Exceeding 250 square metres but not more than 1000 square metres | 1 |
| Exceeding 1000 square metres but not more than 7,500 square metres | 2 |
| Exceeding 7,500 square metres | 2 plus 1 additional space for each additional 7,500 square metres of floor area or fraction thereof in excess of 7,500 square metres |

**Size of Loading Space**
Each loading space shall be at least 14 m long, 3.5 m wide and have a vertical clearance of 4.5 m.

**Location**
The required loading spaces shall be provided on the lot occupied by the building or structure for which the spaces are required and such spaces shall not form part of any street or required parking area, and shall not be located within a required front yard or exterior side yard.

**Access**
Access to loading spaces shall be by means of a driveway at least 3.5 m wide for one way traffic and 6.0 m wide for two way traffic and located within the lot on which the loading spaces are located.

**Cumulative Standards**
Where there are two or more uses located on the same lot, the loading space requirements shall be the sum of the requirement for each use.

**Additions to Buildings**
The loading space requirements shall not apply to any building or structure in existence at the date of passing this By-law so long as the floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the floor area, then additional loading space shall be provided as required in Section 3.27 for such addition.

Notwithstanding the foregoing there is no requirement for loading spaces within the Commercial Traditional Core, Lowertown or Garden Street Special Exception designations.

## 3.27 LOTS DIVIDED INTO MORE THAN ONE DESIGNATION

Where a lot is divided into more than one designation, each such portion of the lot shall be used in accordance with the provisions of this By-law for the designation where such portion of the lot is located. Each such portion of the lot shall be considered as a separate lot for the purpose of determining designation provisions.

## 3.28 NON- CONFORMING AND NON-COMPLYING USES

**Continuance of Existing Uses**
Nothing in this By-Law shall apply to prevent the use of any land, building or structure for any purpose prohibited by the By-Law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-Law so long as it continues to be used for that purpose.

### Extension or Expansion of Existing Uses

Where the use of any land, building or structure is prohibited under this by-law, such land, building or structure shall not be extended or enlarged except through a Class II Development permit, provided that the non-conforming use of the building or structure existed on the day of the passing of this by-law and continues to be used for such purpose.

### Prior Building Permits

Nothing in this By-Law shall prevent the erection or use of any building or structure for which a building permit has been issued under the Building Code Act prior to the passing of this By-Law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under the Building Code Act.

### Road Widenings

Nothing in this By-Law shall prevent the use of any land, building or structure or the erection of any building or structure on a lot which does not comply to the minimum lot frontage and/or lot area and/or front yard setback and in the case of a corner lot, the side yard setback, as a result of a road widening taken by the Town of Gananoque, United Counties of Leeds and Grenville or the Ministry of Transportation of Ontario, provided all other requirements of this By-law are complied with.

### Reconstruction or Repair of Existing Building

A building or structure being used for a legal non-conforming use may be reconstructed, renovated, repaired or strengthened to a safer condition where such building or structure was lawfully used for such purpose on the day of the passing of this by-law and continues to be used for such purpose, provided that the building or structure is constructed in conformity with the requirements of this by-law. Where such building or structure is also an existing legal non-conforming building or structure, the building or structure may be reconstructed, renovated, repaired or strengthened to a safer condition provided that the building or structure does not further reduce any zoning requirements.

**Addition to Existing Building or Structure**
Nothing in this By-Law shall prevent the renovation, extension or addition to a building, structure or private sanitary sewage disposal system which is used for a purpose specifically permitted within the zone in which such building or structure is located and which building or structure existed at the date of passing of this By-law but which building or structure does not comply with one or more of the zone requirements of this By-Law, provided such renovation, extension or addition does not further reduce the requirements of this By-Law or any requirements of Ministries or agencies.

**Existing Undersized Lots**
Despite anything else contained in this By-Law, where a vacant lot lawfully created having a lesser frontage and/or area than is required by this By-Law is held under distinct and separate ownership from adjoining lots, according to the register for land in the Land Titles or Registry Office, on the date of the passing of this By-Law, it may be used for a purpose permitted in the designation in which the said lot is located, provided it can be adequately serviced and that all other applicable provisions in this By-Law are met.

**Accessory Buildings**
Nothing in this By-Law shall prevent the erection of a building accessory to an existing non-conforming use provided that such accessory building complies with all relevant provisions of this By-Law.

**Change in Use**
The non-conforming use of any land, building or structure shall not be changed except to a use which is in conformity with the provisions of the designation in which the land, building or structure is located, without a Class II Development Permit.

**Non-Conforming by Reason of Metric Conversion**
Existing lots, buildings and uses which cannot meet one or more metric standards in this By-Law but which can meet the approximate value of the imperial equivalent standard shall not be deemed non-conforming for this reason only.

## 3.29 NOXIOUS USES

No use shall be permitted which from its nature or the materials used therein, is declared to be a noxious trade, business or manufacture by the Public Health Act or any regulations made thereunder.

## 3.30 OCCUPANCY RESTRICTIONS

Human habitation shall not be permitted in any of the following buildings, structures, or parts thereof unless the building, structure, or parts thereof meet all requirements of the Fire Code, the Ontario Building Code and any other applicable regulations, policies, or Acts:

- Any private garage or other building which is accessory to a residential use;
- A cellar;
- Any truck, bus, recreational vehicle, coach or streetcar body whether or not it is mounted on wheels;
- A houseboat.

## 3.31 OUTSIDE STORAGE, SALES AND DISPLAY

No person shall use any lot or part thereof for outside storage, sales or display except as permitted by this By-law and as an area which has been specifically designed and set aside for such purpose, is fully integrated with the main use of the lot and is in accordance with the following:

- Outside storage shall not be permitted within any required front yard and no closer than 5.0 m (16.4 ft.) to any side or rear lot line.
- Where outside storage areas abut a designation in which residential uses are permitted, the required setback of the outside storage area shall be increased to 10.0 (32.8 ft.) and must also be visually screened from any designation in which residential uses are permitted.
- Any areas used for outside storage shall be in addition to any minimum off-street parking or loading areas required by this By

law.

- The above provisions do not apply to the outside storage for Home Occupation in non-residential designations

## 3.32 PARKING AND STORAGE OF VEHICLES

Except as provided herein, no vehicles shall be parked or stored in a designation in which residential uses are permitted unless the vehicle is located within a garage, carport, driveway, designated parking area or on a street as permitted by Municipal By-law.

No parking space in a designation in which residential uses are permitted shall be used for the outdoor parking or storage of a motor vehicle unless such vehicle is used in operations incidental to the main permitted use of the lot on which it is parked or stored and bears a motor vehicle license plate or sticker which is currently valid.

Commercial vehicles shall not be parked within any Residential Zone except for the purpose of delivery of goods, wares and merchandise where delivery is carried on in the ordinary course of business except one commercial vehicle having a gross vehicle weight not greater than 3000 kg may be allowed per dwelling unit.

Each standard parking space shall have a minimum width of 3.0 m (9.8 ft.) and a minimum length of 6.0 m (19.7 ft.). Each barrier-free parking space shall have a minimum width of 3.0 m (9.8 ft.) and a minimum length of 6.0 m (19.7 ft.) and shall provide for an aisle of 1.5 metres (4.9 feet) in between each barrier-free parking space.

Unless permitted elsewhere in this By-law, where two or more uses are permitted in any one building or on any one lot, then the off-street parking requirements for each use shall be calculated as if each use is a separate use, and the total number of off-street parking spaces so calculated shall be provided.

When a building or structure has, at the time of the passing of this By-law, insufficient parking to comply with the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition, change of use, or replacement in whole or in part, of any such building or structure. However, no addition, change of use or replacement may occur, the

effect of which would be an increase in that deficiency.

**Parking area for more than four vehicles, supplementary regulations:**

The parking area shall be constructed of asphalt paving, concrete, paver stones, or similar materials and shall incorporate drainage facilities that comply with the requirements of the Corporation. Such parking areas shall be visually enhanced through vegetative plantings and appropriate landscape elements such as fencing, trees, shrubs, lighting, street furniture and artistic elements.

Ingress and egress directly to and from every parking space shall be by means of a driveway, lane or aisle having a width of at least 6.0 m (19.7 ft.) for two-way traffic and 3.5 m (11.5 ft.) for one-way traffic.

A driveway or lane which does not provide ingress and egress directly to a parking space, shall have a minimum width of 3.5 m (11.5 ft.) where designed for one-way vehicular circulation or 6.0 m (19.7 ft.) where designed for two-way vehicular circulation.

**Barrier Free Parking**

One barrier-free parking space shall be provided for every 20 standard parking spaces or part thereof and shall be included in the total number of parking spaces required under the Schedule for Parking Requirements.

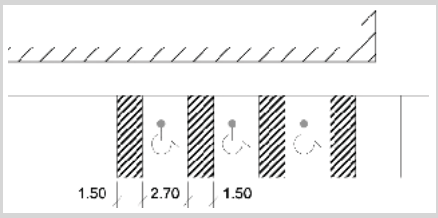
**Location and Number of Spaces**

The required parking for residential uses of land shall be provided on the same lot as the dwelling unit. In all other designations, parking shall be provided within 100 m (328 ft.) of the building or lot it is intended to serve, subject to an agreement, deed or renewable lease which provides for same.

Despite Section 3.33 the calculation of the minimum parking space requirement results in a fraction, the minimum requirement shall be the next higher whole number.

**Cash in Lieu of Parking**

On lands where the required number of parking spaces cannot be provided as outlined below the applicant may provide cash in lieu of the required parking in any designation. The General Fees and Rates By-law, as amended from time to time outlines the required fees. A Class II




**BARRIER FREE PARKING**

development agreement is required.

**Schedule for Parking Requirements**

In any designation, the owner or occupant of any building or structure erected, enlarged or changed in use after the date of passing of this

| TYPE OF USE | MINIMUM NUMBER OF REQUIRED PARKING SPACES |
|---|---|
| Residential | 2 spaces per residential dwelling unit (single, semi and duplex)<br>Row and Apartment dwellings require 1.25 spaces per dwelling unit |
| Residential Island | 2 deeded spaces provided on mainland |
| Auto body shop, auto repair shop, auto service station, gas bar | 3 spaces per service bay plus 1 space per employee |
| Assembly hall, auditorium, dance hall, stadium, theatre and similar places of public assembly | 1 space for every 4 seats, fixed or otherwise and where there are no seats, 1 space for every 10 square metres (107.6 square feet) of assembly space |
| Bed and Breakfast Establishment / Heritage Tourrist Inn | 1 space per guest room plus 2 spaces for the proprietors of the establishment |
| Building supply store, lumber yard, garden centre, nursery | 1 space per each 20 square metres (215.2 square feet) of gross floor area and 1 space for each 35 square metres (376.2 square feet) of open storage |
| Clinic | 6 spaces per doctor |
| Day Nursery - licensed | 1 space per employee and 1 space per 5 children |
| Furniture Store | 1 space per 92.9 square metres (1000 square feet) |
| General business, retail store, convenience store, grocery store, commercial and personal service establishment, bank, office, meeting rooms, professional office or funeral parlour | 1 space per 20 square metres (215.2 square feet) of gross floor area, minimum 5 spaces |
| Home Occupations | As per section 3.22 |
| Hotel, motel, tourist outfitters (with road access) | 1 space per guest unit, plus 1 space for each 6 persons of designated seating capacity of any accessory eating establishment |
| Manufacturing, industrial storage or wholesale, warehouse | 1 space per 95 square metres (1,022.6 square feet) of gross floor area plus 1 space per every 3 employees per shift |
| Nursing home, home for the aged, long-term care facility | 1 space for every 6 patients beds plus 1 space for every 4 employees |
| Place of Worship | 1 space for every five seats, fixed or otherwise |
| Restaurant, restaurant drive-in, beverage establishment, tavern, road house | 1 space per 10 square metres (107.6 square feet) of gross floor area |

| TYPE OF USE | MINIMUM NUMBER OF REQUIRED PARKING SPACES |
|---|---|
| School | Two spaces per classroom |
| All other uses not listed above | 1 space per 30 square metres (322.9 square feet) of gross floor area |

Notwithstanding the foregoing there is no requirement for parking in the Commercial Traditional Core.

**Queuing Spaces Required**

Where any of the uses permitted by this by-law offer drive-through service, off-street vehicle queuing spaces leading to and from the drive-through service must be provided in accordance with the following table:

| TYPE OF USE | QUEUING SPACES |
|---|---|
| Bank or Bank Machine | 3 spaces |
| Car Wash Conveyor Type | 6 spaces |
| Car Wash Automatic Type | 6 spaces |
| Car Wash Manual Type | 4 spaces |
| Gas Bar | 3 spaces per pump island |
| Restaurant | 11 spaces |
| Service Station | 4 spaces |
| Any other use | 3 spaces |

## 3.33 PRIVATE SWIMMING POOLS

Private swimming pools, both above-ground and in-ground, outdoor and indoor, shall be permitted subject to any By-law of the Town regarding swimming pools and the following requirements:

**Outdoor Pools**

Any building or structure, other than a dwelling, required for changing clothing or pumping, filtering or storage or any similar purposes shall comply with the provisions respecting accessory uses and structures.

No part of an outdoor pool including an associated apron or platform which is in a side yard shall be constructed closer to a street line than the setback requirements in the designation within which it is located nor closer to the lot line in a rear yard than the minimum distance required for an accessory use or structure.

**Indoor Pools**
Indoor pools which are not an integral part of a dwelling unit or part of a municipal or private recreational facility shall conform with the accessory building requirements contained in section 3.1.

## 3.34 PUBLIC USES

Any land may be used and any building or structure may be erected or used for the purpose of a public service by the Corporation or by local Boards, Commissions or Committees thereof, any department or agent of the United Counties of Leeds and Grenville or the Government of Ontario or Canada, including Hydro One Networks Inc., provided that:

- The lot coverage, setback and yard requirements prescribed for the designation in which such land, building or structure is located shall be complied with, except for transmission facilities for gas, telephone, cable and electric power (i.e. poles, towers, lines and similar elements);
- No goods, material, or equipment shall be stored in the open except where allowed in a specific designation.
- Any building or structure erected in a Residential Designation under the authority of sections 4 and 5 shall be designed and maintained in general harmony with the residential buildings of the type permitted in the designation. A development permit shall be required for public uses within any residential designation.

## 3.35 PERMITTED PROJECTIONS

Every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky except that those structures listed in the following table shall be permitted to project into the minimum yards required by this By-law for the following specified distances:

| STRUCTURE | MAXIMUM PROJECTION INTO REQUIRED YARD |
|---|---|
| Chimney breasts, cornices, sills, bay windows, pilasters, eaves or gutters | 0.75 metre (2.46 feet) into any required front, rear or side yard |
| Canopies which are at least 2.13 metres (7 feet) in vertical clearance above the established grade, with or without supporting posts | 2.0 metres (6.5 feet) into any required yard |

| STRUCTURE | MAXIMUM PROJECTION INTO REQUIRED YARD |
|---|---|
| Canopies for entrances to apartment buildings and commercial buildings | Despite any other provisions in this By-Law, a canopy or portico over a major entrance to an apartment building or commercial building may project into the required yard a distance equal to one-half (1/2) the setback of the building from the street line |
| Air conditioners | 1.0 metres (3.28 feet) into any rear yard or exterior side yard |
| Window awnings | 1.2 metres (3.9 feet) into any required yard |
| Steps, ramps for use by handicapped, and walkways | No maximum into any required yard |
| Unenclosed porch, patio, balconies or steps | No maximum into any side yard and 3.0 metres (9.8 feet) into any required front of rear yard |

## 3.36 PROHIBITED USES

Except as specifically permitted in this By-Law, the following uses are prohibited:

Except as otherwise specifically permitted in this By-law, no land shall be used and no building or structure shall be erected, altered or used for any purpose that creates or is likely to become a nuisance or offensive, or both, to an adjacent property holder or to the general public.

All uses specifically not identified within each designation are not permitted unless a Class III Development Permit is approved.

Facilities for the housing and care of livestock are a prohibited use except in the Rural designation.

## 3.37 PROVISIONAL APPROVALS

A Development Permit may be approved and issued by the approval authority in accordance with the provisions of this By-Law.

Provisional approval is defined as approval in principal subject to certain conditions of approval being met to the satisfaction of the Town of Gananoque.

The applicant has a maximum of one (1) year from the date of the issuance of a conditional approval to fulfill the condition or conditions of approval before approval lapses. An extension of approval may be given upon submission of formal request to the Manager of Community Development or alternate. The extension of approval shall be limited to a period of one (1) additional year from the date of lapsing of the original conditional approval.

**Amendments To Provisional Approvals Or Development Permits**
Proposed amendments to a Provisional Approval of Development Permit will be reviewed in accordance with the relevant sections of this By-Law.

## 3.38 PROVISIONS FOR THE HANDLING AND TRANSFER OF PROPANE AND NATURAL GAS

Facilities relating to the handling and transfer of propane and natural gas, including tanks and associated compressors, pumps and other similar facilities shall not be located in any required front, side, exterior side or rear yard. All facilities must be setback a minimum of 30 metres (98.4 feet) from any residential use.

Notwithstanding the above the 30 metre (98.4 feet) setback from residential uses may be reduced in accordance with the findings and recommendations of a Noise Impact Assessment Study prepared by a qualified professional that there will be no adverse impact to residential uses and provided that a minimum six metre (19.6 feet) setback is maintained.

## 3.39 ROOMING OR BOARDING HOUSES

Rooming or boarding houses are not permitted within any designation within the Town of Gananoque.

## 3.40 SECONDARY SUITES

Secondary Suite shall mean a dwelling unit which is part of and accessory to a permitted non-residential building and is occupied by the family of the owner of the non-residential building or by the family of a person employed on the lot where such dwelling unit is located.

Secondary Suites may be permitted subject to the following provisions:

Secondary suites shall be permitted on a discretionary basis in any single family residential dwelling and will require a Class II Development Permit.

A secondary suite shall be capable of integration into the principal dwelling once the secondary suite use is no longer required.

All approvals are subject to a Class II Development Permit. A Secondary Suite shall only be permitted in a single dwelling unit and where a separate external entrance is provided to the secondary suite, such entrance shall not be located on the same street elevation as the principle entrance to the primary dwelling. At no time shall there be more than one (1) additional bedroom created by the provision of the secondary suite. The secondary suite may not be larger than twenty-five (25) percent of the gross floor area of the primary dwelling.

All secondary suites will be required to submit documentation that demonstrates Ontario Building Code compliancy.

## 3.41 SETBACKS FROM A WATERCOURSE

A setback of 30 metres (98.4 feet) is required from a watercourse for all development except as follows:

Where the shoreline has been hardened by means of a break wall the setback may be varied to 15 metres (49.2 feet)

Where it can be demonstrated through an Environmental Impact Study (EIS) prepared by a qualified professional that there will be no adverse impacts to the watercourse, the 30 metre (98.4 feet) setback may be reduced in accordance with the recommendations of the EIS.

The following shoreline accessory structures are permitted within the 30 metre (98.4 feet) setback:

- Boathouse to a maximum length of 8 metres (28.2 feet) and;
- Boatport to a maximum length of 8 metres (28.2 feet) and;
- Dock to a maximum length of 8 metres (28.2 feet) and;
- Stairs and landings, provided that the landings do not exceed the width of the stairs they serve and are not greater in width than 2.5 metres (8.2 feet) and;
- Shed not exceeding 10 square metres (108 square feet).

A boathouse may be used for the purpose of human habitation providing the structure can meet the requirements of Section 13 Waterfront Overlay and the underlying designation.

The maximum height of a boathouse or boatport shall not exceed 4.25 metres (14.7 feet).

All accessory structures within 30 metres (98.4 feet) of a watercourse shall require a Class II Development Permit. Notwithstanding the foregoing a boathouse will require a Class III Development Permit.

## 3.42 SITE ALTERATION OR VEGETATION REMOVAL

All development proposed on lands with frontage on a watercourse are required to submit a landscape plan that identifies vegetation within 30 metres (98.4 feet) of the watercourse.

All shorelines are to provide for naturalized environments with the exception of the accessory structures as permitted herein.

The removal of vegetation is limited to 25% of the total waterfrontage to a maximum of 15 metres (49.2 feet).

Notwithstanding the foregoing if the proposed development can demonstrate no adverse impact to the watercourse by means of an Environmental Impact Statement (EIS) undertaken by a professional qualified to perform the evaluation, the standards outlined above may be varied by a Class III Development Permit.

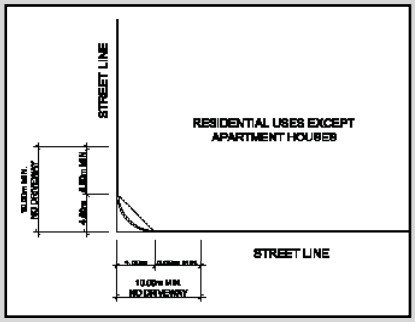
Distinctive trees in all areas of the Town shall be protected. Any proposal to remove or destroy a distinctive tree shall be subject to a Class I Development Permit application.

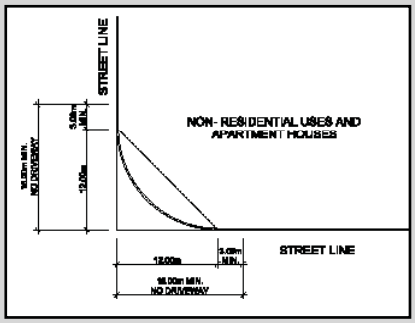
The report will be reviewed by staff. Staff will issue the Class I Development Permit as long as it has been demonstrated that:

The Development Permit may include conditions that are recommended by an arborist or good arboricultural practice and measures to be implemented to protect the retained trees during construction. Replacement of trees species shall be carried out in accordance with good arboricultural practices.

Notwithstanding anything in this by-law to the contrary normal maintenance of vegetation along the shoreline and the limbing of trees to pressure viewscapes are exempt from a Class I Development Permit.

**SIGHT TRIANGLES**




## 3.43 SIGHT TRIANGLES

Notwithstanding any provisions of this By-law to the contrary, within any area defined as sight triangle, the following uses shall be prohibited:

- A building, structure or use which would obstruct the vision of drivers of motor vehicles.
- A fence or tree, hedge, bush or other vegetation, other than agricultural crops, the top of which exceeds 1.0 metre in height above the elevation of the centrelines of abutting streets.
- A parking area.
- A finished grade which exceeds the elevation of the centrelines of abutting streets by more than 0.5 metres.

For the purpose of this By-Law, the following sight distances shall apply:

- 4.5 metres (14.7 ft) in all residential designations
- fifteen(15) metres (49.2 ft.) for all apartment buildings
- fifteen (15) metres (49.2 ft.) in all commercial and industrial designations;
- ten (10) metres (32.8 ft.) in all other designations.

## 3.44 SPECIAL SETBACKS

No person shall use any land, building or structure for a sensitive use (e.g. residential use, daycare centre, educational or health facility) unless it complies with the following minimum distance separations, influence areas or special setbacks distances, influences areas or setbacks shall be measured as set out for the respective requirement.

**Setbacks From Slopes**

Where any lot is adjacent to or traversed by an Unstable Slope as established by the Province and designation Environmental Constraint (EC) as shown on Schedule A to this By law, any building or structure to be erected thereon, (including a septic tank or tile field, swimming pool or underground structure) shall be set back from the top of the slope a minimum of 15 metres.

The minimum setback may be reduced or eliminated provided a geotechnical study conclusively demonstrates that the reduction or elimination of the setback will not result in an unsafe structure.

This provision does not apply to permitted marine facilities, marinas or transmission facilities for gas, telephone, cable or hydro or to flood control or slope stabilization structures.

**Industrial Uses**

Class I Industrial: The minimum separation distance from a sensitive land use (e.g. residential use, daycare centre, educational or health facility) shall be 70 m (230 ft.) measured from the property line of the industrial use which is closest to the main wall of the sensitive land use.

Class II Industrial: The minimum separation distance for this industrial classification from a sensitive land use (e.g. residential use, daycare centre, educational or health facility) shall be 300 m (984 ft.) measured from the property line of the industrial use which is closest to the main wall of the sensitive land use.

Class III Industrial: The minimum separation distance for this industrial classification from a sensitive land use (e.g. residential use, daycare centre, educational or health facility) shall be 1,000 m (3,280 ft.) measured from the property line of the industrial use which is closest to the main wall of the sensitive land use.

Class I, II and III separation distances may be reduced where it is demonstrated through a technical study prepared in accordance with current Ministry of the Environment guidelines that a lesser separation distance is appropriate.

## 3.45 STREETS AND PARKS

In any designation established by this By-law, streets, walkways, recreational paths and parks are permitted.

## 3.46 STREETSCAPE AND PUBLIC TRAIL DESIGN

Specific streets and pathways have been identified within the Lowertown Master Plan as contributing to a cohesive community that is accessible to all and provides strong pedestrian linkage. Regard for the elements of design shall be required for all development applications.

## 3.47 TEMPORARY BUILDINGS OR STRUCTURES DURING CONSTRUCTION

Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure or a scaffold or other equipment essential to the construction in progress for which a building permit has been granted, but only until such time as the work has been finished or abandoned or such equipment is no longer required.

In addition, temporary accommodation for a business or other use which is intended to occupy a building which is under construction with the work in progress on such building, may be temporarily permitted on the same lot in the form of a mobile, re-locatable, portable or transportable building provided that:

Approval is obtained pursuant to the matters contained herein; and

Such temporary accommodation is removed from the lot immediately upon completion of construction, abandonment of construction or at such time as in the opinion of the Corporation it is no longer required.

## 3.48 VARIATIONS

Variations to this By-Law may be permitted subject to a formal application to the Town of Gananoque. Approval of variations to By-law standards are subject to the following procedures:

Staff may vary the standards, provisions and requirements of this By-Law as per the specific criteria below and the Official Plan of the Town of Gananoque;

Council may vary the standards, provisions and requirements of the Development Permit By-Law up to 100% of the stated standards subject to the criteria outlined below and provided that the proposal is consistent with and complies with both the Official Plan of the Town of Gananoque and the Provincial Policy Statement 2005 of the Province of Ontario and any other legislation as applicable.

The following regulatory standards, provisions and design requirements and/or administrative provisions shall be evaluated and adhered to before approval and issuance of a development permit:

- Residential development will occur in an orderly and logical fashion, and will be serviced by full municipal services except as otherwise permitted herein. Development and re-development of infill lots will be encouraged and compact

development will be supported. The preservation of the existing small-town character of the community is a priority.

- All development proposals will be evaluated with regard to enhancing the community as a desirable place to live, work, play and visit.
- Development will be restricted from areas of environmental hazards and/or physical limitations, such as poor drainage, organic soils, flood susceptibility and erosion or steep slopes unless the proposal is shown to mitigate the hazard and physical limitations.
- All development proposals will require demonstration of conformity to the Official Plan of the Town of Gananoque and the Provincial Policy Statement, 2005. Supporting studies and reports may be required to demonstrate same prior to the approval and issuance of any development permit.
- All development proposals will be evaluated with respect to adverse impacts as defined herein. The applicant will be required to demonstrate no adverse impact or provide for buffering to mitigate the adverse impact prior to the approval and issuance of any development permit.
- Development proposals shall be subject to all requirements of this By-Law.
- A Development Permit will be issued by staff when satisfied that all criteria of this By-law have been met or as directed by Council.

Notwithstanding the foregoing, if the criteria of this By-Law have not been met the application may be denied. The applicant may appeal the decision to the Ontario Municipal Board or make application to amend this By-Law.

## 3.49 WATER AND SEWAGE DISPOSAL SYSTEMS

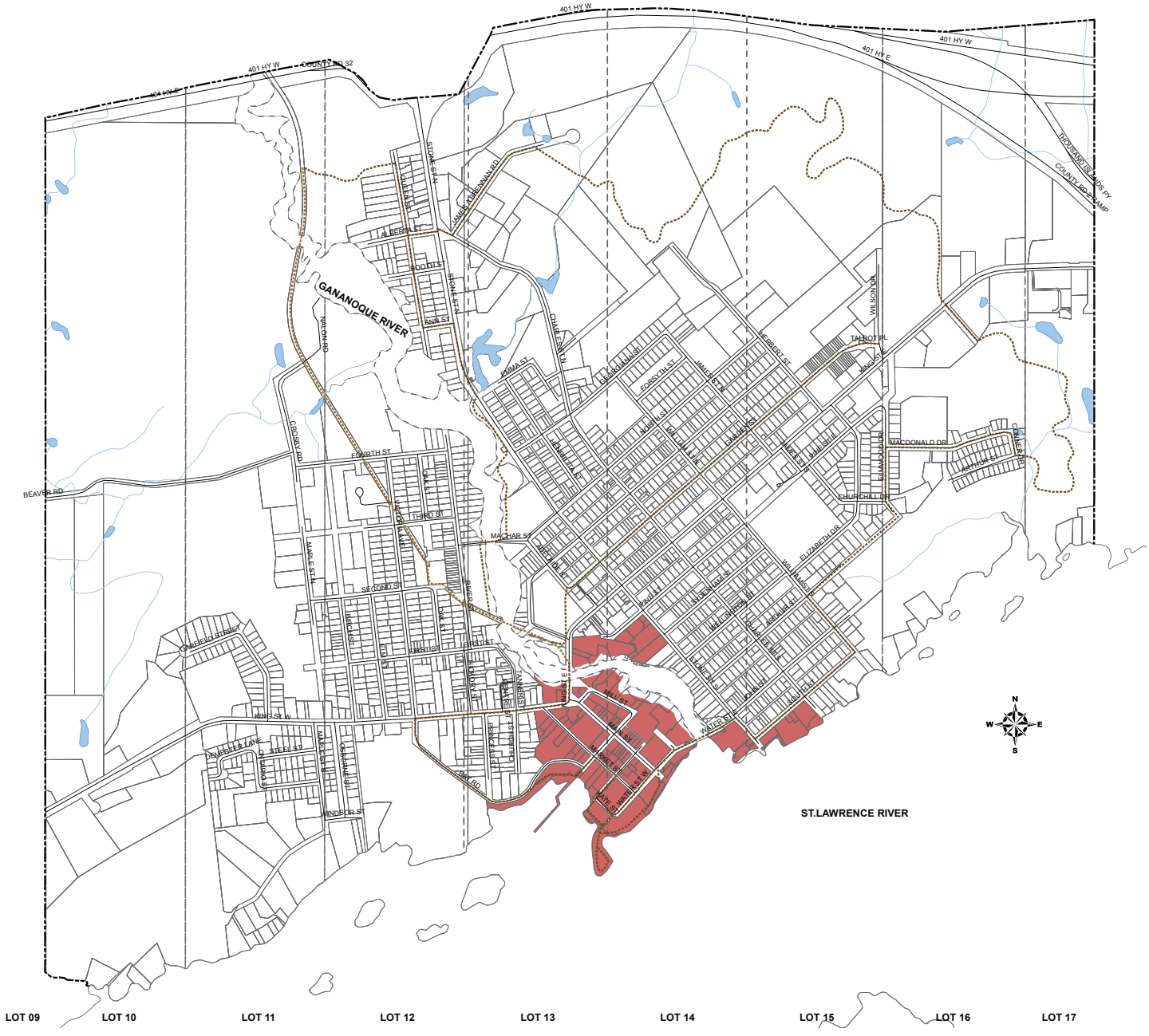
Future development shall proceed on the basis of municipal water and sewers and storm drainage except as otherwise indicated herein. Full municipal services means piped sewage and water services that are connected to a centralized water and waste water treatment facility. Calculations for the uncommitted reserve capacity of water and sewer systems will be required, where necessary, to determine the capacity of services to support new development.

No person shall hereafter erect or use in whole or in part, any building or structure for any residential, commercial or industrial purposes on any land unless the use, building or structure is properly connected to an approved water supply and sewage disposal system and the applicant possesses a valid Certificate of Approval.

Notwithstanding the foregoing, the Town may consider permitting alternative servicing for specific properties subject to the approval and issuance of a Class III Development Permit. This will only be considered in isolated cases where full municipal services cannot be extended due to technical reasons. Alternative servicing may include individual on-site systems or communal services.

Where residential development on private services is proposed, it shall be on lots which are sufficiently large to satisfy the Lanark Leeds and Grenville Health Unit requirements for septic systems.

# LOWERTOWN MIXED-USE



It is the intent of the Lowertown Mixed Use designation to allow for commercial, residential and institutional uses that will result in a mixed use, vibrant, active, livable community. The Lowertown area enjoys a rich cultural heritage and it is the intention of this by-law to provide for an increased level of exterior design and to enhance both private and public realms within the Lowertown designation.

## 4.1 USES

| PERMITTED NON-RESIDENTAL USES | |
|---|---|
| Animal Care / Clinic | Museum |
| Art Gallery | Office |
| Artisan's Studio | Parking Lot |
| Assembly Hall | Parking Lot |
| Bake shop | Personal Service Establishment |
| Bank | Pet Shop |
| Butcher Shop | Pharmacy |
| Catering Establishment | Place of Assembly |
| Cinema / Theatre | Place of Entertainment |
| Club Commercial or Private | Place of Recreation |
| Commercial Sports and Recreation Centre | Place of Worship |
| Concert Hall | Playground |
| Convenience Store | Public Art |
| Custom Workshop | Public Market |
| Drug Store | Public / Private Park |
| Department Store | Public Use |
| Dry Cleaning Establishment | Recreational Commercial Establishment |
| Health Retreat | Restaurant |
| Heritage Tourist Inn | Restaurant, Take-out |
| Home for the Aged | Retail Store |
| Hotel | School, Private |
| Laundromat | Second Hand Shop |
| Library | Service or Repair Establishment |
| Marina | Small Batch Brewery |
| Marine Commercial Facility | Studio |
| Marine Facility | Vehicle Agency |
| Motel | Video Rental Outlet |

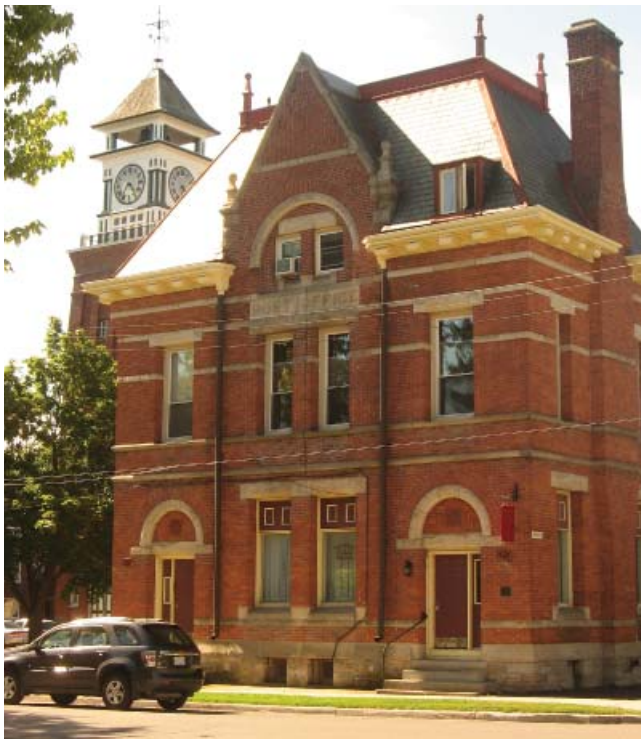
## LOWERTOWN MIXED-USE













| PERMITTED RESIDENTIAL USE | DISCRETIONARY USES |
|---|---|
| Single Family Dwelling | Auditorium |
| Semi-Detached Dwelling | Bed and Breakfast Establishment |
| Duplex | Boat or Recreational Vehicle Establishment |
| Triplex | Day Nursery |
| Townhome Dwelling | Outdoor Patio |
| Apartment | Place of Assembly |
| Home Based Business subject to Section 3.23 | Drive-through Facilities |

## 4.2 PROVISIONS – PERMITTED NON-RESIDENTIAL USES

| Site Provisions | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 232 square metre (2497 square feet) |
| 2. | Lot Coverage (maximum) | 75% |
| 3. | Lot Frontage (minimum) | 7.5 metres (24.6 feet) |
| 4. | Front Yard Setback (minimum) | 0 metres |
| 5. | Exterior Side Yard Setback (minimum) | 0 metres |
| 6. | Interior Side Yard (minimum) | 0 metres |
| 7. | Rear Yard Depth (minimum) | 4.5 metres (14.8 feet) |
| 8. | Building Height (maximum) | 12.0 metres (39.4 feet) |

## 4.3 PROVISIONS – RESIDENTIAL USES

Single Detached Dwelling

| Site Provisions | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 464 square metre (4995 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 15 metres (49 feet) |
| 4. | Front Yard Setback (minimum) | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard (minimum) | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 7.5 metres (24.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |

**Provisions, Semi-Detached**

| Site Provisions (Per Dwelling Unit) | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 334 square metre (3595 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 9.0 metres (29.5 feet) |
| 4. | Front Yard Setback (minimum) | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard (minimum) No side yard shall be required along the common property line or common wall | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 7.5 metres (24.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |

### Provisions, Duplex Dwelling

| Site Provisions (Per Dwelling Unit) | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 557 square metre (5996 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 18.0 metres (59.0 feet) |
| 4. | Front Yard Setback (minimum) | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard (minimum) No side yard shall be required along the common property line or common wall | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 7.5 metres (24.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |

### Provisions Triplex

| Site Provisions (Per Dwelling Unit) | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 668 square metre (7191 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 20 metres (65.6 feet) |
| 4. | Front Yard Setback (minimum) | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard (minimum) | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 9.0 metres (29.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |
| 9. | Dwelling Units Per Lot | 3 |

**Provisions Townhome Dwellings**

| Site Provisions (Per Dwelling Unit) | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 220 square metre (2368 square feet) |
| 2. | Lot Coverage (maximum) | 40% |
| 3. | Lot Frontage (minimum) | 6.0 metres (19.6 feet) |
| 4. | Front Yard | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard Setback Build Within Area | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard (minimum) No side yard shall be required along the common property line or common wall | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 9.0 metres (29.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |

**Location of Parking Spaces**

Where parking spaces are provided for the exclusive use of a triplex, duplex, single detached or semi-detached dwelling, the driveway and parking spaces shall not cover more than 50% of the front yard or exterior side yard area.

**Provisions – Apartment**

| Site Provisions | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 930 square metre (10,011 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 24 metres (78.7 feet) |
| 4. | Front Yard | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard Setback | 15 metres (49.7 feet), minimum |
| 6. | Interior Side Yard (minimum) No side yard shall be required along the common property line or common wall | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 6.5 metres (21.3 feet) |
| 8. | Building Height (maximum) | 20.0 metres (65.5 feet) |

## 4.4 ADDITIONAL PROVISIONS

### 4.4.1 Condominium provisions:

Interior roads shall be so designed as to minimize hazards to pedestrians and to vehicles on roads within the development and on roads in adjacent areas

Off street parking areas shall not open directly on to a public street, but shall be provided with access drives or other controlled access. Access drives shall not serve as part of a specified parking area and shall be kept clear of parked vehicles.

Pedestrian walks shall be not less than 1.2 metres (4 feet) in width and shall be provided wherever normal pedestrian traffic will occur.

Garbage and refuse pickup and other multi- family utility areas shall be provided and shall be located so as not to detract from the aesthetic character of the development and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least 1.5 metres (5 feet) in height around the perimeter.

All service utilities shall be underground in all multi-family developments.

All developments shall be provided with a liberal and functional landscaping scheme. Interior roads, parking areas and pedestrian walks shall be provided with shade trees which are an appropriate size and character. Open space adjacent to buildings and malls between buildings that are to be utilized by residents and border strips along the sides of pedestrian walks shall be graded and seeded.

Approaches to multi-family dwelling structures and entrance areas shall be provided with trees and attractively shrubbed. Areas not used for buildings, drives and parking space shall be seeded or landscaped and shall be kept in an attractive condition.

Interior development roads, parking areas, dwelling entranceways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and vehicles utilizing the same and shall, where necessary, be shielded to avoid distributing glares to occupants of buildings. Lighting shall be so arranged as to reflect away from adjoining properties.

### 4.4.2 Multi-Unit Dwellings (Triplex, Townhomes and Apartment Dwellings)

All multi-unit residential dwellings shall be required to obtain a Class II Development Permit.

No parking shall be allowed in the area which is required as part of the front or exterior side yard setback.

A maximum of 40% of the lot area may be used for at grade parking.

20 square metres of amenity space shall be provided per dwelling unit. The provision of an equipped children's play area may be required as a condition of any Development Permit.

Pedestrian walks shall be not less than 1.2 metres (4 feet) in width and shall be provided wherever normal pedestrian traffic will occur.

Garbage and refuse pickup and other multi- family utility areas shall be provided and shall be located so as not to detract from the aesthetic character of the development and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least 1.5 metres (5 feet) in height around the perimeter.

Approaches to multi-family dwelling structures and entrance areas shall be provided with trees and attractively shrubbed. Areas not used for buildings, drives and parking space shall be seeded or landscaped.

### 4.4.3 Discretionary Uses

All discretionary uses shall be subject to the Class III Development Permit approval stream.

All discretionary use permit applications shall be supported by a report and related architectural elevation drawings, prepared by qualified professionals, which demonstrate that the cultural and architectural heritage integrity of the Lowertown designation have been respected and enhanced by the proposed development. The Class III permit shall also require demonstration that the proposed discretionary use can be appropriately developed on the basis of the land uses functional requirements such as street frontage, access, yard setbacks, vehicular movements and parking requirements, safety etc.

## 4.5 DESIGN CRITERIA – LOWERTOWN MIXED USE DESIGNATION

The objective within the Lowertown Mixed Use designation is to recognize the historical, architectural character and unique streetscape and waterfront advantages this distinctive area of Town enjoys. Accordingly the following design criteria have been developed to provide for the re-development of existing built form and development of vacant spaces. The elements and direction of Lowertown Master Study shall be considered.

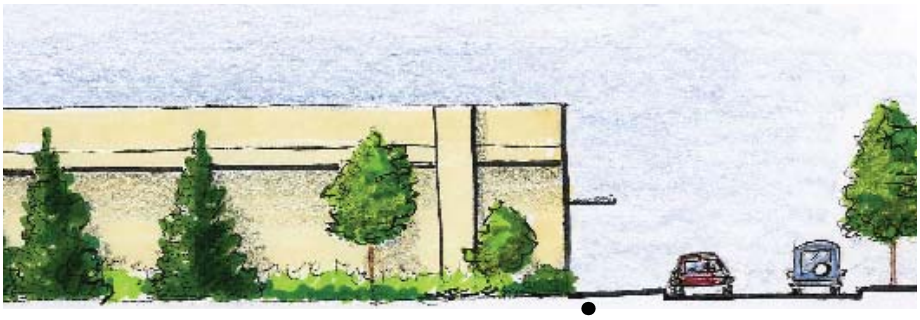
### GENERAL DESIGN CRITERIA

Priority will be given to creative adaptive re-use of existing built forms that acknowledges the past through eclectic design. Architectural interest through the use of exterior cladding materials that compliment the cultural heritage of the area is encouraged.

Buildings should be orientated towards the street.

All building service areas shall be located away from public view.

Lighting and street furniture shall be to the municipal standard.

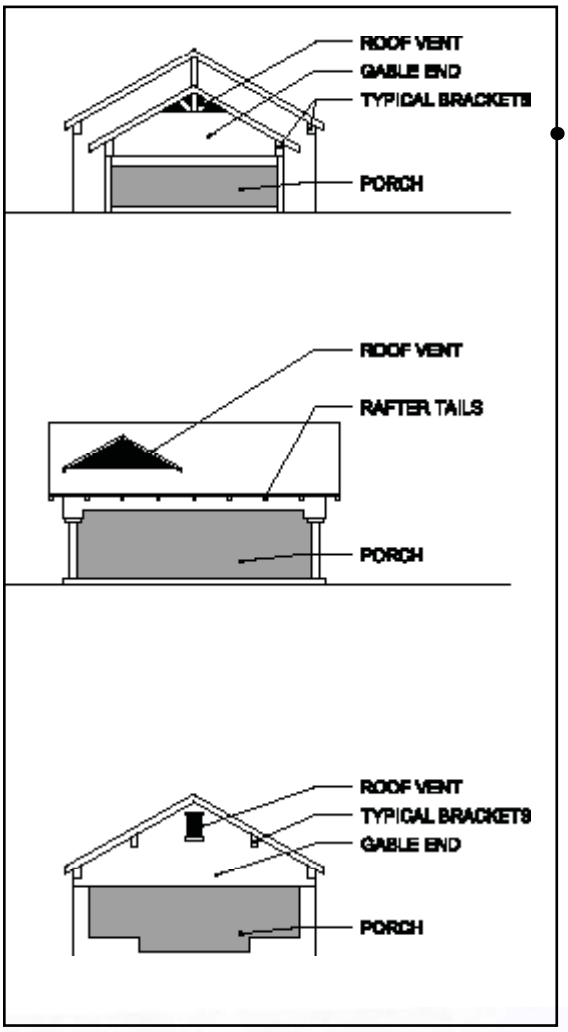


Buildings should be integrated with the existing grade and provide at grade entrances or alternatively accessible modifications should be provided.



Entrances to parking areas should be well defined by signage and curbing.

# LOWERTOWN MIXED-USE DESIGN CRITERIA

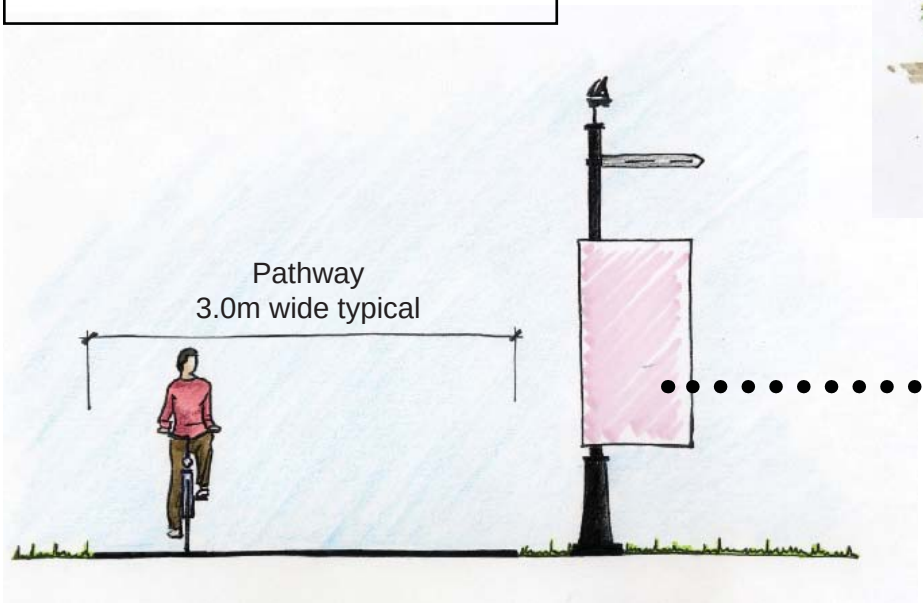



Attention to façade details that provide for varied materials and details that add to the pedestrian and public experience. Where a building elevation is adjacent to a roadway, elevations will be required to have an appropriate number of projections and recessed areas and a variety of cladding types in order to ensure that a monotonous building facade is not created.

Buildings located at intersections should provide exterior details on both street fronts.

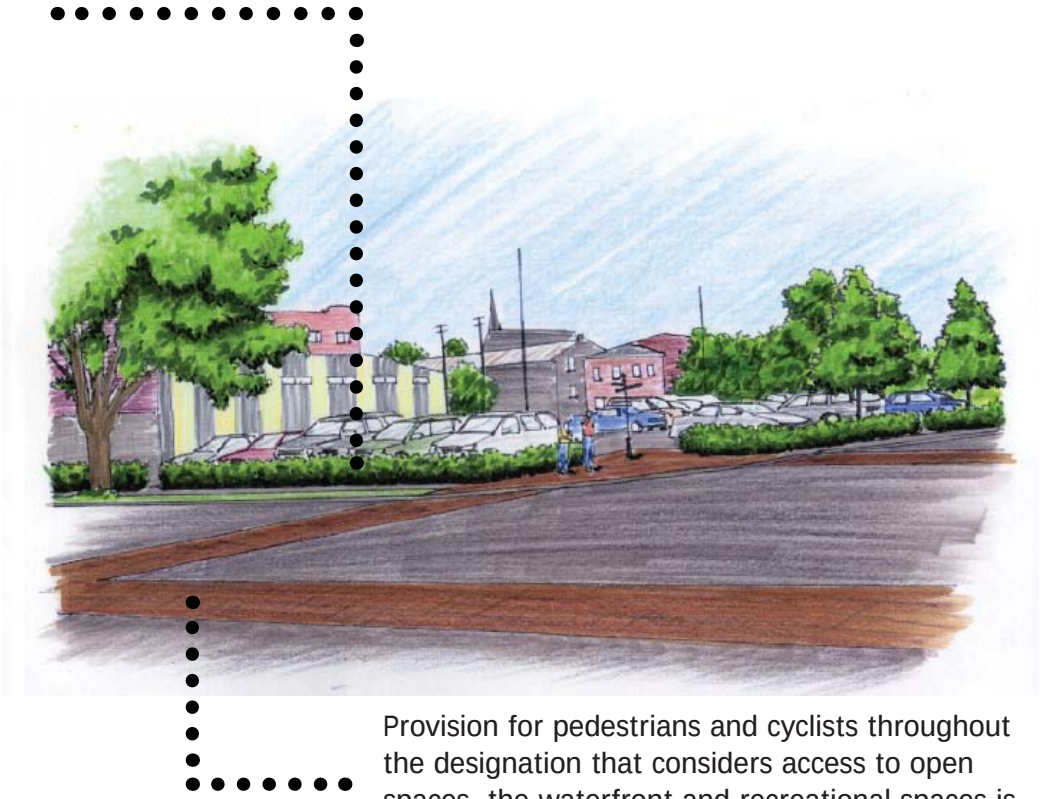
Garbage enclosures are to be fenced and screened with soft landscape elements. Garbage receptacles require screening (wood or metal). Recommended locations include inside parking courts or at the end of parking bays. Locations should be conveniently accessible for trash collection and maintenance and should not block access drives during loading operations.






Add character and interest to public spaces by the integration of public art, wayfinding and signage that considers the history and tradition of the area.

Soft landscape materials including shrubs and planting at foundation base, container planting consisting of urns, planters, window boxes or suspended baskets shall be provided along the street.

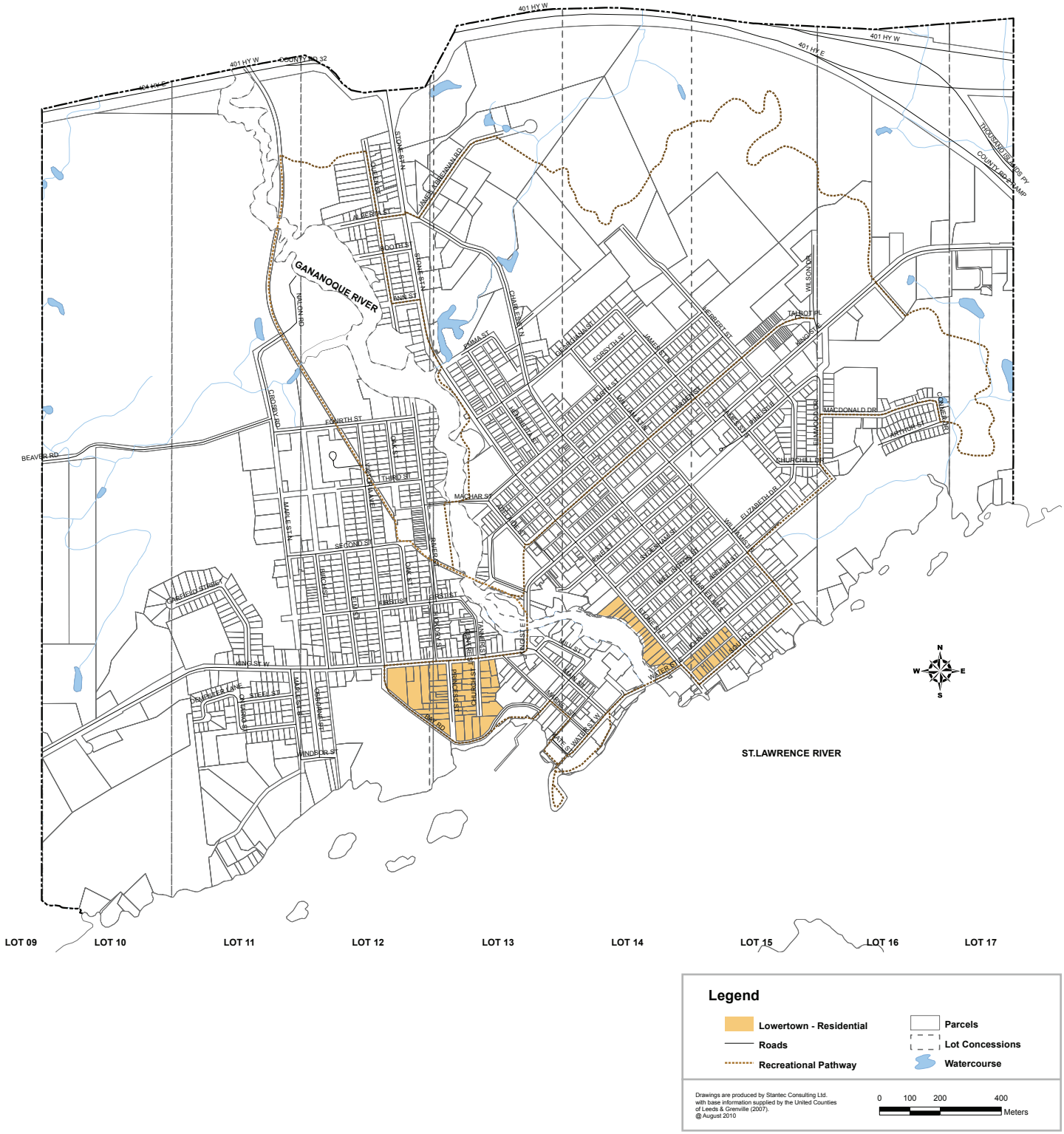


Provision for pedestrians and cyclists throughout the designation that considers access to open spaces, the waterfront and recreational spaces is required.

Pedestrian crosswalks and pathways will be defined with the addition of unit pavers or feature pavers.

## 4.6 SPECIAL EXCEPTIONS

# LOWERTOWN RESIDENTIAL




**Legend**

- Lowertown - Residential
- Roads
- Recreational Pathway
- Parcels
- Lot Concessions
- Watercourse

Drawings are produced by Stantec Consulting Ltd. with base information supplied by the United Counties of Leeds & Grenville (2007). @ August 2010

0 100 200 400 Meters

## 5.1 LOWERTOWN RESIDENTIAL

The intent of the Lowertown Residential designation is to preserve and enhance the architectural integrity and value of the residential precinct within the Lowertown designation. Lowertown represents a distinct character within the Town of Gananoque. The cultural character, built form and scale shall be respected throughout the neighbourhood.

### 5.1.1 Uses

| PERMITTED USES | DISCRETIONARY USES |
|---|---|
| Single Detached Dwelling | Bed and Breakfast Establishments |
| Home Based Business subject to section 3.23 | Converted Dwelling |
| Semi-Detached Dwelling | Day Nursery |
| Duplex Dwelling | Group Home |
| Playground | Heritage Tourist Inn |
| | Place of Worship |
| | School, Public or Private |

### 5.1.2 Provisions – Permitted Uses

Single Detached

| Site Provisions | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 464 square metre (4995 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 15 metres (49 feet) |
| 4. | Front Yard Setback (minimum) | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard (minimum) | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 7.5 metres (24.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |

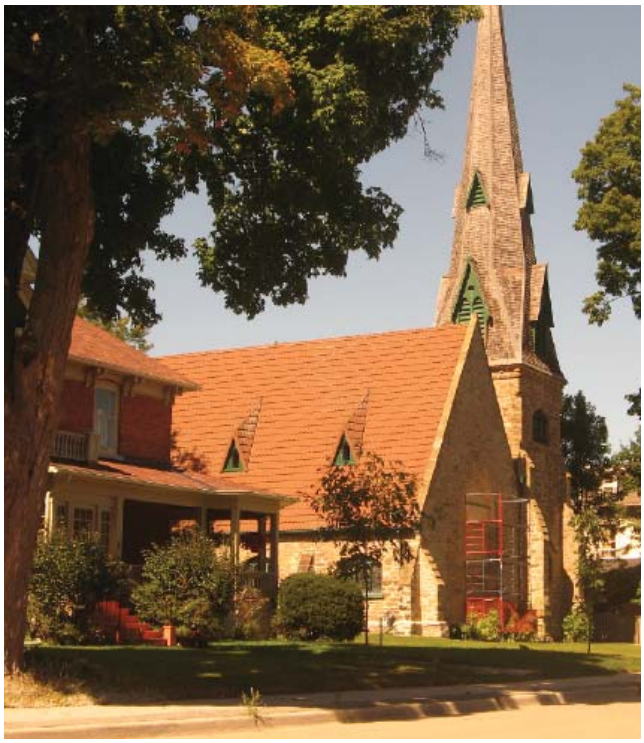
# LOWERTOWN RESIDENTIAL















Semi-Detached

| Site Provisions (Per Dwelling Unit) | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 334 square metre (3595 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 9.0 metres (29.5 feet) |
| 4. | Front Yard Setback (minimum) | 6.0 metres (19.6 feet) |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet) |
| 6. | Interior Side Yard (minimum) No side yard shall be required along the common property line or common wall | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 7.5 metres (24.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |

Duplex Dwelling

| Site Provisions (Per Dwelling Unit) | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 557 square metre (5996 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 18.0 metres (59.0 feet) |
| 4. | Front Yard Setback (minimum) | 6.0 metres (19.6 feet) |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet) |
| 6. | Interior Side Yard (minimum) No side yard shall be required along the common property line or common wall | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 7.5 metres (24.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |

### Location of Parking Spaces

Where parking spaces are provided for the exclusive use of a triplex, duplex, single detached or semi-detached dwelling, the driveway and parking spaces shall not cover more than 50% of the front yard or exterior side yard area.

### 5.1.3 Provisions – Discretionary Uses

All discretionary uses shall be subject to the Class III Development Permit approval stream.

All discretionary use permit applications shall be supported by a report and related architectural elevation drawings, prepared by qualified professionals, which demonstrate that the cultural and architectural heritage integrity of the Lowertown Residential designation have been respected and enhanced by the proposed development. In particular the predominance of low density single dwelling units shall be maintained.

**Day Nurseries** may be permitted subject to the following provisions:

- All proposals will require submission of design drawings and demonstration of the following;
    - Play areas and amenity spaces.
- No adverse impacts will occur to abutting property owners as a result of the proposed use. Where impacts are anticipated or identified they shall be mitigated to the satisfaction of the Town of Gananoque.
- Proposed development must meet the provisions, requirements and standards of section 5.1.2 above.

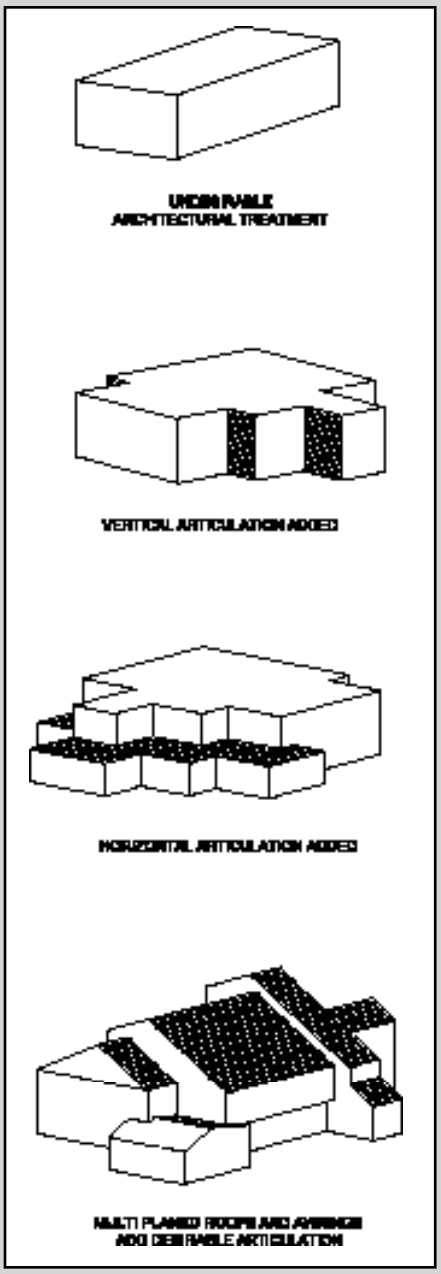
### 5.1.4 Design Criteria

The following design criteria shall be applied in the review of building permit applications and development permit applications in the Lowertown Residential designation. Refer to the illustrations in this section 5.1 for further guidance and information.

## GENERAL DESIGN CRITERIA

There is no particular architectural “style” required for residential structures but the focus should be on the development of a high quality residential environment. In general, the architecture should consider compatibility with surrounding character, including harmonious building style and individual dwelling units should be distinguishable from another.

The use of materials and colours that are representative of the texture, character and palette of the community/neighbourhood is strongly encouraged.




**ARCHITECTURAL DETAILS**

# LOWERTOWN RESIDENTIAL DESIGN CRITERIA

## GENERAL DESIGN CRITERIA

The articulation of facades and the massing of structures give them richness and scale. Long uninterrupted exterior walls should have “relief” to create an interesting blend with landscaping, structures, and the casting of shadows. The integration of varied texture, relief, and design accents on building walls can soften the architecture.

Corner lots should be encouraged to provide architectural interest on both street fronts.

New development should continue the functional, on-site relationships of the surrounding neighbourhood.

Avoid altering the streetscape façade of the building.

Do not block up or remove original door and window locations.

The requirements of section 3.47 Streetscape Design shall be applied within the Lowertown Designation.

The choice and mix of materials on the facades of structures and garage doors is important in providing an attractive living environment. Materials should be consistently applied and should be chosen to work harmoniously with adjacent materials. Piecemeal embellishment and frequent changes in materials should be avoided. All structure elevations should be architecturally treated.



# LOWERTOWN RESIDENTIAL DESIGN CRITERIA

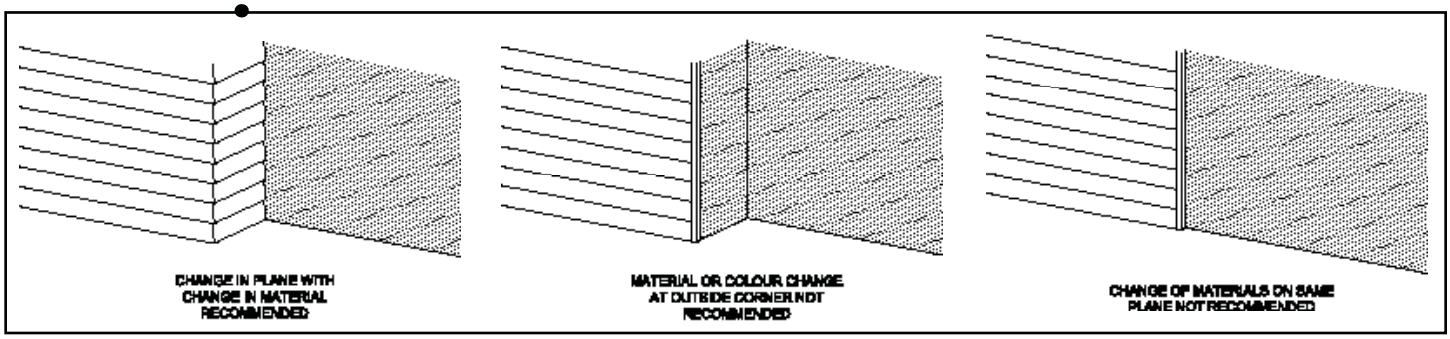


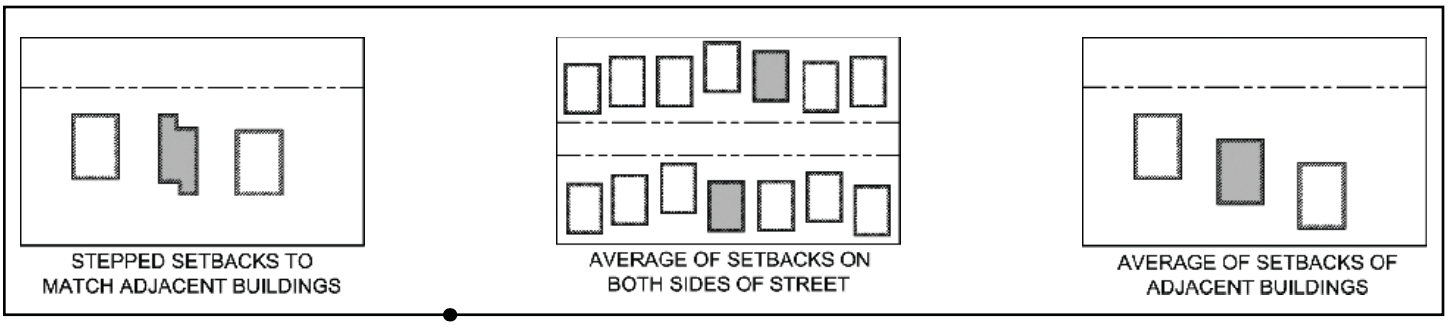
Wherever possible locate driveways and garages to the side or rear of the main building. Landscape screening and/or fencing should be provided to buffer parking area from both the street and abutting properties.

For sloped roofs, both vertical and horizontal articulation is encouraged. Roof lines should be representative of the design and scale of the units under them. Flat roofs and A-frame type roofs are discouraged unless appropriate to the architectural style.

New buildings and entrances should be oriented to the street and are encouraged to have architectural interest to contribute to the esthetics and visual appeal of the community.

Materials tend to appear substantial and integral when material changes occur at changes in plane. Material or colour changes at the outside corners of structures vie an impression of thinness and artificiality which should be avoided. Material changes not accompanied by changes in plane also frequently give material an insubstantial or applied quality. See the illustrations in sections 5.1 for further guidance.

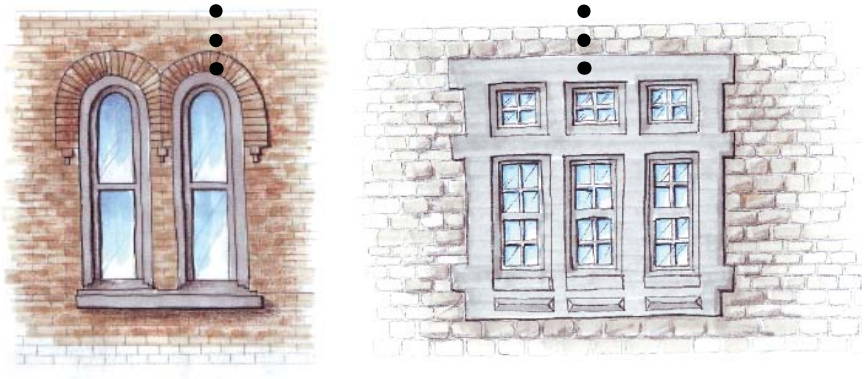





Match setback, footprint, size and massing patterns of the neighbourhood, particularly to the immediately adjacent neighbours.

Setbacks of new development should be consistent with adjacent buildings. Where setbacks are not generally uniform, the new building should be aligned with the building that is most similar to the predominant setback on the street.

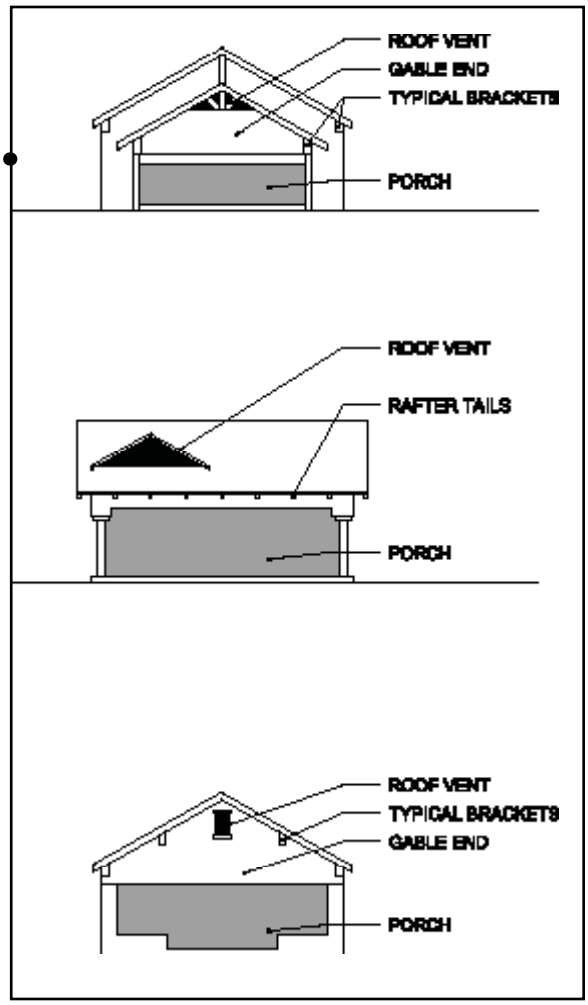
Incorporate using modern practices or design elements some of the traditional aspects of the external façade of the properties within the area.



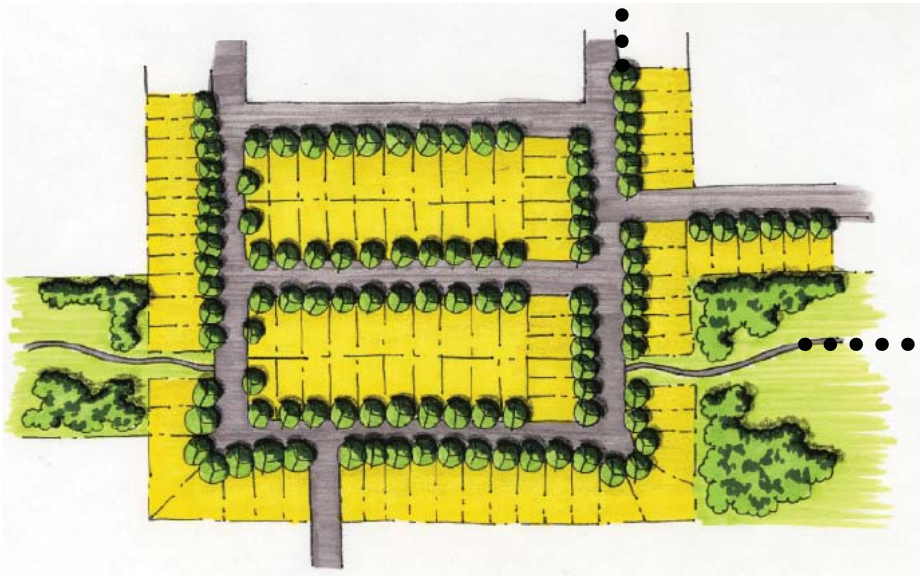
New development in existing neighbourhoods should incorporate distinctive architectural characteristics of surrounding development. For example: window and door detailing, decoration, materials, roof style and pitch, finished-floor height, porches, bay windows and other exterior architectural elements.



The use of architectural elements such as roof shapes and design elements should be in keeping and complementary to existing and surrounding buildings, heritage patterns and neighbourhood.




Retention of existing mature trees will be required unless development absolutely precludes retention. New development will be required at minimum to plant one tree per lot but a maximum distance between trees will be 15 metres. New development may be required to plant more than one tree per lot to meet the aforenoted standard.



Pedestrian pathways and linkage shall be required.

### 5.1.5 Special Exceptions

LTR-X1 Notwithstanding any other policy or section of this By-law to the contrary on the lands identified as LTR-X1 on Schedule C the following provisions shall apply:

Permitted uses:

Bed and Breakfast
Heritage Tourist Inn
Converted Dwelling
Semi-Detached Dwelling
Single Detached Dwelling
Triplex
Personal Service Establishment
Accessory Parking Facilities

By-law 2007-06

LTR-X2 Notwithstanding any other policy or section of this By-law to the contrary on the lands identified as LTR-X2 on Schedule C the following provisions shall apply:

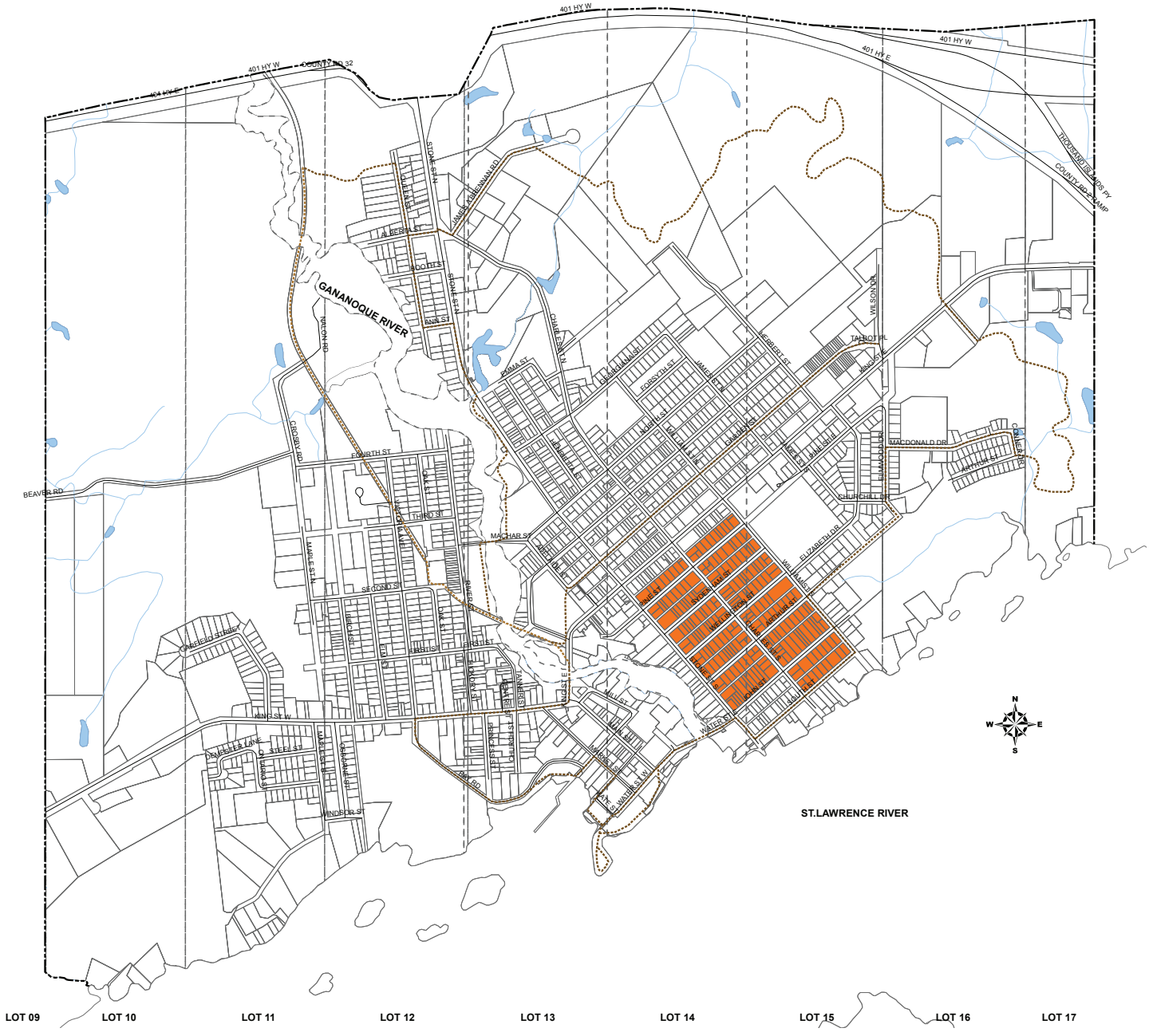
Permitted uses:

Bed and Breakfast
Heritage Tourist Inn
Hotel/Motel uses accessory to an existing Hotel located at 550 Stone Street
Duplex Dwelling
Converted Dwelling
Semi-Detached Dwelling
Single Detached Dwelling
Triplex
Accessory parking facilities

| | |
|---|---|
| Lot Area(minimum) | 501$m^2$ (5400sq ft) |
| Eastern Interior Side yard | 0$m^2$ |

By-law 2004-33

# TRADITIONAL RESIDENTIAL



## 5.2 TRADITIONAL RESIDENTIAL

It is the intent of the Traditional Residential designation to provide for respectful and appropriate development and infill that considers the design criteria outlined in section 5.2.6.

### 5.2.1 Uses

| PERMITTED USES | DISCRETIONARY USES |
|---|---|
| Single Detached Dwelling | Converted Dwellings |
| Semi-Detached Dwelling | Bed and Breakfast Establishments |
| Duplex Dwelling | Day Nursery |
| Home Based Business subject to section 3.23 | Heritage Tourist Inn |
| Playground | Place of Worship |
| | School, Public or Private |

### 5.2.2 Provisions - Permitted Uses

Single Detached Dwelling

| Site Provisions | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 464 square metre (4995 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 15 metres (49 feet) |
| 4. | Front Yard Setback (minimum) | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard (minimum) | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 7.5 metres (24.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |

# TRADITIONAL RESIDENTIAL















### Provisions, Semi-Detached

| Site Provisions (Per Dwelling Unit) | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 334 square metre (3595 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 9.0 metres (29.5 feet) |
| 4. | Front Yard Setback (minimum) | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard (minimum) No side yard shall be required along the common property line or common wall | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 7.5 metres (24.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |

### Provisions, Duplex Dwelling

| Site Provisions (Per Dwelling Unit) | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 557 square metre (5996 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 18.0 metres (59.0 feet) |
| 4. | Front Yard Setback (minimum) | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard (minimum) No side yard shall be required along the common property line or common wall | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 7.5 metres (24.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |

#### Location of Parking Spaces

Where parking spaces are provided for the exclusive use of a triplex, duplex, single detached or semi-detached dwelling, the driveway and parking spaces shall not cover more than 50% of the front yard or exterior side yard area.

### 5.2.3 Additional Provisions – Discretionary Uses

All discretionary uses shall be subject to the Class III Development Permit approval stream.

All discretionary use permit applications shall be supported by a report and related architectural elevation drawings, prepared by qualified professionals, which demonstrate that the cultural and architectural heritage integrity of the Traditional Residential designation have been respected and enhanced by the proposed development. The Class III permit shall also require demonstration that the proposed discretionary use can be appropriately developed on the basis of the land uses functional requirements such as street frontage, access, yard setbacks, vehicular movements and parking requirements, safety etc.

**Day Nurseries** may be permitted subject to the following provisions:

- All proposals will require submission of design drawings and demonstration of the following;
    - Play areas and amenity spaces.
- No adverse impacts will occur to abutting property owners as a result of the proposed use. Where impacts are anticipated or identified they shall be mitigated to the satisfaction of the Town of Gananoque.
- Proposed development must meet the provisions, requirements and standards of section 5.2.2 above.

### 5.2.4 Design Criteria

The following design criteria shall be applied in the review of building permit applications and development permit applications in the Traditional Residential designation. Refer to the illustrations in section 5.1 for further guidance and information.

## GENERAL DESIGN CRITERIA

There is no particular architectural “style” required for residential structures but the focus should be on the development of a high quality residential environment. In general, the architecture should consider compatibility with surrounding character, including harmonious building style and individual dwelling units should be distinguishable from another.

# TRADITIONAL RESIDENTIAL DESIGN CRITERIA

## GENERAL DESIGN CRITERIA

The articulation of facades and the massing of structures give them richness and scale. Long uninterrupted exterior walls should have “relief” to create an interesting blend with landscaping, structures, and the casting of shadows. The integration of varied texture, relief, and design accents on building walls can soften the architecture.

The use of materials and colours that are representative of the texture, character and palette of the community/neighbourhood is strongly encouraged.

Corner lots should be encouraged to provide architectural interest on both street fronts.

New development should continue the functional, on-site relationships of the surrounding neighbourhood.

Avoid altering the streetscape façade of the building.

Do not block up or remove original door and window locations.



For sloped roofs, both vertical and horizontal articulation is encouraged. Roof lines should be representative of the design and scale of the units under them. Flat roofs and A-frame type roofs are discouraged unless appropriate to the architectural style.

The choice and mix of materials on the facades of structures and garage doors is important in providing an attractive living environment. Materials should be consistently applied and should be chosen to work harmoniously with adjacent materials. Piecemeal embellishment and frequent changes in materials should be avoided. All structure elevations should be architecturally treated.

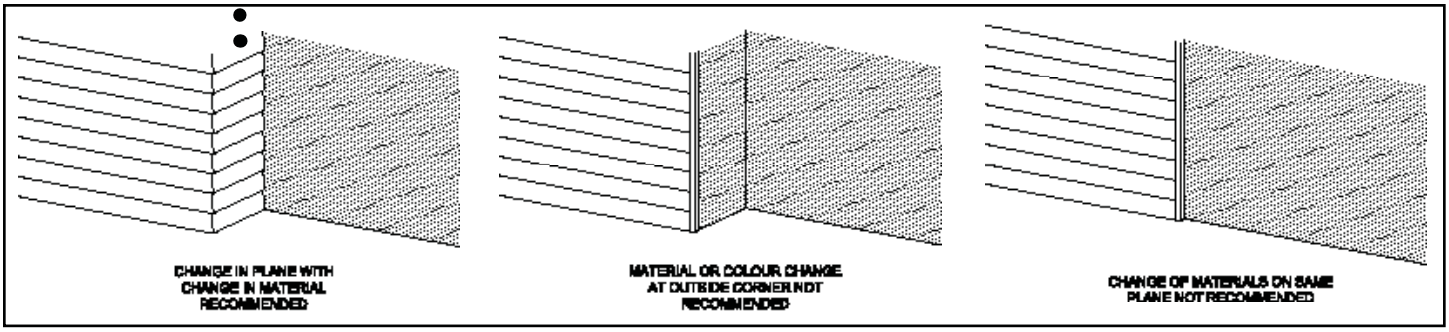
# TRADITIONAL RESIDENTIAL DESIGN CRITERIA

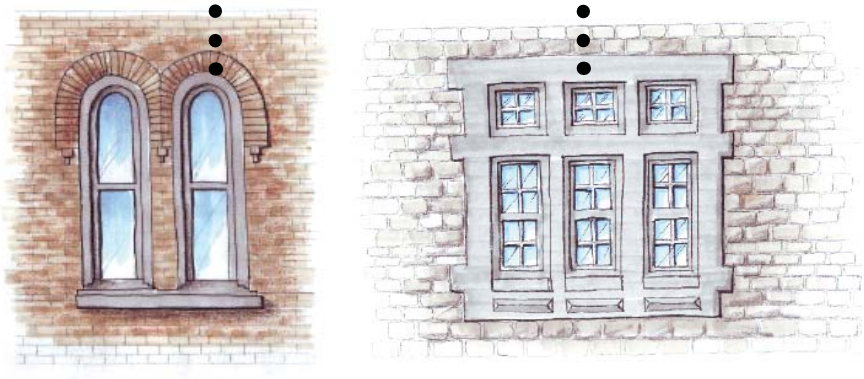
Wherever possible locate driveways and garages to the side or rear of the main building. Landscape screening and/or fencing should be provided to buffer parking area from both the street and abutting properties.

New buildings and entrances should be oriented to the street and are encouraged to have architectural interest to contribute to the esthetics and visual appeal of the community.

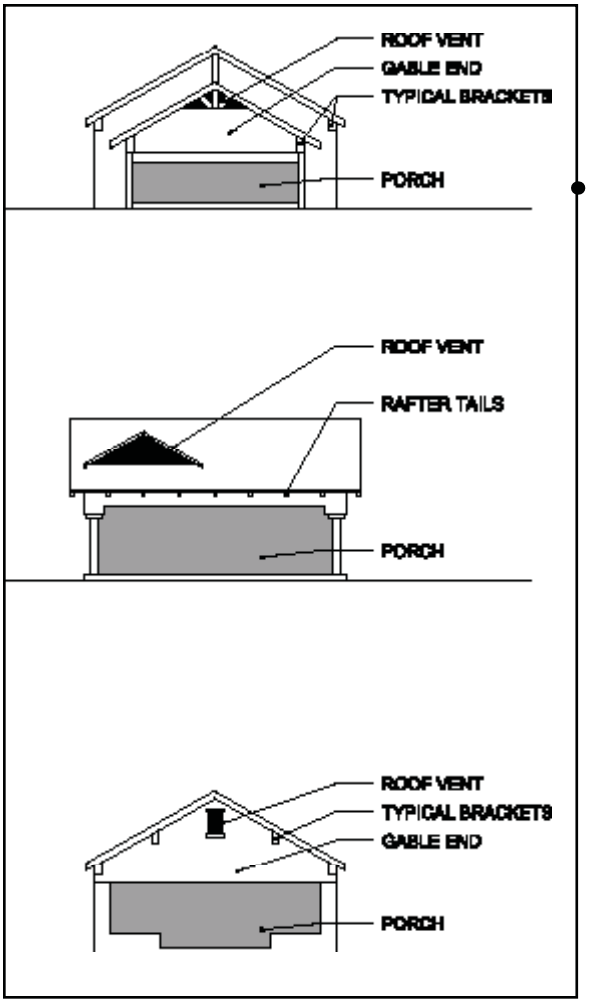


Materials tend to appear substantial and integral when material changes occur at changes in plane. Material or colour changes at the outside corners of structures vie an impression of thinness and artificiality which should be avoided. Material changes not accompanied by changes in plane also frequently give material an insubstantial or applied quality.





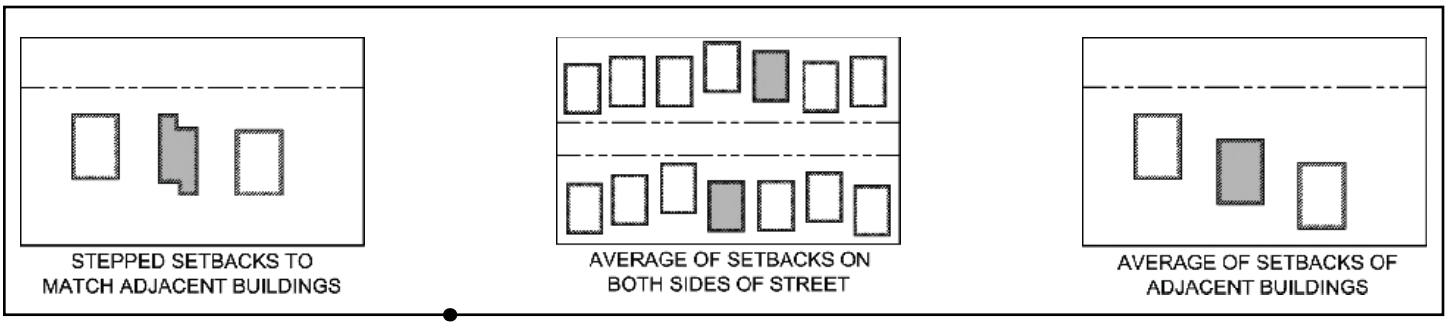
Incorporate using modern practices or design elements some of the traditional aspects of the external façade of the properties within the area.




The use of architectural elements such as roof shapes and design elements should be in keeping and complementary to existing and surrounding buildings, heritage patterns and neighbourhood.

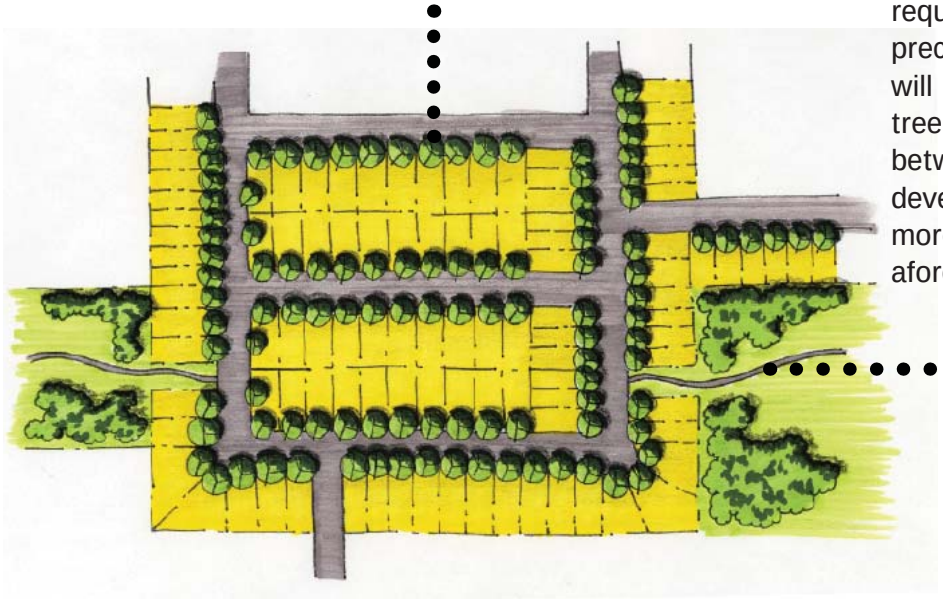
New development in existing neighbourhoods should incorporate distinctive architectural characteristics of surrounding development. For example: window and door detailing, decoration, materials, roof style and pitch, finished-floor height, porches, bay windows and other exterior architectural elements.






Match setback, footprint, size and massing patterns of the neighbourhood, particularly to the immediately adjacent neighbours.

Setbacks of new development should be consistent with adjacent buildings. Where setbacks are not generally uniform, the new building should be aligned with the building that is most similar to the predominant setback on the street.

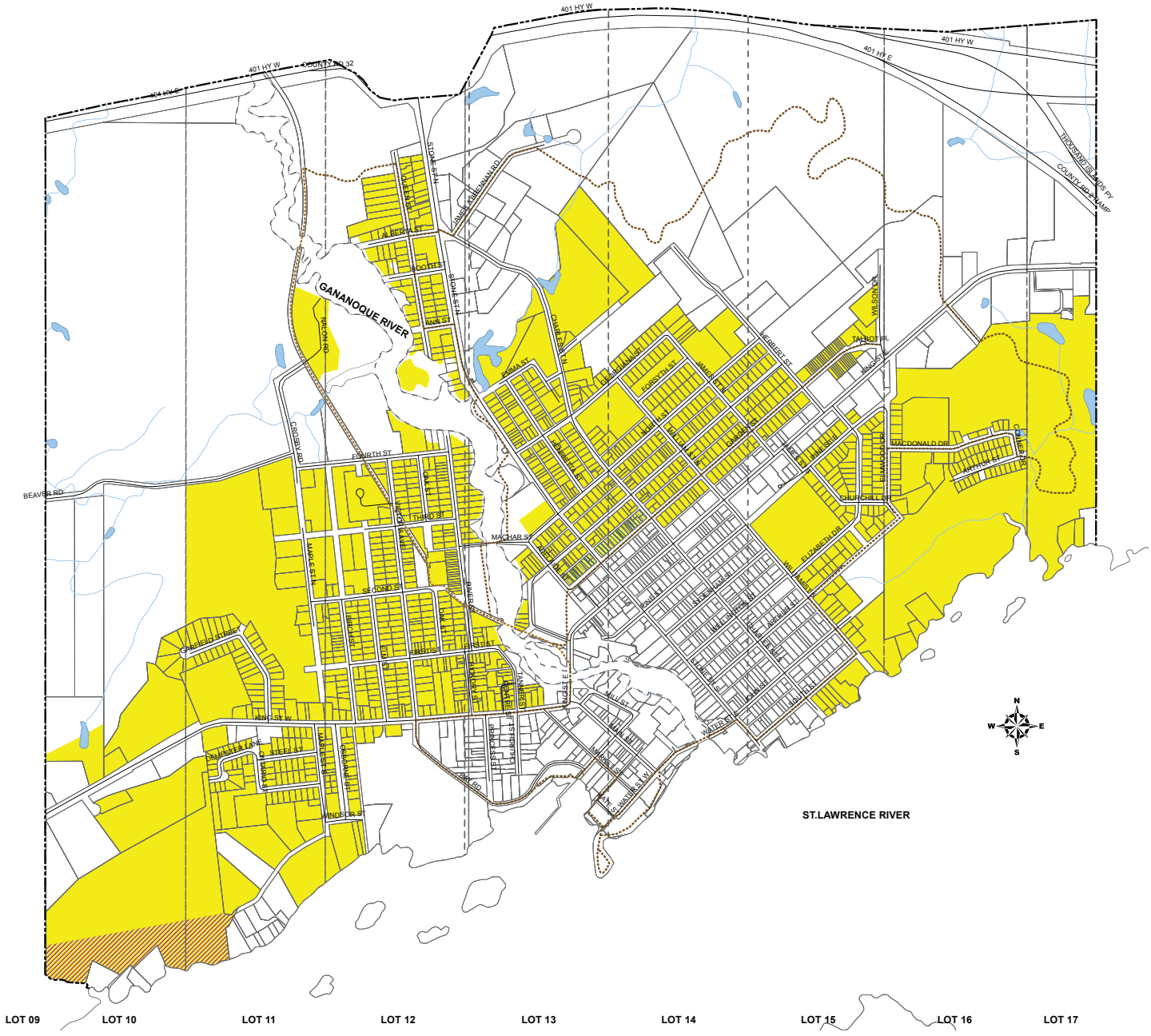


Retention of existing mature trees will be required unless development absolutely precludes retention. New development will be required at minimum to plant one tree per lot but a maximum distance between trees will be 15 metres. New development may be required to plant more than one tree per lot to meet the aforenoted standard.

Pedestrian pathways and linkage shall be required.

### 5.2.5 Special Exceptions

# RESIDENTIAL



## 5.3 RESIDENTIAL

It is the intent of the Residential Designation to allow for a varied density of residential uses.

### 5.3.1 Uses

| PERMITTED USES | DISCRETIONARY USES |
|---|---|
| Single Detached Dwelling | Converted Dwellings |
| Semi-Detached Dwelling | Bed and Breakfast Establishments |
| Duplex Dwelling | Group Home |
| Triplex Dwelling | Heritage Tourist Inn |
| Home Based Business subject to section 3.23 | Personal Service Establishment |
| Playground | Places of Worship |
| | School, Public or Private |
| | Apartment Dwelling (freehold or condominium) |
| | Day Nursery |
| | Townhouse Dwelling (freehold or condominium) |

### 5.3.2 Provisions - Permitted Uses

Single Detached Dwelling

| Site Provisions | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 464 square metre (4995 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 15 metres (49 feet) |
| 4. | Front Yard Setback (minimum) | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard (minimum) | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 7.5 metres (24.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |

## RESIDENTIAL















## Semi-Detached

| Site Provisions (Per Dwelling Unit) | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 334 square metre (3595 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 9.0 metres (29.5 feet) |
| 4. | Front Yard Setback (minimum) | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard (minimum) No side yard shall be required along the common property line or common wall | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 7.5 metres (24.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |

## Duplex Dwelling

| Site Provisions (Per Dwelling Unit) | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 557 square metre (5996 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 18.0 metres (59.0 feet) |
| 4. | Front Yard Setback (minimum) | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard (minimum) No side yard shall be required along the common property line or common wall | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 7.5 metres (24.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |

### Triplex

| Site Provisions (Per Dwelling Unit) | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 668 square metre (7191 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 20 metres (65.6 feet) |
| 4. | Front Yard Setback (minimum) | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard (minimum) | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 9.0 metres (29.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |
| 9. | Dwelling Units Per Lot | 3 |

### Townhouse Dwellings

| Site Provisions (Per Dwelling Unit) | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 220 square metre (2368 square feet) |
| 2. | Lot Coverage (maximum) | 40% |
| 3. | Lot Frontage (minimum) | 6.0 metres (19.6 feet) |
| 4. | Front Yard | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard Build Within Area | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard End Unit (min.) No side yard shall be required along the common property line or common wall | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 9.0 metres (29.5 feet) |
| 8. | Building Height (maximum) | 11.0 metres (36 feet) |

### Location of Parking Spaces

Where parking spaces are provided for the exclusive use of a triplex, duplex, single detached or semi-detached dwelling, the driveway and parking spaces shall not cover more than 50% of the front yard or exterior side yard area.

Apartment

| Site Provisions | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 930 square metre (10,011 square feet) |
| 2. | Lot Coverage (maximum) | 35% |
| 3. | Lot Frontage (minimum) | 24 metres (78.7 feet) |
| 4. | Front Yard | 6.0 metres (19.6 feet), minimum |
| 5. | Exterior Side Yard | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard End Unit (min.) No side yard shall be required along the common property line or common wall | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 6.5 metres (21.3 feet) |
| 8. | Building Height (maximum) | 20.0 metres (65.5 feet) |

## 5.4 ADDITIONAL PROVISIONS

### 5.4.1 Condominium Provisions:

Interior roads shall be so designed as to minimize hazards to pedestrians and to vehicles on roads within the development and on roads in adjacent areas

Off street parking areas shall not open directly on to a public street, but shall be provided with access drives or other controlled access. Access drives shall not serve as part of a specified parking area and shall be kept clear of parked vehicles.

Pedestrian walks shall be not less than 1.2 metres (4 feet) in width and shall be provided wherever normal pedestrian traffic will occur.

Garbage and refuse pickup and other multi- family utility areas shall be provided and shall be located so as not to detract from the aesthetic character of the development and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least 1.5 metres (5 feet) in height around the perimeter.

All service utilities shall be underground in all multi-family developments.

All developments shall be provided with a liberal and functional landscaping scheme. Interior roads, parking areas and pedestrian walks

shall be provided with shade trees which are an appropriate size and character. Open space adjacent to buildings and malls between buildings that are to be utilized by residents and border strips along the sides of pedestrian walks shall be graded and seeded.

Approaches to multi-family dwelling structures and entrance areas shall be provided with trees and attractively shrubbed. Areas not used for buildings, drives and parking space shall be seeded or landscaped and shall be kept in an attractive condition.

Interior development roads, parking areas, dwelling entranceways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and vehicles utilizing the same and shall, where necessary, be shielded to avoid distributing glares to occupants of buildings. Lighting shall be so arranged as to reflect away from adjoining properties.

### 5.4.2 Multi-Unit Dwellings (Triplex, Townhomes and Apartment Dwellings)

All multi-unit residential dwellings shall be required to obtain a Class II Development Permit.

All residential buildings containing more than three (3) dwelling units shall be required to be located on an arterial or collector roadway.

No parking shall be allowed in either the required front or exterior side yards.

A maximum of 40% of the lot area may be used for at grade parking.

20 square metres of amenity space shall be provided per dwelling unit. The provision of an equipped children's play area may be required as a condition of any Development Permit.

Pedestrian walks shall be not less than 1.2 metres (4 feet) in width and shall be provided wherever normal pedestrian traffic will occur.

Garbage and refuse pickup and other multi- family utility areas shall be provided and shall be located so as not to detract from the aesthetic character of the development and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least 1.5 metres (5 feet) in height around the perimeter.

Approaches to multi-family dwelling structures and entrance areas shall be provided with trees and attractively shrubbed. Areas not used for buildings, drives and parking space shall be seeded or landscaped.

### 5.4.3 Discretionary Uses

All discretionary uses shall be subject to the Class III Development Permit approval stream.

All discretionary use permit applications shall be supported by a report and related architectural elevation drawings, prepared by qualified professionals, which demonstrate that the cultural and architectural heritage integrity of the Residential designation have been respected and enhanced by the proposed development. The Class III permit shall also require demonstration that the proposed discretionary use can be appropriately developed on the basis of the land uses functional requirements such as street frontage, access, yard setbacks, vehicular movements and parking requirements, safety etc.

**Day Nurseries** may be permitted subject to the following provisions:

- All proposals will require submission of design drawings and demonstration of the following;
    - Play areas and amenity spaces.
- No adverse impacts will occur to abutting property owners as a result of the proposed use. Where impacts are anticipated or identified they shall be mitigated to the satisfaction of the Town of Gananoque.
- Proposed development must meet the provisions, requirements and standards of section 5.3.2 above.

### 5.4.4 Design Criteria

The following design criteria shall be applied in the review of building permit applications and development permit applications in the Residential designation. Refer to the illustrations in section 5.3 for further guidance and information.



Corner lots should be encouraged to provide architectural interest on both street fronts.

# RESIDENTIAL DESIGN CRITERIA

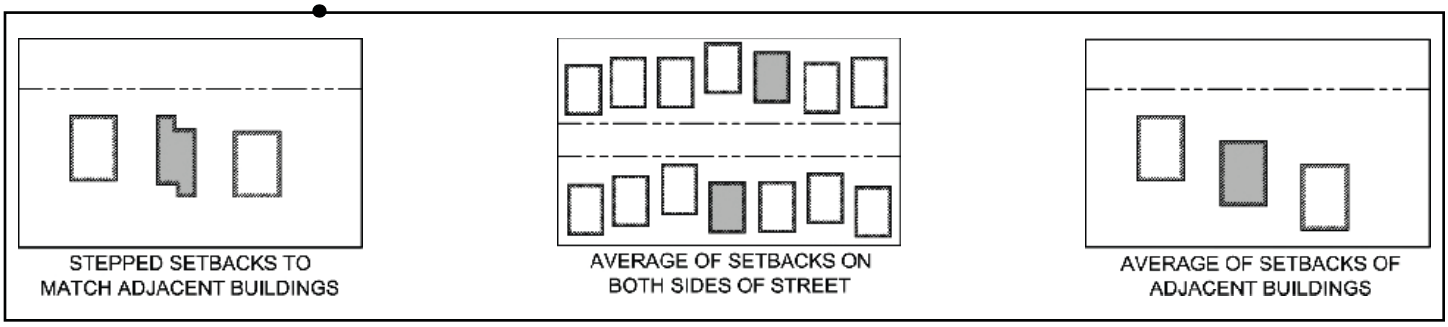


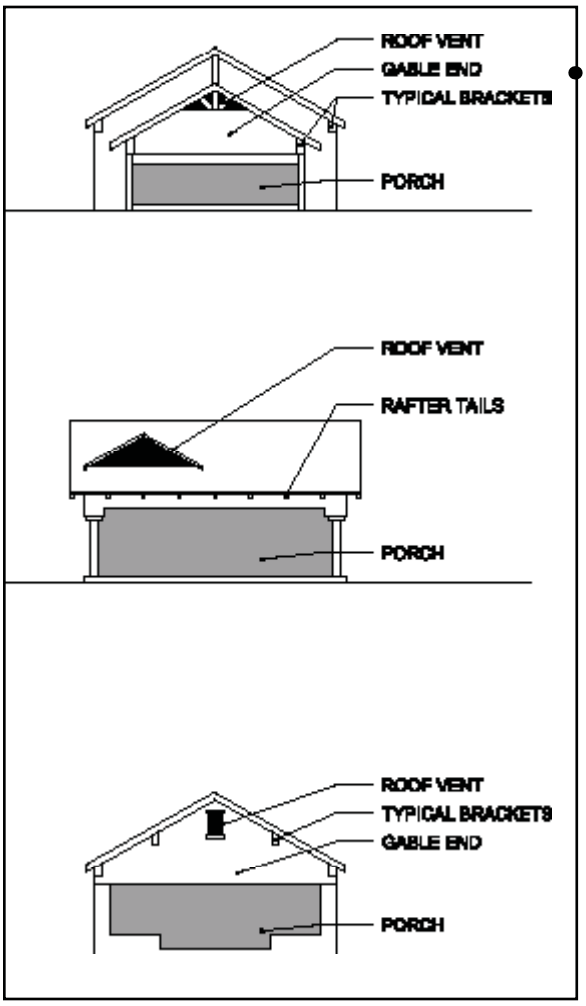
New buildings and entrances should be oriented to the street and are encouraged to have architectural interest to contribute to the esthetics and visual appeal of the community.

Retention of existing mature trees will be required unless development absolutely precludes retention. New development will be required at minimum to plant one tree per lot with a maximum distance between trees of15 metres.

Match setback, footprint, size and massing patterns of the neighbourhood, particularly to the immediately adjacent neighbours.

Setbacks of new development should be consistent with adjacent buildings. Where setbacks are not generally uniform, the new building should be aligned with the building that is most similar to the predominant setback on the street.






The use of architectural elements such as roof shapes and design elements should be in keeping and complementary to existing and surrounding buildings, traditional patterns and neighbourhood.

The use of materials and colours that are representative of the texture, character and palette of the community/neighbourhood is strongly encouraged.



### 5.4.5 North Garden Street Special Exception – 1, NGS-X1

Notwithstanding any other policy or section of this By-law to the contrary the area along north Garden Street between Adelaide and Charles Street shall permit the following uses:

- Personal Service Shop
- School, Commercial
- Clinic

### 5.4.6 Residential Special Exception Designations

R-X1 Notwithstanding any other policy or section of this By-law to the contrary on the lands identified as R-X1 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Rear Yard | 7m |
| Lot Coverage | 40% |
| By- law 1992.26 | |

R-X2 Notwithstanding any other policy or section of this By-law to the contrary on the lands identified as R-X2 on Schedule C the following provisions shall apply:

Permitted Use: Single Detached Dwelling only

Provisions:

| | |
|---|---|
| Lot Area | Only that portion of the subject property above the 1:100 year flood elevation of 83.5 metres geodetic immediately Emma Street shall be used for residential purposes. |
| Lot Frontage | 25m (minimum) |
| Front Yard | 7m |
| Rear Yard | 9m |
| Side Yard | 1.4m |
| Building Opening | All the building openings must be at a minimum elevation of 83.8m geodetic. |
| By-law 1991-13 | |

R-X3 Notwithstanding any other policy or section of this By-law to the contrary on the lands identified as R-X3 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Lot Frontage | 5.70m |
| Density (maximum) | 44 units/ha |
| Lot Area | 197.5$m^2$ |
| By-law 1993-8 | |

R-X4 Notwithstanding any other policy or section of this By-law to the contrary on the lands identified as R-X4 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Front Yard | 6m |
| Rear | 7m |
| Lot Coverage | 40% |
| By-law 1992-26 | |

R-X5 Notwithstanding any other policy or section of this By-law to the contrary on the lands identified as R-X5 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Lot Area | 384m$^2$ |
| Lot Frontage | 11.95m |
| Front Yard | 6m |

By-law 2006-33

R-X6 Notwithstanding any other policy or section of this By-law to the contrary on the lands identified as R-X6 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Permitted Use: | School, Private |

By-law 2004-41

R-X7 Notwithstanding any other policy or section of this By-law to the contrary on the lands identified as R-X7 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Permitted Use: | Clinic |

By-law 2005-19

R-X8 Notwithstanding any other policy or section of this By-law to the contrary on the lands identified as R-X8 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Lot Area | 445m$^2$ |
| Front Yard | 6.5m |
| Rear Yard | 4.5m |
| Exterior Yard | 3.5m |

By-law 2010-12

R-X9 Notwithstanding any other policy or section of this By-law to the contrary on the lands identified as R-X9 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Apartment Dwelling | |
| Front Yard | 5.5m |
| Rear Yard | 6m |
| Density (maximum) | 9 units |

By-law 2006-50

R-X10 Notwithstanding any other policy or section of this By-law to the contrary on the lands identified as R-X10 on Schedule C the following provisions shall apply:

That the Residential Use may develop on private services.

By-law 2001-37

# ESTATE RESIDENTIAL



## 5.5 ESTATE RESIDENTIAL

It is the intent of the Estate Residential designation to allow for low density residential uses. Notwithstanding anything in this By-law to the contrary Estate Residential uses may develop on private services where municipal services can

### 5.5.1 Uses

| PERMITTED USES | DISCRETIONARY USES |
|---|---|
| Single Detached Dwelling | Group Home |
| Exiting Agricultural Use | |
| Home Based Business subject to section 3.23 | |

### 5.5.2 Provisions - Permitted Uses

Single Detached Dwelling

| Site Provisions | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 1.0 ha (2.5 acres) |
| 2. | Lot Coverage (maximum) | 10% |
| 3. | Lot Frontage (minimum) | 60 metres (196.9 feet) |
| 4. | Front Yard Setback (minimum) | 15 metres (49.2 feet), minimum |
| 5. | Exterior Side Yard Setback (minimum) | 15 metres (49.2 feet), minimum |
| 6. | Interior Side Yard (minimum) | 7.0 metres (23 feet) |
| 7. | Rear Yard Depth (minimum) | 15 metres (49.2 feet) |
| 8. | Building Height (maximum) | 12 metres (36 feet) |

#### Location of Parking Spaces

Where parking spaces are provided for the exclusive use of a triplex, duplex, single detached or semi-detached dwelling, the driveway and parking spaces shall not cover more than 50% of the front yard or exterior side yard area.

### 5.5.3 Discretionary Uses

All discretionary uses shall be subject to the Class III Development Permit approval stream.

All discretionary use permit applications shall be supported by a report and related architectural elevation drawings, prepared by qualified professionals, which demonstrate that the cultural and architectural heritage integrity of the Estate Residential designation have been respected and enhanced by the proposed development. The Class III permit shall also require demonstration that the proposed discretionary use can be appropriately developed on the basis of the land uses functional requirements such as street frontage, access, yard setbacks, vehicular movements and parking requirements, safety etc.

### 5.5.4 Design Criteria

The following design criteria shall be applied in the review of building permit applications and development permit applications in the Estate Residential designation.

## GENERAL DESIGN CRITERIA

Corner lots should be encouraged to provide architectural interest on both street fronts.

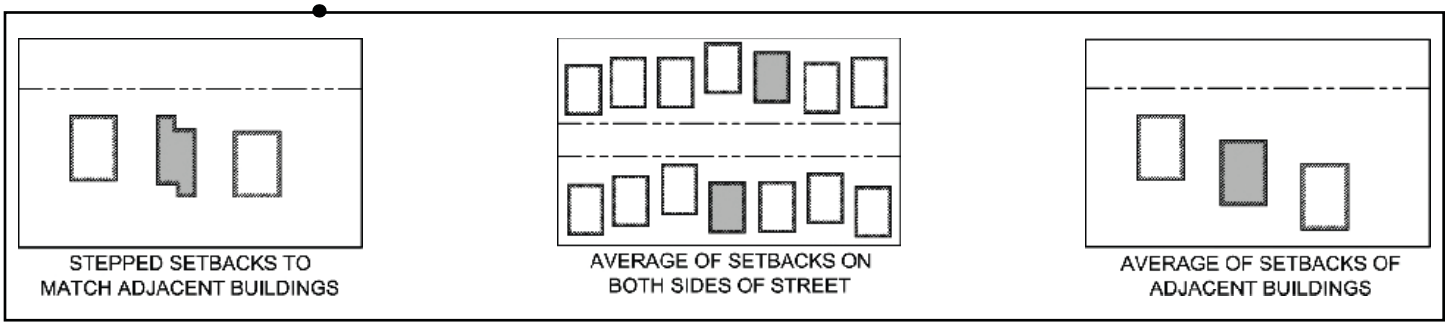
Retention of existing mature trees will be required unless development absolutely precludes retention. New development will be required at minimum to plant one tree per lot with a maximum distance between trees of15 metres.



New buildings and entrances should be oriented to the street and are encouraged to have architectural interest to contribute to the esthetics and visual appeal of the community.

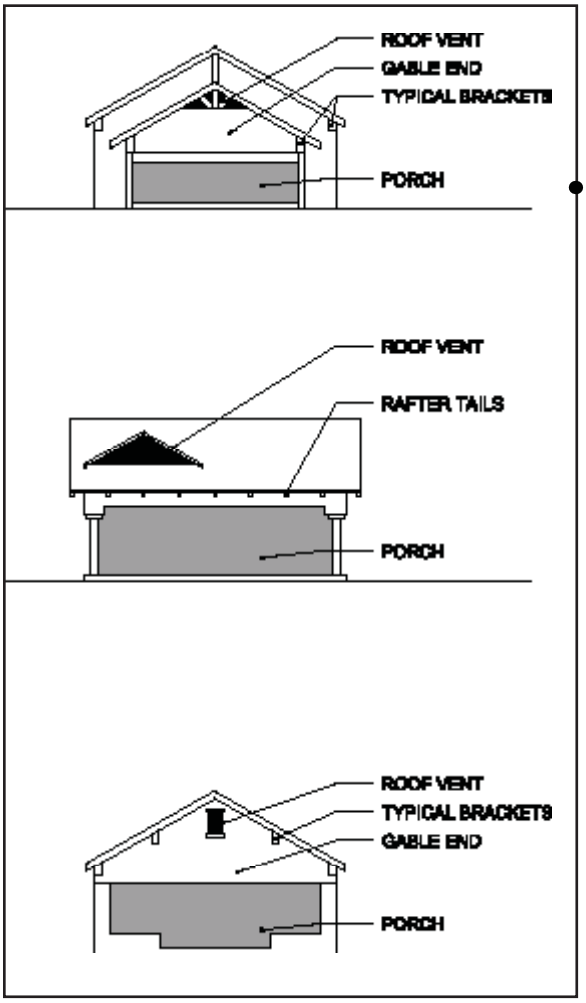
Match setback, footprint, size and massing patterns of the neighbourhood, particularly to the immediately adjacent neighbours.

Setbacks of new development should be consistent with adjacent buildings. Where setbacks are not generally uniform, the new building should be aligned with the building that is most similar to the predominant setback on the street.




The use of materials and colours that are representative of the texture, character and palette of the community/ neighbourhood is strongly encouraged.






The use of architectural elements such as roof shapes and design elements should be in keeping and complementary to existing and surrounding buildings, traditional patterns and neighbourhood.

### 5.5.5 Special Exception Designations

ER-X1 Notwithstanding any provisions of this By-law to the contrary the lands indentified as ER-X1 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Lot Frontage | 0 m |

Lots may be located on private rights-of-way and shall have a minimum lot width adjacent to the right of way of 60 metres. (196.9 ft)

By-law 2004-11

ER-X2 Notwithstanding any provisions of this By-law to the contrary the lands indentified as ER-X2 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Lot Area (minimum) | 1800m2 |
| Lot Frontage | 20 m |
| Front Yard | 7.5m |
| Rear Yard waterfrontage | 15m |
| Side Yard | 3m |
| Building Open Elevation | 76.9m geodetic |

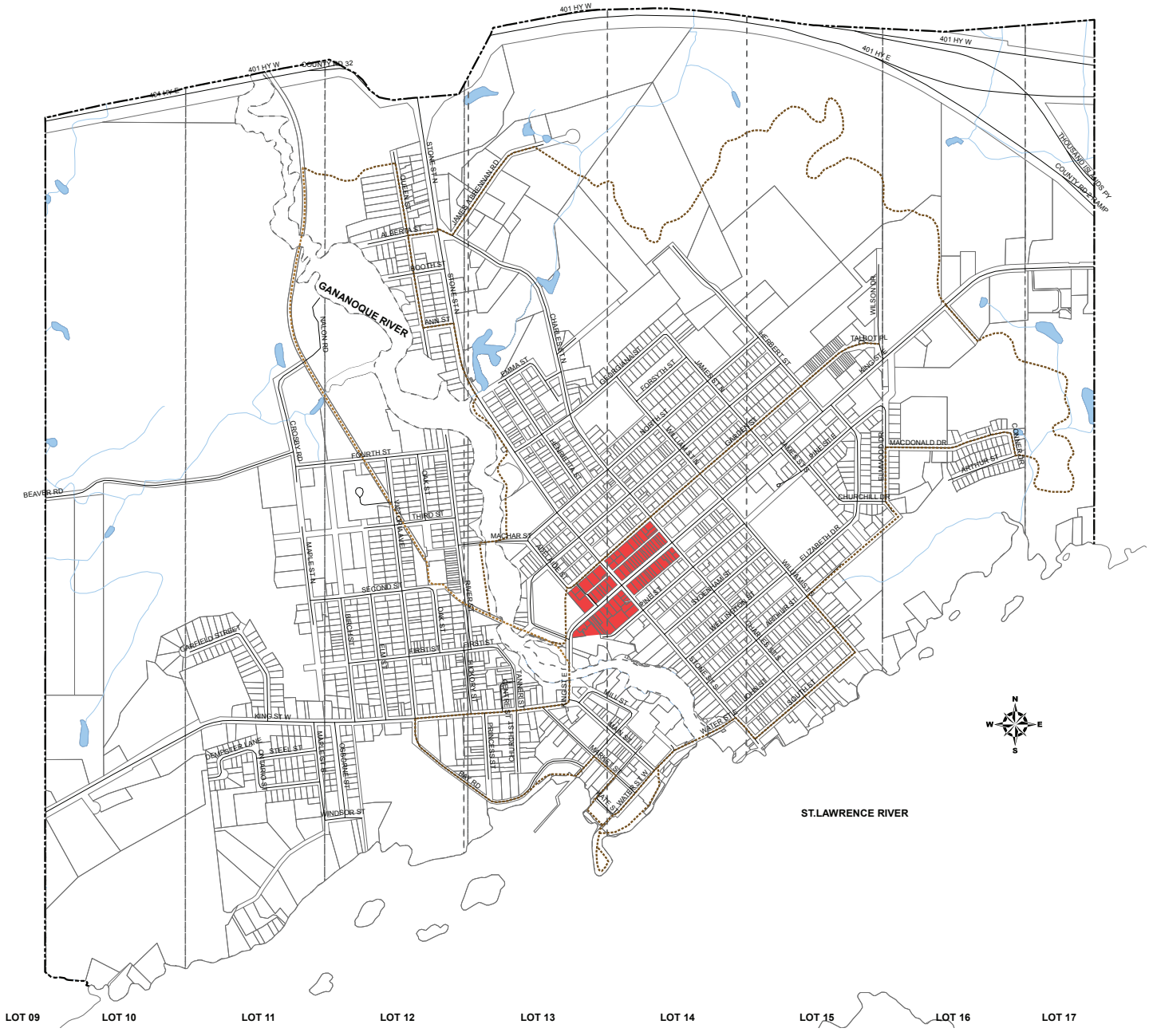
By-law 1990-22

ER-X3 Notwithstanding any provisions of this By-law to the contrary the lands indentified as ER-X3 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Lot Area (minimum) | 1600m2 |
| Lot Frontage | 20 m |
| Front Yard | 7.5m |
| Rear Yard waterfrontage | 10m |
| Side Yard | 3m |
| Floor Area per dwelling | 150m$^2$ |

By-law 1984-10

# COMMERCIAL TRADITIONAL CORE



It is the intent of the Commercial Traditional Core designation to preserve historical built form and continue to enhance its cultural significance with respectful infill development, expansions and re-development.

## 6.1 USES

| PERMITTED USES | | DISCRETIONARY USES |
|---|---|---|
| Animal Care | Hotel | Day Nursery |
| Animal Clinic | Institutional Use | Drive-through Facilities |
| Art Gallery | Office | Outdoor Patio |
| Artisan's Studio | Office, Public Administration | |
| Assembly Hall | Parking Lot | |
| Bake Shop | Personal Service Establishment | |
| Bank | Pet Shop | |
| Butcher Shop | Pharmacy | |
| Catalogue Store | Place of Entertainment | |
| Cinema / Theatre | Place of Recreation | |
| Club Commercial | Place of Worship | |
| Clinic | Playground | |
| Commercial Sports and Recreation Establishment | Private School | |
| Community Centre | Retail Store | |
| Convenience Store | Restaurant | |
| Custom Workshop | Restaurant, Take Out | |
| Dry Cleaning Establishment | Second Hand Shop | |
| Dwelling Unit or units located on the second storey or above | Service or Repair Establishment | |
| Existing Residential Uses | School Commercial | |
| Funeral Parlour / Home | School, Private | |
| Health Retreat | Studio | |

# COMMERCIAL TRADITIONAL CORE
















## 6.2 PROVISIONS – PERMITTED USES

| Site Provisions | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 232 square metre (2497 square feet) |
| 2. | Lot Coverage (maximum) | 0% |
| 3. | Lot Frontage (minimum) | 7.5 metres (24.6 feet) |
| 4. | Front Yard Setback (minimum) | 0 metres |
| 5. | Exterior Side Yard Setback (minimum) | 0 metres |
| 6. | Interior Side Yard (minimum) | 0 metres |
| 7. | Rear Yard Depth (minimum) | 1.5 metres (4.9 feet) |
| 8. | Building Height (maximum) | 12.0 metres (39.4 feet) |

## 6.3 ADDITIONAL PROVISIONS - RESIDENTIAL

Residential uses shall only be located on the upper storeys of any building within the Commercial Traditional Core except those residential uses that exist on the date of the passing of this By-Law.

Each residential unit is required to provide 1.0 parking space per unit.

**Location of Parking Spaces**
Where parking spaces are provided for the exclusive use of a triplex, duplex, single detached or semi-detached dwelling, the driveway and parking spaces shall not cover more than 50% of the front yard or exterior side yard area. No parking is permitted within the front or exterior side yard.

## 6.4 ADDITIONAL PROVISIONS – COMMERCIAL

Notwithstanding any other section of this by-law to the contrary no parking is required for any commercial use in the Commercial Traditional Core.

## 6.5 PROVISIONS DISCRETIONARY USE

All discretionary uses shall be subject to the Class III Development Permit approval stream.

All discretionary use permit applications shall be supported by a report and related architectural elevation drawings, prepared by qualified

professionals, which demonstrate that the cultural and architectural heritage integrity of the Commercial Traditional Core designation have been respected and enhanced by the proposed development. The Class III permit shall also require demonstration that the proposed discretionary use can be appropriately developed on the basis of the land uses functional requirements such as street frontage, access, yard setbacks, vehicular movements and parking requirements, safety etc.

**Day Nurseries** may be permitted subject to the following provisions:

- All proposals will require submission of design drawings and demonstration of the following;
    - Play areas and amenity spaces.
- No adverse impacts will occur to abutting property owners as a result of the proposed use. Where impacts are anticipated or identified they shall be mitigated to the satisfaction of the Town of Gananoque.
- Proposed development must meet the provisions, requirements and standards of section 6.2 above.

**Outdoor Patios** may be permitted on public sidewalks on King Street and Stone Street subject to a Class 2 Development Permit and the entering into a Development Permit agreement with the municipality such agreement to address issues of liability, safety, hours of hours of operation, design and operational considerations and such other matter as the Town may identify.

## 6.6 DESIGN CRITERIA TRADITIONAL COMMERCIAL CORE

The Traditional Commercial Core provides the Town with an inventory of historical built form. The original style, use, character and appearance of the built forms of the Traditional Commercial Core are used as a reference point for the following design criteria. Refer to the illustrations in section 6.1 for further guidance and information.

## GENERAL DESIGN CRITERIA

Restore rather than replace if possible. If replacement cannot be avoided then replacement items should be of the same style, size and general proportion as the original.

Avoid new materials and construction methods if the original is still available.

All development projects need not exclusively mimic traditional elements but shall blend in with existing elements of character, scale and design. New work should be complimentary in appearance to the original.

Directional emphasis is to be maintained along the streetscape.

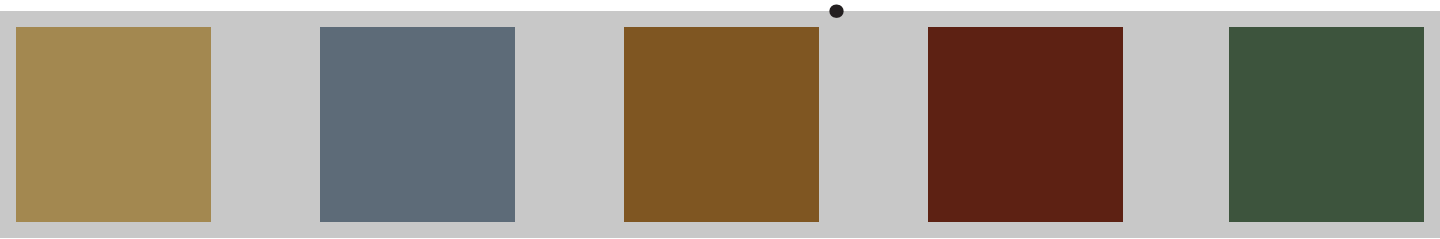
Chimney construction will be masonry brick or stone.

Balcony construction will be of wooden construction with or without wooden columns. Railings shall be wood or ornamental metal only. Colour shall match and maintain consistency with the primary structure or building. Fire escapes shall be constructed as required by the Building Code in black metal.

If alterations are required to provide barrier free access, ramps and railings should be designed to blend in with the original building as much as possible. This will include the use of wood and ornamental metal.

Additions are only permitted in the rear yard and shall maintain the same proportions and provide for a complimentary product. Applicants should assess the current built form with regard for exterior cladding, scale and type of windows and doors, roof line and colour of the original structure. Garages shall be located at the side of the principal structure and integral to it or as a separate accessory structure.

Exterior colour elements should consist of neutral tones of heritage colours with accents. Painted brick is not permitted. For additional permitted colours see Appendix A.



# COMMERCIAL TRADITIONAL CORE DESIGN CRITERIA

Roofs will be flat with decorative crown moldings at roof's edge and windows or constructed with two slopes and decorative crown moldings at roof's edge and windows. Cornices are encouraged to maintain a consistent cornice height along the streetscape. Contemporary interpretations of historic cornices are permitted. Building facades should incorporate consistent roof lines with abutting properties.

Lighting is restricted to soffits of the building or surface mounted off the building.



Maintain the original storefront design. Storefront elements such as: display windows, transom windows, entrance doors, sign panel, storefront cornice, awnings, tile and terrazzo landings should be retained if possible. Replacement with reproduction materials that mimic or reproduce the original elements is preferred. Original elements of the structure such as entrance and decorative details are required to remain. New development applications will require restoration to original details if recessed entrances and traditional storefront designs have been hidden.



When a building is altered or a new building is proposed in the commercial; core the streetscape as a whole takes precedence over any individual building. Design elements such as siting, massing, proportion, composition, exterior finish and detail contribute to “fitting in” with the existing character of the area.

Traditional elements of character, scale and design to be considered with any new development application include:

- Façade will be constructed of one (1) or two (2) materials being masonry (brick or stone), solid wood siding or stucco. Maintenance of the established pattern of façade division along King Street East will be evaluated with any new development permit application. The installation of air conditioners, satellite dishes, hydro meters, masts, gas valves and piping on the street façade of buildings is prohibited.

- Side elevations are required to be constructed of one material either masonry (brick or stone), solid wood siding or similar like product

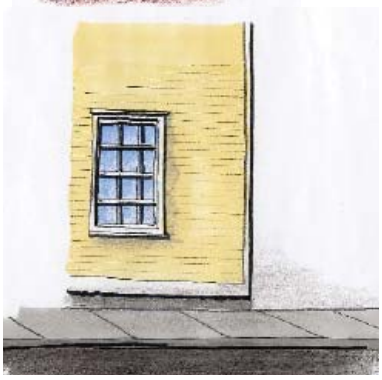


# COMMERCIAL TRADITIONAL CORE DESIGN CRITERIA



Maintain original windows if possible or install reproduction windows if new windows are necessary. Modification to the original masonry window openings is prohibited. Upper façade windows should maintain the existing pattern along King Street East. Alignment of window openings on the horizontal plane is required. Street level display windows should be provided that allow for sightlines into the commercial space if applicable to the proposed use.

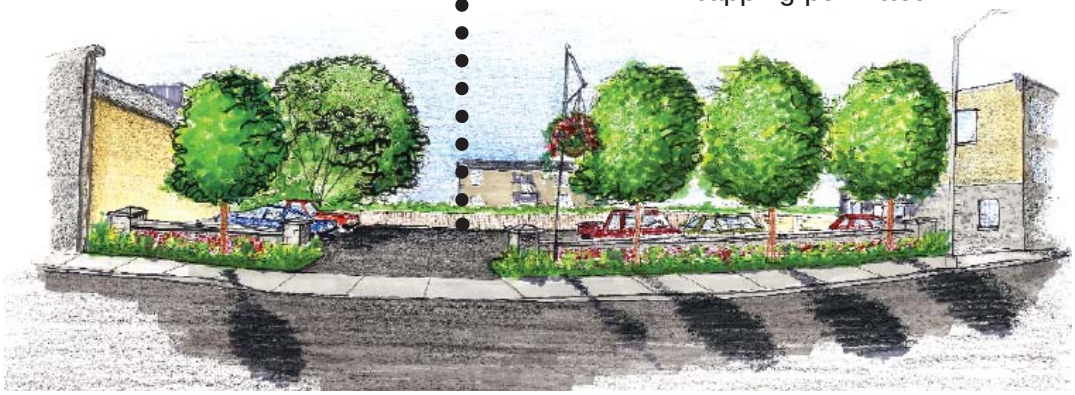




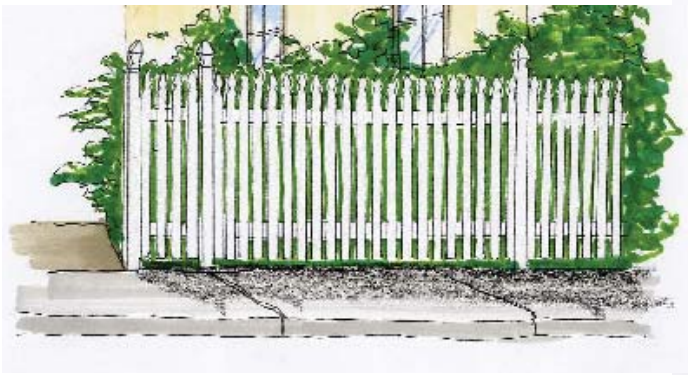
Signage shall be restricted to storefront glazing; the horizontal signage band located above the display windows, or a hanging sign, projecting above the entrance. Backlit or fluorescent signs are prohibited. The preferred type of sign illumination is shielded, incandescent lighting at the top or side of the sign. The size and scale of the sign should correspond to the building.



Parking Lots shall be screened from the street edge by both hard features (masonry stone wall) and soft landscape elements such as trees, shrubs, planters and urns. Street trees will be deciduous. Masonry wall will have a stone or concrete cropping with no vertical stone capping permitted.



Fencing shall be constructed with rough iron, ornamental metal or wood in neutral tones and heritage colours.







- Hard Landscape features shall include a concrete or unit paver landing or stone patio area.
- Site Furnishing such as light fixtures, park benches, waste receptacles and street signage shall maintain consistency with existing and municipal standard.
- Crosswalks will be defined with prefab concrete pavers or poured in place concrete.



Awnings along street frontages shall complement exterior facades in colour and design.






Garbage receptacles are to be enclosed by wood screen or planted hedge. Garbage enclosures are to be fenced and screened with soft landscape elements and are only permitted in the rear yard.

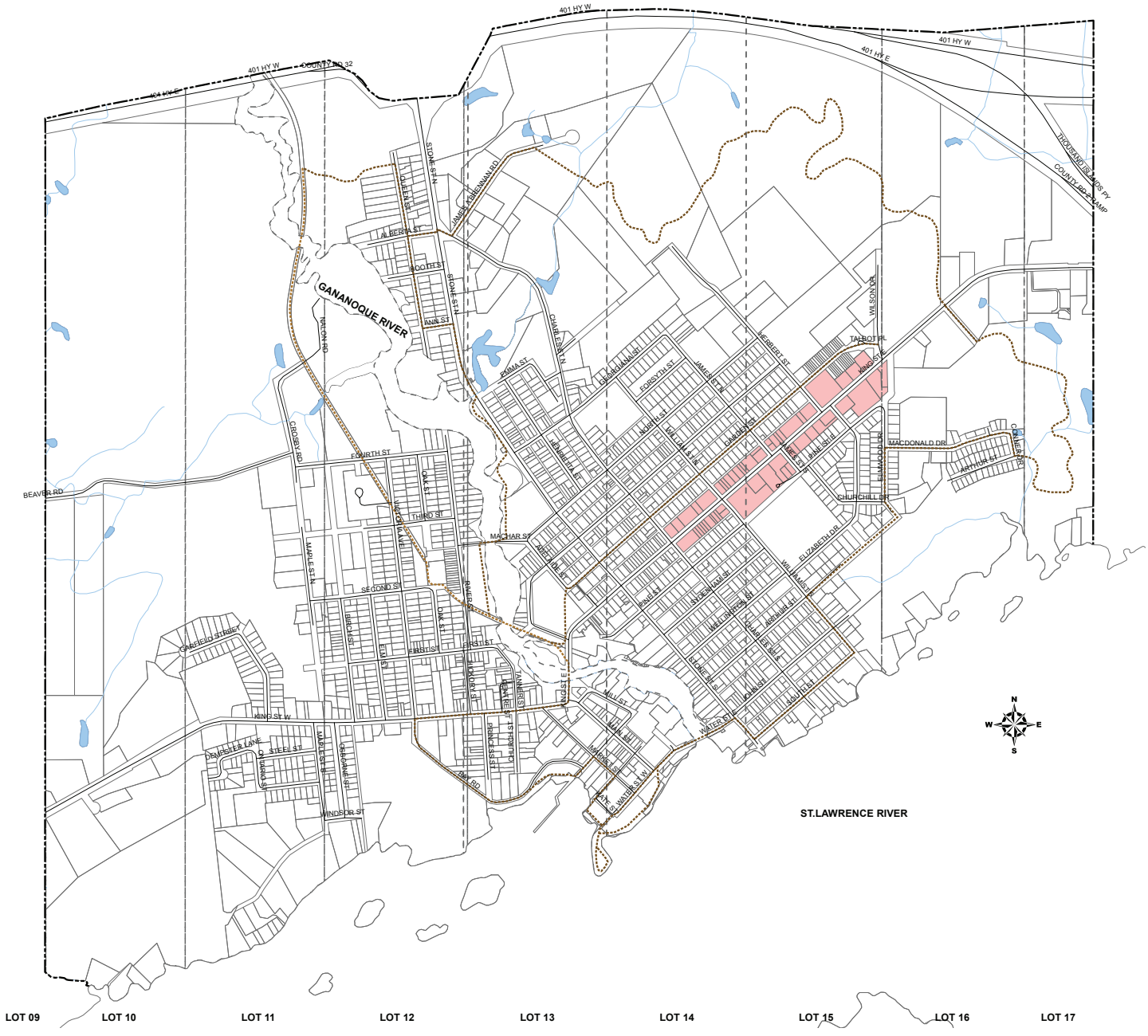
## 6.7 SPECIAL EXCEPTIONS

TC-X1 Notwithstanding any provisions of this By-law to the contrary the lands indentified as TC-X1 on Schedule C the following provisions shall apply:

Permitted Use: Teletheatre

By-law 2009-55

# PROGRESSIVE COMMERCIAL DISTRICT



It is the intent of the Progressive Commercial District designation to provide for opportunities that link the Traditional Commercial Core with the Gateway Commercial designation. The area enjoys both traditional and modern built structures and it is desirable to integrate the character to provide for an interesting streetscape.

## 7.1 USES

| PERMITTED USES | | DISCRETIONARY USES |
|---|---|---|
| Animal Care | Health Retreat | Automobile Washing Establishment |
| Animal Clinic | Hotel | Day Nursery |
| Art Gallery | Institution | Drive-through Facilities |
| Artisan's Studio | Museum | Outdoor Patio |
| Assembly Hall | Office | |
| Auditorium | Office, Public Administration | |
| Automotive Service Station | Parking Lot | |
| Automotive Rental Establishment | Personal Service Establishment | |
| Automotive Sales and Service Establishment | Pet Shop | |
| Bake Shop | Pharmacy | |
| Bank | Place of Entertainment | |
| Butcher Shop | Place of Recreation | |
| Catalogue Store | Place of Worship | |
| Cinema / Theatre | Playground | |
| Clinic | Public Maket | |
| Club Commercial | Propane / Compressed Gas Transfer Faciliy | |
| Club Private | Retail Store | |
| Commercial School | Restaurant | |
| Commercial Sports and Recreation Establishment | Restaurant, Take Out | |
| Community Centre | Second Hand Shop | |
| Convenience Store | Service or Repair Establishment | |
| Custom Workshop | School Commercial | |
| Dry Cleaning Establishment | School, Public or Private | |
| Dwelling Unit or units located on the second storey or above | Studio | |
| Funeral Parlour/Home | Taxi Station | |

# PROGRESSIVE COMMERCIAL DISTRICT

















## 7.2 PROVISIONS – PERMITTED USES

| Site Provisions | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 464 square metre (4995 square feet) |
| 2. | Lot Coverage (maximum) | 60% |
| 3. | Lot Frontage (minimum) | 15 metres (49 feet) |
| 4. | Front Yard Setback (minimum) | 7.0 metres (23 feet), minimum |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet), minimum |
| 6. | Interior Side Yard (minimum) | 1.2 metres (3.9 feet) |
| 7. | Rear Yard Depth (minimum) | 6.0 metres (19.6 feet) |
| 8. | Building Height (maximum) | 12.0 metres (39.4 feet) |

### 7.3 ADDITIONAL PROVISIONS, RESIDENTIAL

Residential uses shall only be located on the upper storeys of any building within the Progressive Commercial designation except those residential uses that exist on the date of the passing of this By-Law.

Each residential unit is required to provide 1.0 parking space per unit.

**Location of Parking Spaces**
Where parking spaces are provided for the exclusive use of a triplex, duplex, single detached or semi-detached dwelling, the driveway and parking spaces shall not cover more than 50% of the front yard or exterior side yard area. No parking is permitted within the front or exterior side yard.

## 7.4 ADDITIONAL PROVISIONS DISCRETIONARY USE

All discretionary uses shall be subject to the Class III Development Permit approval stream.

All discretionary use permit applications shall be supported by a report and related architectural elevation drawings, prepared by qualified professionals, which demonstrate that the cultural and architectural heritage integrity of the Progressive Commercial District designation have been respected and enhanced by the proposed development. The Class III permit shall also require demonstration that the proposed discretionary use can be appropriately developed on the basis of the land uses functional requirements such as street frontage, access, yard setbacks, vehicular movements and parking requirements, safety etc.

**Day Nurseries** may be permitted subject to the following provisions:

- All proposals will require submission of design drawings and demonstration of the following;
    - Adequate parking is available for attendee and staffing requirements;
    - Play areas and amenity spaces.
- No adverse impacts will occur to abutting property owners as a result of the proposed use. Where impacts are anticipated or identified they shall be mitigated to the satisfaction of the Town of Gananoque.
- Proposed development must meet the provisions, requirements and standards of section 7.2 above.

**Outdoor Patios** may be permitted on public sidewalks on King Street subject to a Class II Development Permit and the entering into a Development Permit agreement with the municipality such agreement to address issues of liability, safety, hours of hours of operation, design and operational considerations and such other matter as the Town may identify.

## 7.5 DESIGN CRITERIA PROGRESSIVE COMMERCIAL DESIGNATION

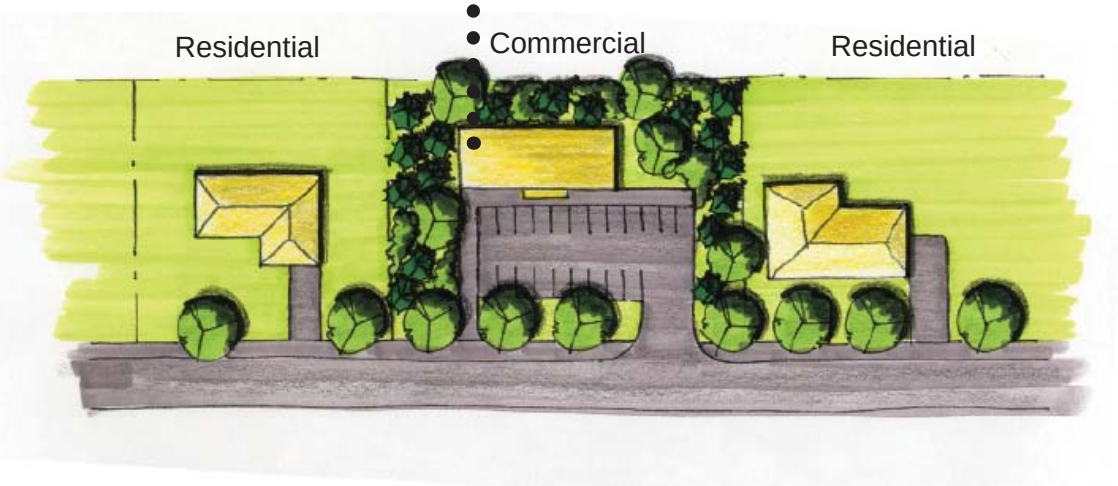
The following design criteria shall be applied in the review of building permit applications and development permit applications in the Progressive Commercial designation. Refer to the illustration in section 7.1 for further guidance and information.

# PROGRESSIVE COMMERCIAL DESIGN CRITERIA

Where a progressive commercial use is located adjacent to a residential use, a 3.0 metre (9.8 feet) landscaped buffer strip shall be provided between the commercial and the residential use.



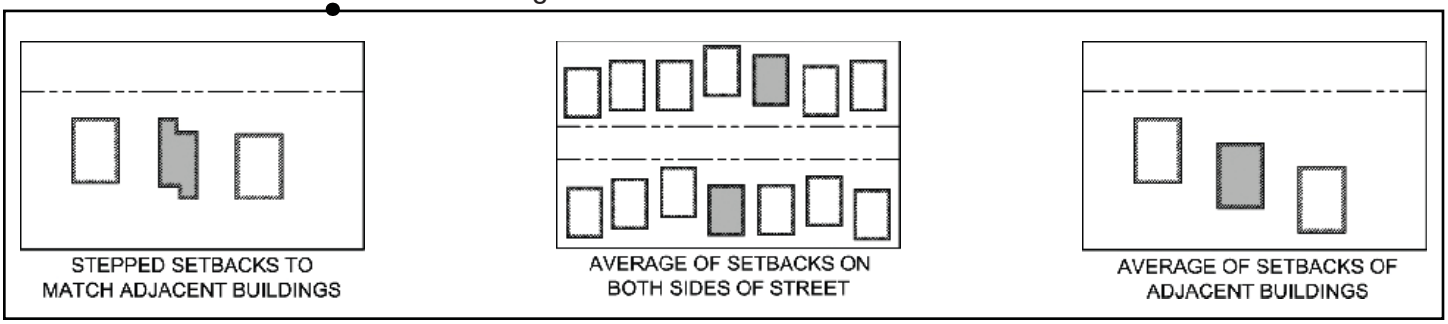

Where additions or improvements are proposed on existing buildings an effort will be made to improve the streetscape by the addition of landscape materials to a depth of 5.0 metres (16.4 feet) including street trees a minimum of 50 millimetres caliper, street furniture, lighting and sidewalks.



# PROGRESSIVE COMMERCIAL DESIGN CRITERIA

When a building is altered or a new building is proposed in the Progressive Commercial designation the assembly of the streetscape as a whole takes precedence over any individual building. Design elements such as siting, massing, proportion, composition, material choice, finish, and detail contribute to “fitting in” and complementing existing inventory.

All development projects need not exclusively mimic existing built form elements but should blend in with existing elements of character, scale and design. New work should be complimentary in appearance to the original.




Garbage receptacles are to be enclosed by wood screen or planted hedge.

Garbage enclosures are to be fenced and screened with soft landscape elements and are only permitted in the rear yard.



Buildings should be orientated towards the street and parking provided in the rear or side of building. Where property fabric will not lend itself to the provision of parking except at the front of the building, parking will be buffered and screened by landscape materials providing an element of all season screening.



Buffers shall consist of plant material screens and structural elements that are designed and maintained in a staggered or undulating manner to create a more natural looking landscape. Not less than 50% of the landscaped area shall consist of natural plantings of grass, lawns, trees, shrubs and flowers. Soft landscape materials may also include shrubs and planting at foundation base, container planting consisting of urns, planters, window boxes or suspended baskets.

Street trees are to be provided wherever possible. Planters and containers shall be considered as an alternative where insufficient area exists for the long term health of the tree.

# PROGRESSIVE COMMERCIAL DESIGN CRITERIA

The following elements are also to be considered as development is proposed:

- Directional emphasis is to be maintained along the streetscape.
- If alterations are required to provide barrier free access, ramps and railings should be designed to blend in with the original building as much as possible. This will include the use of wood and ornamental metal.
- Site Furnishings such as light fixtures, park benches, waste receptacles and street signage shall be in accordance with municipal standards.
- Crosswalks will be defined with prefabricated concrete pavers or poured in place concrete.



Pedestrian walkways and sidewalks shall provide consistent materials and design along the streetscape.

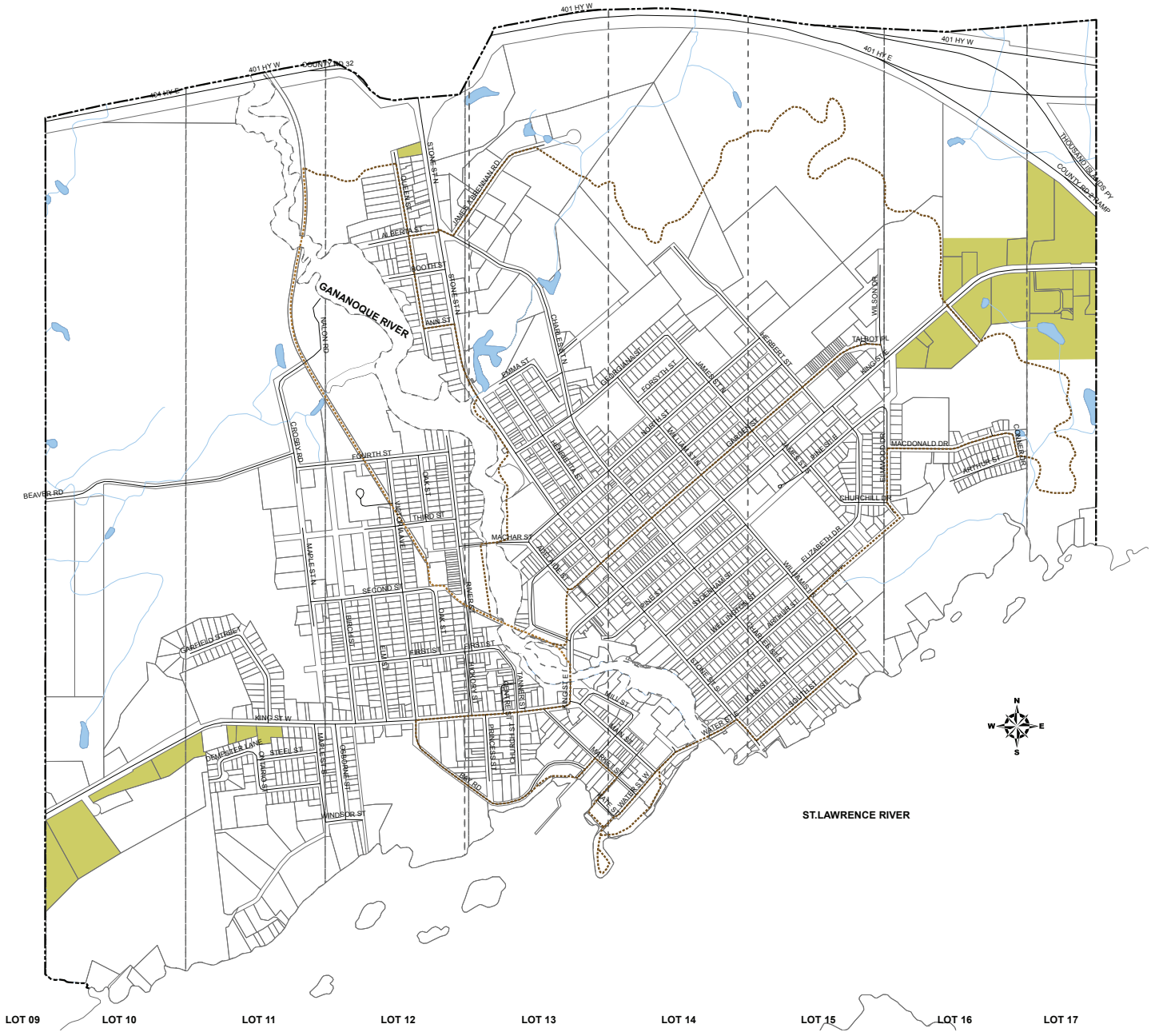
All walkways and access pathways shall have regard and provide for accessibility wherever possible.

## 7.6 SPECIAL EXCEPTIONS

PC-X1 Notwithstanding any provisions of this By-law to the contrary the lands indentified as PC-X1 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Front Yard | 2m |
| Rear Yard | 1m |
| Exterior Side Yard | 0m |
| Lot coverage | 65% |
| Parking Spaces | 8 |
| By-law 1990-12 | |

# GATEWAY COMMERCIAL




**Legend**

- Gateway Commercial
- Roads
- Recreational Pathway
- Parcels
- Lot Concessions
- Watercourse

Drawings are produced by Stantec Consulting Ltd. with base information supplied by the United Counties of Leeds & Grenville (2007). @ August 2010

0 100 200 400 Meters

It is the intent of the Gateway Commercial designation to provide opportunities for commercial development which require larger lot areas and which are designed to serve the traveling public. The designation also takes into consideration the need to provide an attractive entrance into the municipality.

## 8.1 USES

| PERMITTED USES | | |
|---|---|---|
| Animal Care | Commercial Sports and Recreation Establishment | Place of Assembly |
| Animal Clinic | Existing Accessory Dwelling Unit | Place of Entertainment |
| Arcade | Commercial Storage | Place of Recreation |
| Assembly Hall | Convenience Store | Propane / Compressed Natural Gas |
| Auditorium | Custom Workshop | Public Market |
| Automotive Body Shop | Dry Cleaning Establishment | Public Use |
| Automotive Rental Establishement | Equipment Rental Establishment | Recreation Vehicle Sales and Storage |
| Automobile Sales and Service Establishment | Existing Residential Uses | Restaurant |
| Automotive Service Station | Flea Market | Restaurant, Take Out |
| Automobile Washing Establishment | Funeral Parlour/Home | Retail Store |
| Bakery | Garden Centre | School, Private |
| Bank | Golf Course, Miniature | Service or Repair Establishment |
| Bingo Hall | Hotel | Shopping Centre |
| Boat or Recreational Vehicle Establishment | Laundromat | Studio |
| Building Contractor’s Shop | Motel | Vehicle Agency |
| Building Supply Store | Office | Video Rental Outlet |
| Butcher shop | Parking Lot | Warehouse |
| Catalogue Store | Personal Service Establishment | Wholesale Establishment |
| Cinema / Theatre | Pet Shop | |
| Club Commercial or Private | Pharmacy | |

| DISCRETIONARY USES |
|---|
| Automobile Washing Establishment |
| Day Nursery |
| Drive-through Facilities |
| Outdoor Patio |
| Residential Uses on the first storey |

## 8.2 PROVISIONS – PERMITTED USES

| Site Provisions | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 930 square metre (10,011 square feet) |
| 2. | Lot Coverage (maximum) | 40% |
| 3. | Lot Frontage (minimum) | 24 metres (78.7 feet) |
| 4. | Front Yard Setback (minimum) | 10.0 metres (32.8 feet) |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet) |
| 6. | Interior Side Yard (minimum) | 2.2metres (6.6 feet) |
| 7. | Rear Yard Depth (minimum) | 6.0 metres (19.6 feet) |
| 8. | Building Height (maximum) | 13.0 metres (42.6 feet) |

## 8.3 ADDITIONAL PROVISIONS DISCRETIONARY USE

All discretionary uses shall be subject to the Class III Development Permit approval stream.

All discretionary use permit applications shall be supported by a report and related architectural elevation drawings, prepared by qualified professionals, which demonstrate that the cultural and architectural heritage integrity of the Gateway Commercial designation have been respected and enhanced by the proposed development. The Class III permit shall also require demonstration that the proposed discretionary use can be appropriately developed on the basis of the land uses functional requirements such as street frontage, access, yard setbacks, vehicular movements and parking requirements, safety etc.

**Day Nurseries** may be permitted subject to the following provisions:

- All proposals will require submission of design drawings and demonstration of the following;
    - Adequate parking is available for attendee and staffing requirements;
    - Play areas and amenity spaces.
- No adverse impacts will occur to abutting property owners as a result of the proposed use. Where impacts are anticipated or identified they shall be mitigated to the satisfaction of the Town of Gananoque.
- Proposed development must meet the provisions, requirements and standards of section 8.2 above.

**Outdoor Patios** may be permitted on public sidewalks on King Street subject to a Class II Development Permit and the entering into a Development Permit agreement with the municipality such agreement to address issues of liability, safety, hours of hours of operation, design and operational considerations and such other matter as the Town may identify.

## 8.4 DESIGN CRITERIA – GATEWAY COMMERCIAL DESIGNATION

The Gateway Commercial designation provides for commercial development which requires larger lots in an area which services the needs of Town residents as well as residents from the greater region. Positioned at the various accesses into the municipality these commercial areas also serve as gateways into Gananoque. Accordingly the following design criteria have been developed to provide for the transition of existing commercial uses and the development of future uses into a more cohesive and attractive commercial area.

### GENERAL DESIGN CRITERIA

Buildings located at intersections should provide exterior details on both street fronts. These areas will provide gateways into the commercial nodes.

# GATEWAY COMMERCIAL DESIGN CRITERIA

Buildings should be orientated towards the street and parking provided in the rear or side of building. Where property fabric will not lend itself to the provision of parking except at the front of the building, parking will be buffered and screened by landscape materials providing an element of all season screening. At no time will parking be provided within the front yard setback.



Entrances to parking areas should be well defined by signage and curbing. Wherever possible abutting commercial parking lots should be linked to provide for consolidated parking and ease of vehicular movements. Parking lots shall provide landscape elements within the islands and along thoroughfares. Provision for pedestrians within the site must be demonstrated. Cyclists must also be considered when developing site layout.

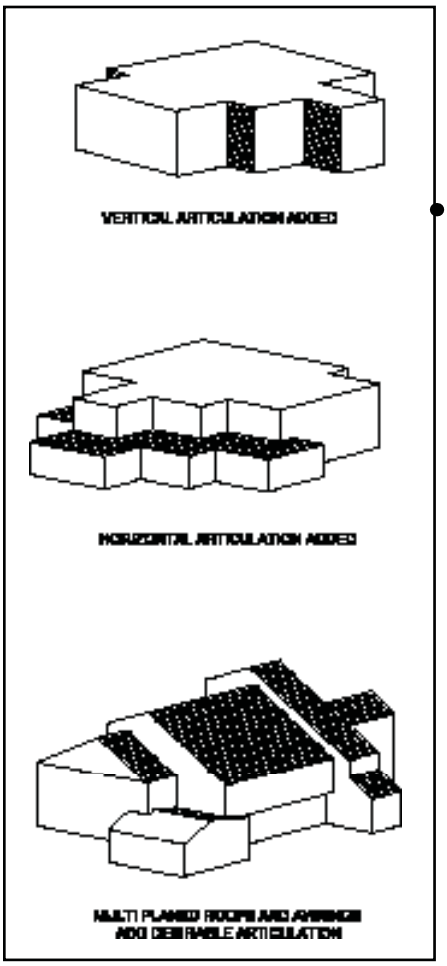
Provide façade interest to include varied materials.

Avoid long expanses of the same cladding.

Include features along corners and roof tops to create focus elements.

Buildings should be integrated with the existing grade and provide at grade entrances or alternatively accessible modifications should be provided.



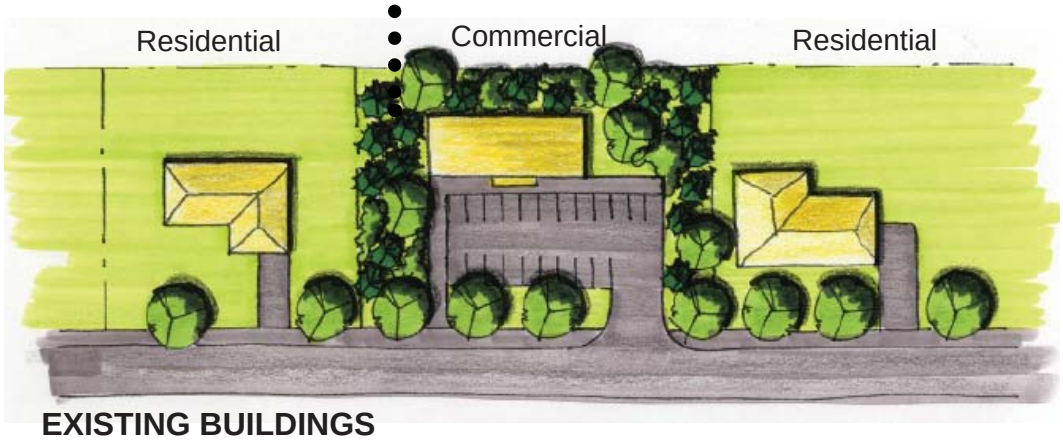


Where a building elevation is adjacent to a roadway, elevations will be required to have an appropriate number of projections and recessed areas and a variety of cladding types in order to ensure that a monotonous building facade is not created.

Where a highway commercial use is located adjacent to a residential use a 3.0 metre (9.8 feet) landscaped buffer strip shall be provided.

Where additions or improvements are proposed on existing buildings an effort will be made to improve the streetscape by the addition of landscape materials to a depth of 5.0 metres (16.4 feet) including street trees a minimum of 50 millimetres caliper, street furniture, lighting and sidewalks.

Buffers shall consist of plant material screens and structural elements that are designed and maintained in a staggered or undulating manner to create a more natural looking landscape. Not less than 50% of the landscaped area shall consist of natural plantings of grass, lawns, trees, shrubs and flowers. Soft landscape materials may also include shrubs and planting at foundation base, container planting consisting of urns, planters, window boxes or suspended baskets.




**EXISTING BUILDINGS**

# GATEWAY COMMERCIAL DESIGN CRITERIA

## NEW DEVELOPMENTS

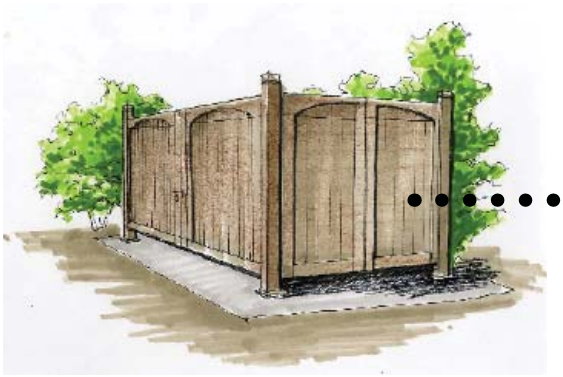


All building service areas shall be located away from public view.

A minimum of 5.0 metres (16.4 feet) of buffered landscaped area shall be provided within the 10.0 metre (32.8 feet) front yard setback.

Pedestrian crosswalks and pathways either internal to the site or providing pedestrian access to the site will be defined with the addition of unit pavers or feature pavers.

All walkways and access pathways shall have regard and provide for accessibility wherever possible.



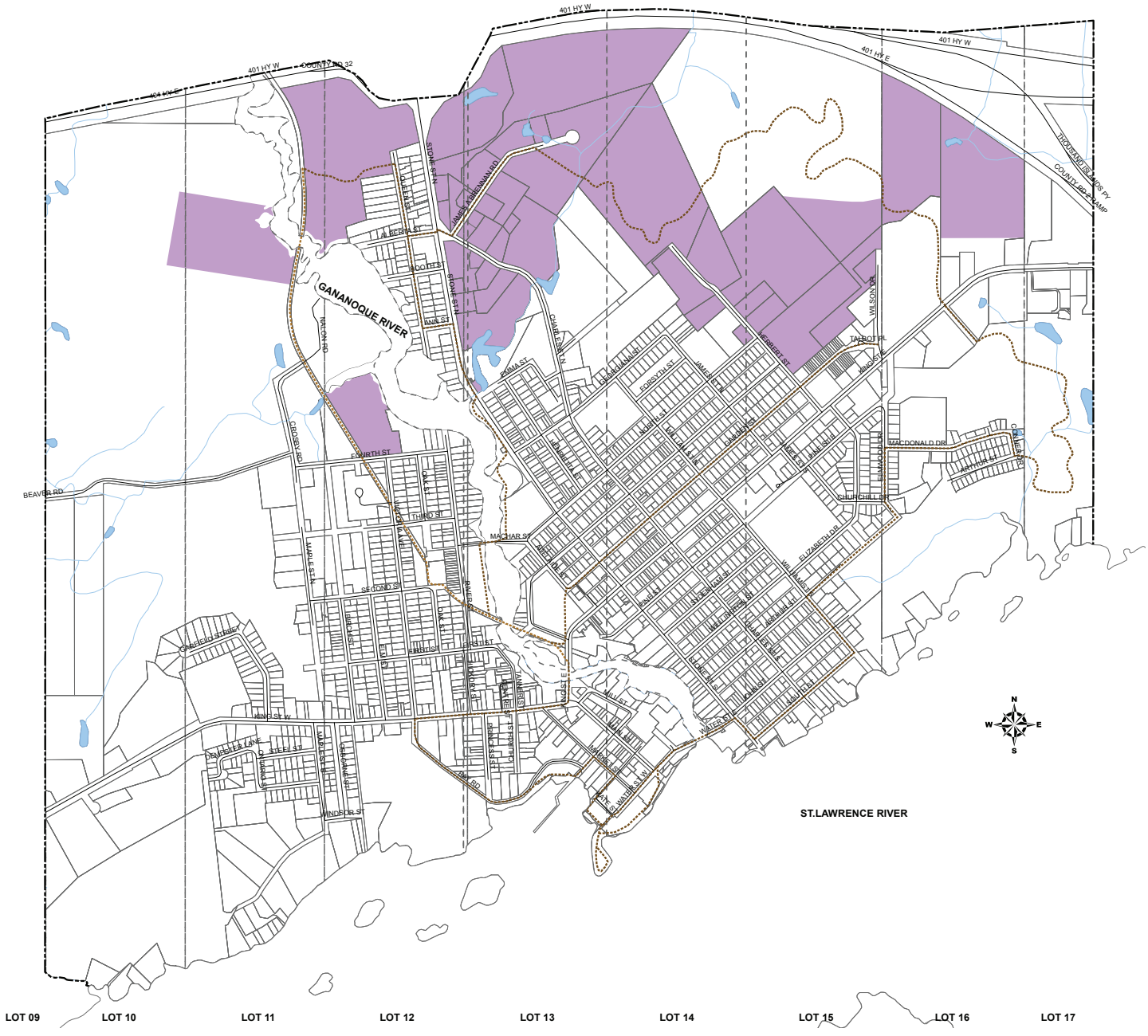
Garbage enclosures are to be fenced and screened with soft landscape elements. Garbage receptacles require screening (wood or metal). Recommended locations include inside parking courts or at the end of parking bays. Locations should be conveniently accessible for trash collection and maintenance and should not block access drives during loading operations.

## 8.5 SPECIAL EXCEPTIONS

GC-X1 Notwithstanding any provisions of this By-law to the contrary the lands indentified as GC-X1 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Loading Spaces Required | 1 |
| Landscaped Buffer Strip | 1.5 m |
| Rear yard | 3m |
| By-law 2007-37 | |

# EMPLOYMENT DISTRICT



It is the intent of the Employment District designation to provide for employment opportunities within areas of the Town that provide a wide range of uses and also allow for complimentary uses for employees and other residents of the Town. Development standards are intended to limit land use conflicts and provide for buffering and screening through increased landscape site design requirements.

## 9.1 USES

| PERMITTED USES | | |
|---|---|---|
| Assembly Hall | Custom Workshop | Office |
| Assembly Plant | Drive-through Facilities | Parking Lot |
| Auction House | Dry Cleaning Establishment | Printing and Publishing Establishment |
| Automotive Body Shop | Equipment Rental Establishment | Propane Compressed Gas Transfer Facility |
| Automotive Sales and Service Establishment | Equipment Sales Establishment | Recreational Vehicle Sales or Storage |
| Automotive Rental Establishment | Equipment Service and Repair | Restaurant |
| Bake Shop | Factory Outlet | Restaurant, Take Out |
| Building Contractor's Shop | Farm Supply and Machinery Sales and Service | Retail Outlet |
| Building Supply Store | Fuel Depot | Sample and Showroom |
| Bulk Storage | Industrial Class I and II Uses | Sawmill or Planing Mill |
| Catering Establishment | Industrial Mall | Service or Repair Establismment |
| Commercial Greenhouse | Industrial or Business Service Centre | Transportation Depot |
| Commercial Sports and Recreation Establishment | Manufacturing Plant | Terminal |
| Commercial Storage | Marine Commercial Facility | Warehouse |
| Communications Facility | Marine Facility | |
| Convenience Store | Mini Warehouse and Public Storage | |

| DISCRETIONARY USES |
|---|
| Accesory Residential Unit |
| Gatehouse |
| Tarpaulin Structure |

## 9.2 PROVISIONS – PERMITTED USES

| Site Provisions | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 743 square metre (7998 square feet) |
| 2. | Lot Coverage (maximum) | 60% |
| 3. | Lot Frontage (minimum) | 18 metres (59.1 feet) |
| 4. | Front Yard Setback (minimum) | 7.0 metres (23 feet) |
| 5. | Exterior Side Yard Setback (minimum) | 4.5 metres (14.7 feet) |
| 6. | Interior Side Yard (minimum) | 3.0 metres (9.8 feet) |
| 7. | Rear Yard Depth (minimum) | 6.0 metres (19.6 feet) |
| 8. | Building Height (maximum) | 15.0 metres (49.2 feet) |

## 9.3 ADDITIONAL PROVISIONS DISCRETIONARY USE

All discretionary uses shall be subject to the Class III Development Permit approval stream.

All discretionary use permit applications shall be supported by a report and related architectural elevation drawings, prepared by qualified professionals, which demonstrate that the cultural and architectural heritage integrity of the Employment District designation have been respected and enhanced by the proposed development. The Class III permit shall also require demonstration that the proposed discretionary use can be appropriately developed on the basis of the land uses functional requirements such as street frontage, access, yard setbacks, vehicular movements and parking requirements, safety etc.

**Residential uses** for the specific use of a site caretaker may be permitted subject to the following provisions:

- All proposals are subject to a Class III Development Permit approval stream;
- A full drawing set will be required to be submitted for review and consideration prior to approval;
- The health and safety of the resident would not be compromised by means of development approval.

**A Gatehouse** is permitted as a security measure on site and subject to a Class II Development Permit approval stream.

- A full drawing set will be required to be submitted for review and consideration prior to approval.

**A Tarpaulin Structure** is permitted for the purposes of the storage of goods essential to the primary use of the property;

- A full drawing set will be required to be submitted for review and consideration prior to approval;
- The structure shall be screened and buffered from abutting land holdings
- The structure is only permitted in the rear yard
- All proposals are subject to a Class II Development Permit approval stream.

## 9.4 DESIGN CRITERIA EMPLOYMENT DESIGNATION

The Employment designation provides for economic and employment services for Town residents as well as residents from the greater region. Positioned at the northern access into the municipality and abutting Highway 401 this area also serves as a gateway into Gananoque. Accordingly the following design criteria have been developed to frame the gateway into the community.

# EMPLOYMENT DISTRICT DESIGN CRITERIA

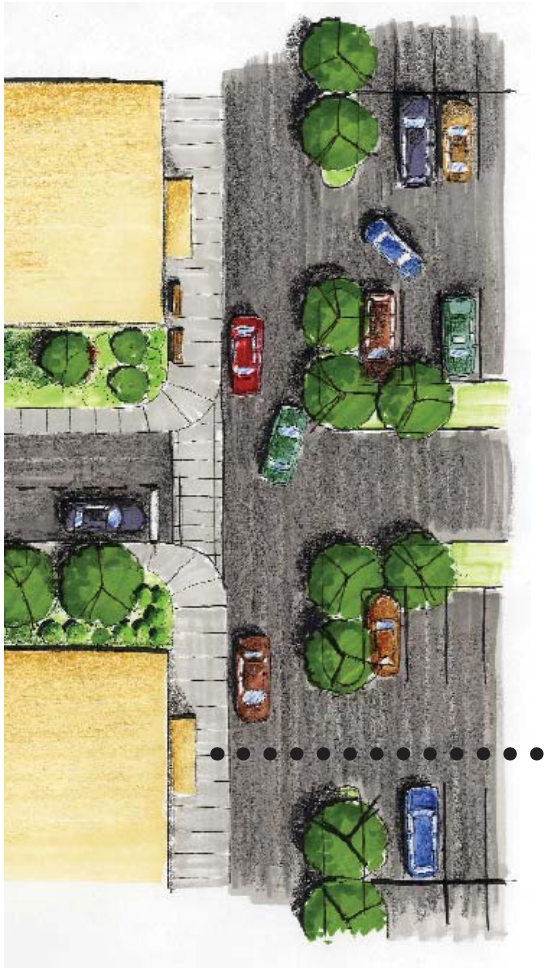
## GENERAL DESIGN CRITERIA

Buildings located at intersections should provide exterior details on both street fronts. These areas will provide gateways into the commercial nodes.

Buildings should be integrated with the existing grade and provide at grade entrances or alternatively accessible modifications should be provided. Entrances should be prominent.

All building service areas shall be located away from public view.

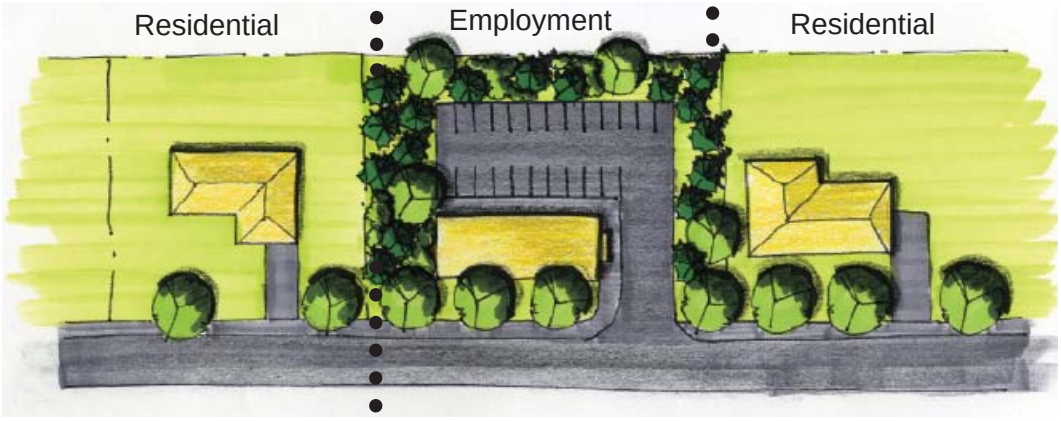
Where a building elevation is adjacent to a roadway, elevations will be required to have an appropriate number of projections and recessed areas and a variety of cladding types in order to ensure that a monotonous building facade is not created.



Pedestrian crosswalks and pathways either internal to the site or providing pedestrian access to the site will be defined with the addition of unit pavers or feature pavers and shall be designed to be accessible.

All walkways and access pathways shall have regard and provide for accessibility wherever possible.

A 3.0 metre (9.8 feet) landscaped buffer strip shall be provided abutting all residential uses.

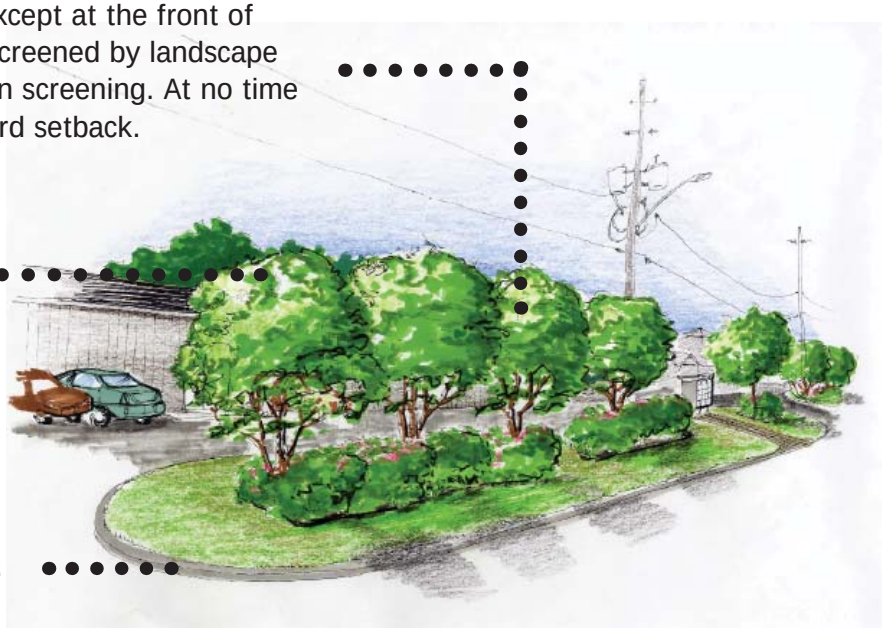



Buffers shall consist of plant material screens and structural elements that are designed and maintained in a staggered or undulating manner to create a more natural looking landscape. Not less than 50% of the landscaped area shall consist of natural plantings of grass, lawns, trees, shrubs and flowers. Soft landscape materials may also include shrubs and planting at foundation base, container planting consisting of urns, planters, window boxes or suspended baskets.

# EMPLOYMENT DISTRICT DESIGN CRITERIA

Buildings should be orientated towards the street and parking provided in the rear or side of building. Where property fabric will not lend itself to the provision of parking except at the front of the building, parking will be buffered and screened by landscape materials providing an element of all season screening. At no time will parking be provided within the front yard setback.

A minimum of 5.0 metres (16.4 feet) of buffered landscaped area shall be provided within the 7.0 metre (24.7 feet) front yard setback.



Entrances to parking areas should be well defined by signage and curbing. Parking lots shall provide landscape elements within the islands and along thoroughfares. Provision for pedestrians within the site must be demonstrated. Cyclists must also be considered when developing site layout.

Garbage enclosures are to be fenced and screened with soft landscape elements. Garbage receptacles require screening (wood or metal). Recommended locations include inside parking courts or at the end of parking bays. Locations should be conveniently accessible for trash collection and maintenance and should not block access drives during loading operations.



## 9.5 SPECIAL EXCEPTIONS

**M-X1** Notwithstanding any provisions of this By-law to the contrary the lands indentified as M-X1 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Lot Frontage | 0 metres |
| Lot Area | 2787m$^2$ (30,000 sq ft) |

Notwithstanding any provisions of this By-law to the contrary the lands indentified as M-X1 on Schedule C shall be permitted to develop on private services.

| | |
|---|---|
| By-law | 1993-26 |

**M-X2** Notwithstanding any provisions of this By-law to the contrary the lands indentified as M-X2 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Permitted Use: | Retail |
| Parking Requirements: | 150 spaces |
| By-law | 2008-36 |

**M-X3** Notwithstanding any provisions of this By-law to the contrary the lands indentified as M-X3 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Permitted Use: | Theatre<br>Retail as an accessory use to a warehouse<br>Retail as an accessory use to a restaurant |
| By-law | 2010-12 |

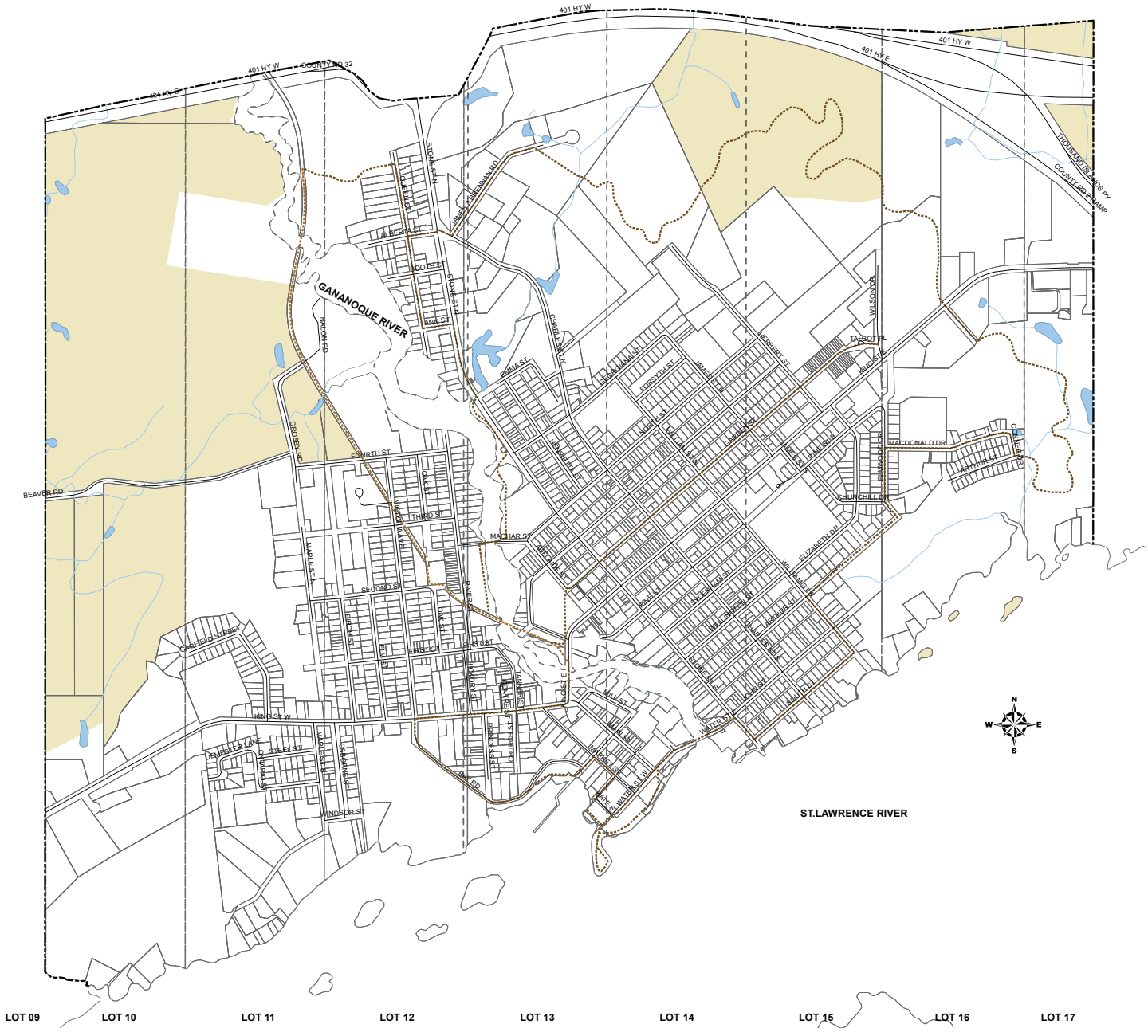
**M-X4** Notwithstanding any provisions of this By-law to the contrary the lands indentified as M-X4 on Schedule C the following provisions shall apply:

| | |
|---|---|
| Permitted Use: | Indoor Archery Range<br>Archery Pro Shop |

Notwithstanding any provisions of this By-law to the contrary the lands indentified as M-X4 on Schedule C shall be permitted to develop on private services.

| | |
|---|---|
| By-law | 2001-05 |

# RURAL




**Legend**

- Rural
- Roads
- Recreational Pathway
- Parcels
- Lot Concessions
- Watercourse

Drawings are produced by Stantec Consulting Ltd. with base information supplied by the United Counties of Leeds & Grenville (2007). @ August 2010

0 100 200 400 Meters

It is the intent of the intent of the Rural designation to allow for limited residential uses and small scale agricultural based commercial activities.

## 10.1 USES

| PERMITTED USES | DISCRETIONARY USES |
|---|---|
| Agricultural Use | Equestrian Facility |
| Cemetery | Campground |
| Conservation Use | Commercial Greenhouse |
| Forestry Use | Golf Course / Driving Range |
| Commercial Sports and Recreational Establishment | Kennel |
| Outdoor Recreational Facility | |
| Single Detached Dwelling | |

## 10.2 PROVISIONS – PERMITTED RESIDENTIAL USES

| Site Provisions | | Requirements |
|---|---|---|
| 1. | Lot Area (minimum) | 1 hectare (2.4 acres) |
| 2. | Lot Coverage (maximum) | 10% |
| 3. | Lot Frontage (minimum) | 60 metres (196 feet) |
| 4. | Front Yard Setback (minimum) | 15 metres (49.2 feet) |
| 5. | Exterior Side Yard Setback (minimum) | 15 metres (49.2 feet) |
| 6. | Interior Side Yard (minimum) | 7.0 metres (23 feet) |
| 7. | Rear Yard Depth (minimum) | 15 metres (49.2 feet) |
| 8. | Building Height (maximum) | 12 metres (39.4 feet) |

**Location of Parking Spaces**

Where parking spaces are provided for the exclusive use of a triplex, duplex, single detached or semi-detached dwelling, the driveway and parking spaces shall not cover more than 50% of the front yard or exterior side yard area.

## 10.3 PROVISIONS – NON - RESIDENTIAL USES

| Site Provisions | Requirements |
|---|---|
| Lot Area (minimum) | 6.0 hectares (15 acres) |
| Lot Coverage (maximum) | 10% |
| Lot Frontage (minimum) | 100 metres (328 feet) |
| Front Yard Setback (minimum) | 15 metres (49.2 feet) |
| Exterior Side Yard Setback (minimum) | 15 metres (49.2 feet) |
| Interior Side Yard (minimum) | 15 metres (49.2 feet) |
| Rear Yard Depth (minimum) | 15 metres (49.2 feet) |
| Building Height (maximum) | 15 metres (49.2 feet) |

### 10.4 ADDITIONAL PROVISIONS – RESIDENTIAL USES

Notwithstanding other sections of the By-law, single detached dwellings may be erected without a municipal water supply and/or municipal sanitary sewer system with approval from Public Works and the Lanark Leeds and Grenville Health Unit. A Class III Development Permit is required.

## 10.5 ADDITIONAL PROVISIONS – DISCRETIONARY USES

All discretionary uses shall be subject to the Class III Development Permit approval stream.

All discretionary use permit applications shall be supported by a report and related architectural elevation drawings, prepared by qualified professionals, which demonstrate that the cultural and architectural heritage integrity of the Rural designation have been respected and enhanced by the proposed development. The Class III permit shall also require demonstration that the proposed discretionary use can be appropriately developed on the basis of the land uses functional requirements such as street frontage, access, yard setbacks, vehicular movements and parking requirements, safety etc.

## 10.6 SPECIAL EXCEPTIONS

# OPEN SPACE


401 HY W
401 HY E
COUNTY RD 32
GANANOQUE RIVER
BEAVER RD
STONE ST N
STONE ST S
BANK ST
PRIMA ST
GEORGE ST
FOURTH ST
THIRD ST
SECOND ST
FIRST ST
KING ST W
MACHAR ST
MACDONALD DR
CHURCHILL DR
ELIZABETH DR
WATER ST
MILL ST
ST.LAWRENCE RIVER
LOT 09
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
Legend
Open Space
Roads
Recreational Pathway
Parcels
Lot Concessions
Watercourse
Drawings are produced by Stantec Consulting Ltd. with base information supplied by the United Counties of Leeds & Grenville (2007). @ August 2010
0
100
200
400
Meters

No person shall use any land or erect, alter or use any building or structure, or alter grades or remove vegetation in the “Open Space” designation, ‘OS’ except in accordance with the following provisions of this Section and any other relevant Sections of this By-Law;

## 11.1 USE

| PERMITTED USES | DISCRETIONARY USES |
|---|---|
| Arena | Golf Course / Driving Range |
| Existing Uses | |
| Cemetery | |
| All Buildings and Structures in Existence on the Day of the passing of this By-Law | |
| Conservation Use | |
| Forestry Use | |
| Marina | |
| Marine Facility | |
| Outdoor Recreational Facility | |
| Public Art | |
| Public or Private Park | |

## 11.2 PROVISIONS – PERMITTED USES

| Site Provisions | Requirements |
|---|---|
| Lot Area (minimum) | Nil |
| Lot Coverage (maximum) | 20% |
| Lot Frontage (minimum) | Nil |
| Front Yard Setback (minimum) | 6 metres (19.6 feet) |
| Exterior Side Yard Setback (minimum) | 6 metres (19.6 feet) |
| Interior Side Yard (minimum) | 6 metres (19.6 feet) |
| Rear Yard Depth (minimum) | 8 metres (26.2 feet) |
| Landscaped Open Space (minimum) | 10% |
| Waterfront Setback | 30 metres (98.7 feet) |

## 11.3 ADDITIONAL PROVISIONS

All discretionary use permit applications shall be supported by a report and related architectural elevation drawings, prepared by qualified professionals, which demonstrate that the cultural and architectural heritage integrity of the Open Space designation have been respected and enhanced by the proposed development. The Class III permit shall also require demonstration that the proposed discretionary use can be appropriately developed on the basis of the land uses functional requirements such as street frontage, access, yard setbacks, vehicular movements and parking requirements, safety etc.

## 11.4 DESIGN CRITERIA – OPEN SPACE

### GENERAL DESIGN CRITERIA

Open spaces shall be designed to provide for a diverse range of active and passive recreational opportunities.

Design should provide for safe movement and be integrated into the public road system for security and casual surveillance.

Natural Heritage features shall be considered. New recreational systems shall be designed to integrate and preserve the natural feature.

Naturalized and indigenous plantings should be utilized in order to reduce maintenance and ensure survival.

Vehicular access and connections should be limited to emergency vehicles and access to formal recreational facilities such as arenas and pools.

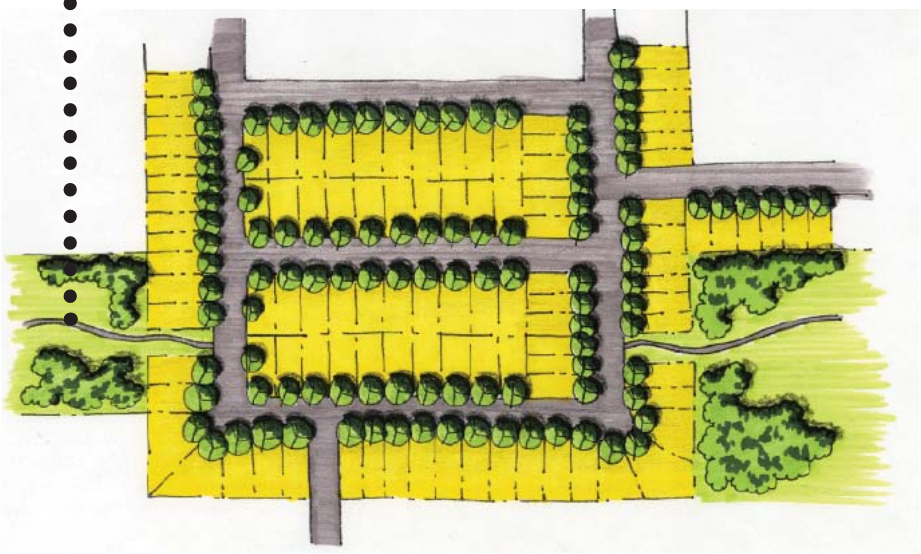
Neighbourhood parks should be designed to include elements for all generations and areas for unorganized play. Elements of accessible design should be integrated into the parks systems. Wherever possible frontage on two streets shall be provided.

Consideration for abutting residential uses when evaluating lighting will be required to allow for privacy without jeopardizing security.

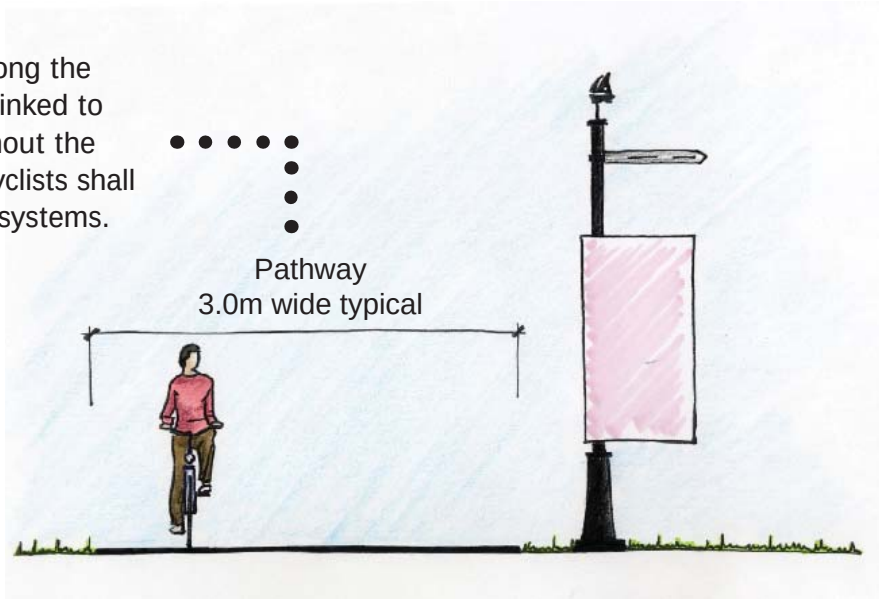


Parks are encouraged to include public art and interpretive displays to celebrate the rich cultural heritage of the Town of Gananoque.

Parks and open spaces should form part of a network, providing major components in shaping existing and new areas of the Town, and providing a variety of options for interconnectivity between new and existing trail and park systems.

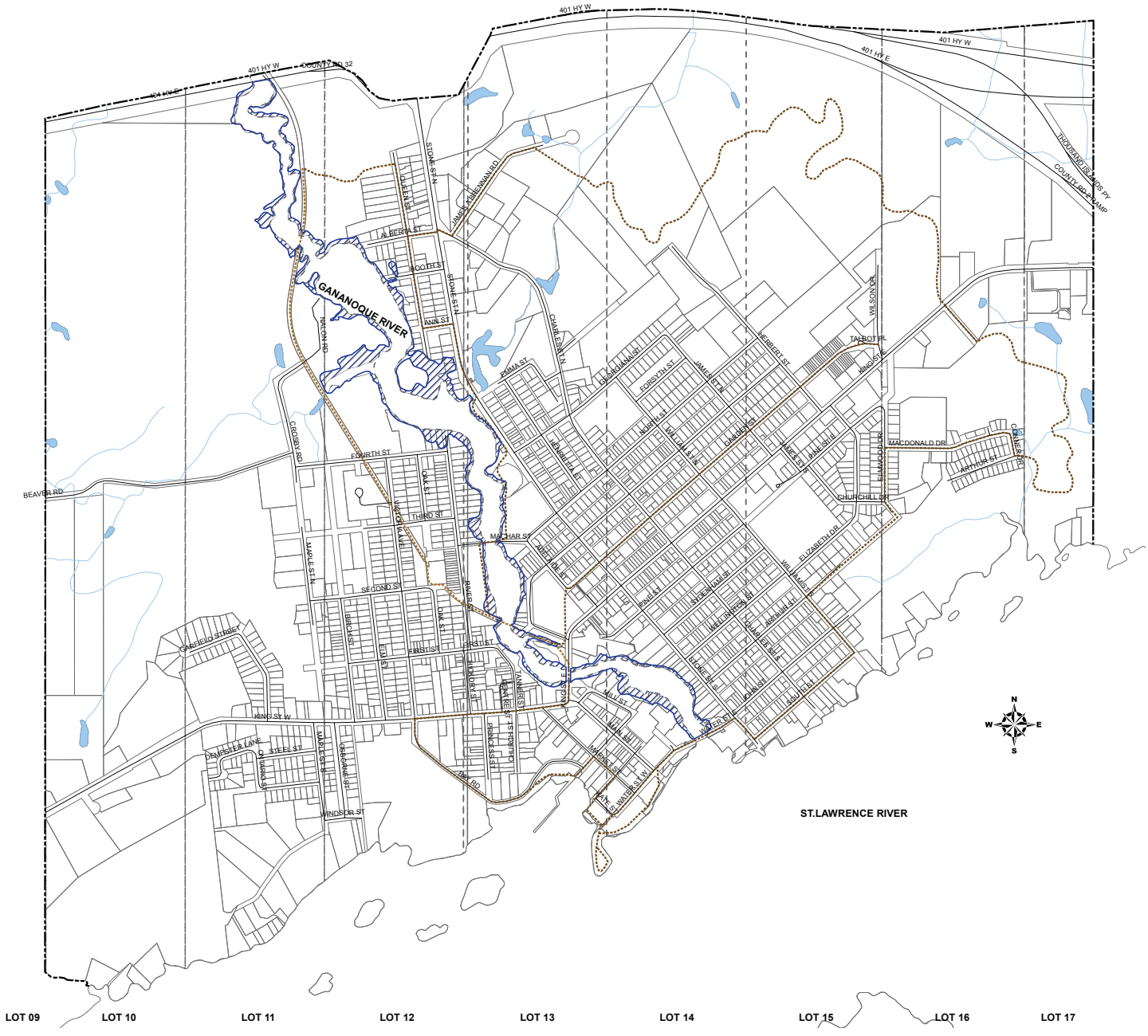


Trails and open spaces shall be provided along the waterways wherever possible and shall be linked to other parks, trails and open spaces throughout the Town. Provision for both pedestrians and cyclists shall be considered in the design of all new trail systems.




## 11.5 SPECIAL EXCEPTIONS

# ENVIRONMENTAL CONSTRAINTS



No person shall use any land or erect, alter or use any building or structure, or alter grades or remove vegetation in the “Environmental Constraint” designation, ‘EC’ except in accordance with the following provisions of this Section and any other relevant Sections of this By-Law;

## 12.1 USE

| PERMITTED USES |
|---|
| Existing Uses |
| All Buildings and Structures in Existence on the Day of the passing of this By-Law |
| Buildings or Structures intended for Flood or Erosion Control or Slope Stabilization |
| Marina |
| Marine Facility |
| Conservation Use |
| Forestry Use |

## 12.2 PROVISIONS – PERMITTED RESIDENTIAL USES

| Site Provisions | Requirements |
|---|---|
| 1. Waterfront Setback | 30 metres (98.7 feet) |

**Location of Parking Spaces**
Where parking spaces are provided for the exclusive use of a triplex, duplex, single detached or semi-detached dwelling, the driveway and parking spaces shall not cover more than 50% of the front yard or exterior side yard area.

## 12.3 ADDITIONAL PROVISIONS – DISCRETIONARY USES

All discretionary uses shall be subject to the Class III Development Permit approval stream.

All discretionary use permit applications shall be supported by a report and related architectural elevation drawings, prepared by qualified professionals, which demonstrate that the cultural and architectural heritage integrity of the Environmental Constraint designation have been

respected and enhanced by the proposed development. The Class III permit shall also require demonstration that the proposed discretionary use can be appropriately developed on the basis of the land uses functional requirements such as street frontage, access, yard setbacks, vehicular movements and parking requirements, safety etc.

## 12.4 ADDITIONAL PROVISIONS

Any new building or structure or any expansion of or addition to any buildings or structures permitted in the flood plain after the day of the passing of this By-Law must incorporate appropriate engineered construction techniques which reduce or eliminate the risks of flood damage or damage from unstable slopes. The specific approval of the Cataraqui Region Conservation Authority must be obtained prior to the issuance of a building permit.

Modification of the flood plain through filling, excavation or by other means is prohibited unless otherwise permitted by Cataraqui Region Conservation Authority and the Ministry of Natural Resources.

All land under water is within the Environmental Constraint – EC designation and uses of such land shall be limited to only those specifically approved by the Ministry of Natural Resources and Cataraqui Region Conservation Authority.

These lands represent lands found below the 1:100 year floodline of the St Lawrence River. More specifically on any land designated Environmental Constraint no development other than as outlined in Section 3.42 Watercourse Setbacks of this By-Law is permitted.

An existing habitable building located on flood prone lands may be reconstructed or enlarged with the following conditions;

a) If the building is to be reconstructed the reconstruction must ensure that the building is dry-floodproofed;

b) If an addition is constructed to an existing building the addition must be dry- floodproofed;

c) The addition must meet all other setback provisions of the residential Development Permit designation;

d) The use of the structure remains the same or is a permitted use within the Development Permit designation;

e) Prior to construction the applicant will be required to gain approval for a Class III Development Permit;

f) Prior to approval of the Development Permit the applicant will be required to submit documentation to Municipal staff that approval from all other applicable agencies has been obtained;

Notwithstanding the above, buildings or structures intended for flood or erosion control and those specific uses as outlined in Section 3.1 and 3.42 are exempt from minimum setback requirements.

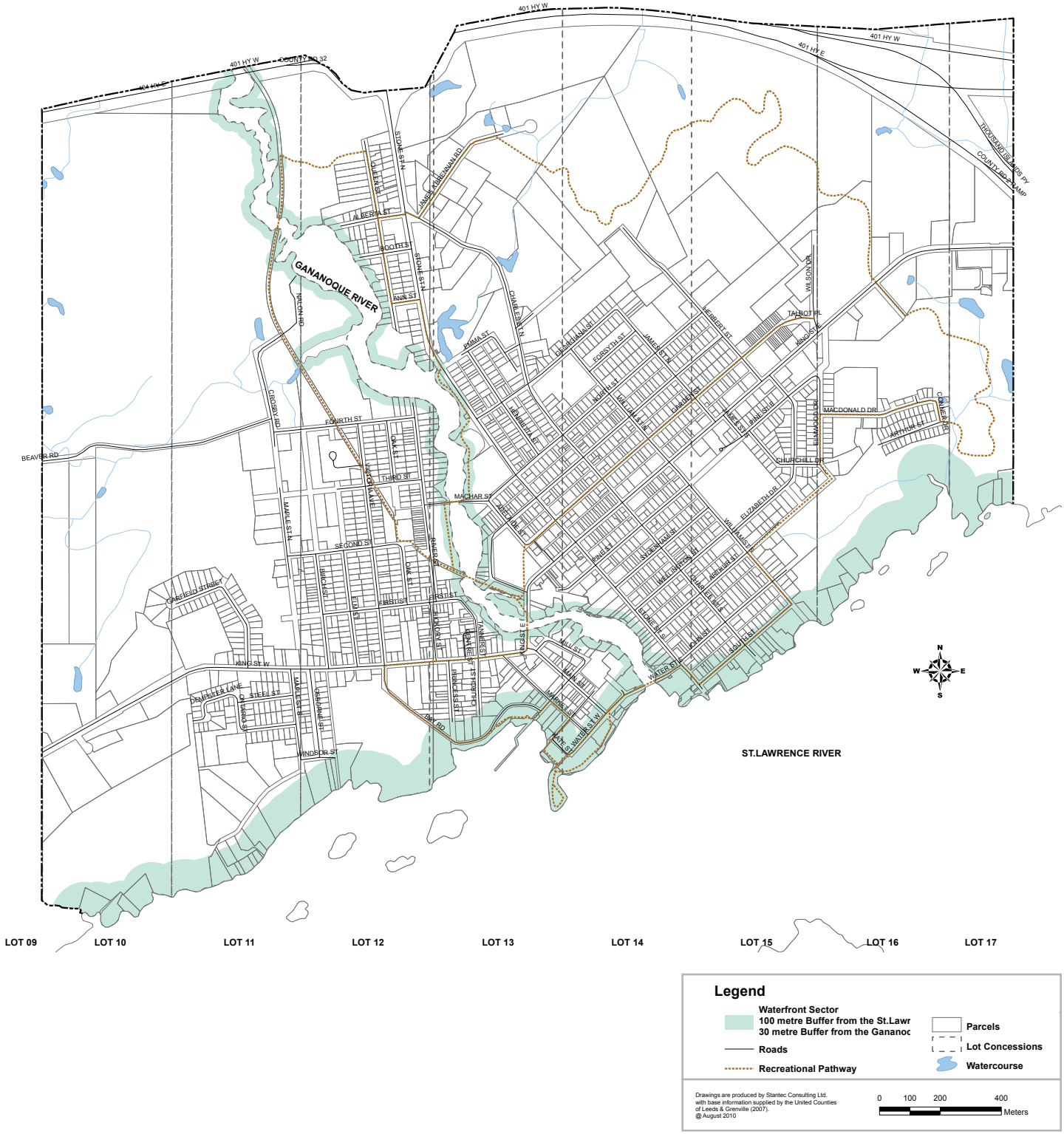
## 12.5 SPECIAL EXCEPTIONS







# WATERFRONT OVERLAY



Notwithstanding the provisions of the underlying designation, the following additional provisions apply to land uses within an area affected by the Waterfront Overlay "W", in order to encourage the protection of the resource and to facilitate the preservation of viewscapes, access and public usage.

No person shall use any land or erect, alter or use any building or structure, or alter grades or remove vegetation in the "Waterfront Overlay" designation, 'W' except in accordance with the following provisions of this Section and any other relevant Sections of this By-Law.

## 13.1 USE

| PERMITTED USES | DISCRETIONARY USES |
|---|---|
| All uses permitted in the underlying Development Permit Designation | Outdoor Recreational Facility |
| Existing Uses | Concert Hall |
| Conservation Use | Place of Assembly |
| Forestry Use | Place of Recreation |

## 13.2 PROVISIONS – PERMITTED USES

| Site Provisions | Requirements |
|---|---|
| 1. Waterfront Setback | 30 metres (98.7 feet) |

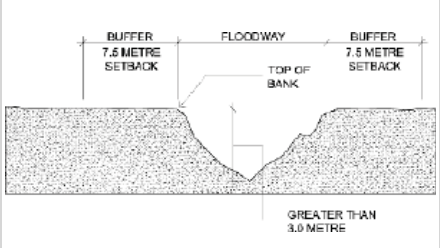
## 13.3 ADDITIONAL PROVISIONS

Setback requirements shall be relative to bank height, angle and stability of slope conditions and in accordance with required and approved technical studies.

Existing vegetation shall be maintained, wherever possible and desirable in all of the setback areas. Enhancements by natural landscaping and additional native planting are recommended to create a vegetative buffer area to protect sensitive environments.

For stability and land conservation purposes, the setback from slopes where bank height is greater than 3 metres shall generally be a

minimum of 7.5 metres from the top of slope. The 7.5 metres -30 metre setback shall generally be maintained in a natural state and there shall be no disturbance of grades or vegetation below the top of bank.




Where top of slope height is less than 3 metres, the setback shall be the greater of the following:

- The limit of the Floodplain
- A 15 metre vegetated buffer area measured from the channel bank.

Notwithstanding the foregoing, permitted non-residential and accessory uses in section 13.1 may be located within the 30 metre setback but will not extend across more than 25% of the property shoreline frontage to a maximum of 9 metres. Public parks and recreational pathways are not limited by the 25% frontage maximum.

All discretionary use permit applications shall be supported by a report and related architectural elevation drawings, prepared by qualified professionals, which demonstrate that the cultural and architectural heritage integrity of the underlying designation have been respected and enhanced by the proposed development. The Class III permit shall also require demonstration that the proposed discretionary use can be appropriately developed on the basis of the land uses functional requirements such as frontage, access, yard setbacks, vehicular movements and parking requirements, safety etc.

## 13.4 DESIGN CRITERIA – WATERFRONT OVERLAY

Significant vegetation shall be preserved and incorporated into the landscaping. For the purposes of this section significant shall mean the following:

- Trees with minimum 60 millimetre diameter or trees of 3.5 metres or more in height and
- Groups or stands of ten or more trees with a minimum diameter of 15 centimetres measured 1.4 metres from the base of the tree.



## GENERAL DESIGN CRITERIA

Any development shall be configured to facilitate and or accommodate waterfront uses and to preserve or enhance the natural viewscapes from land and from the water. A high degree of visibility and accessibility is required.

Locate buildings to one side in order to maintain as much of the viewscapes as possible.

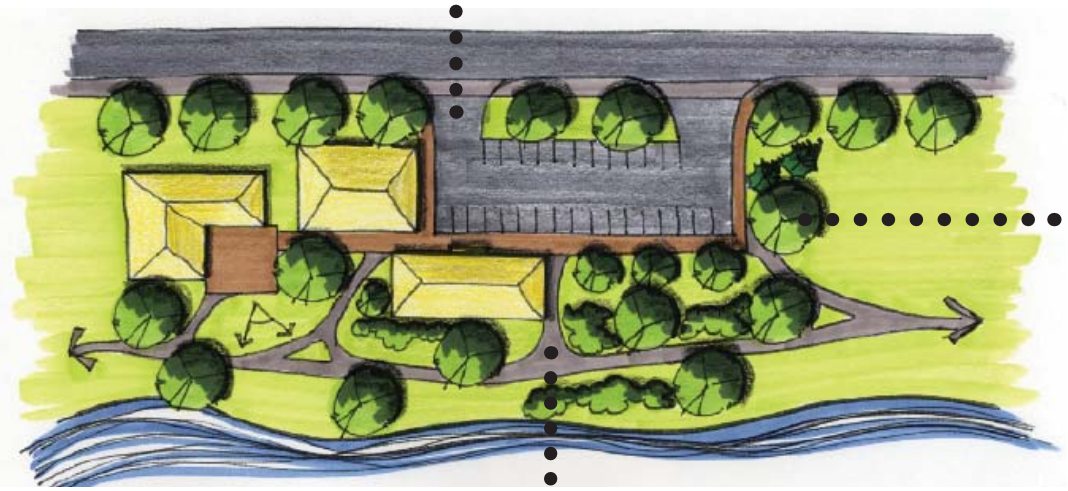
Streetscape elements should have the same uninterrupted and regular patterns of paving, street trees, and streetlighting whether on public or private lands.

The layout of all improvements should be designed to generally follow the existing topography of the site. The layout of roads, walkways and building footprints should be aligned with existing contours where practical.

For all permitted development within the 1:100 year flood-line materials shall be specifically designed to be durable and anchored in a manner intended to withstand occasional flood conditions.

Buildings should have a principal entrance along the principal street but also where feasible provide for waterfront entrance along the waterfront pathways.

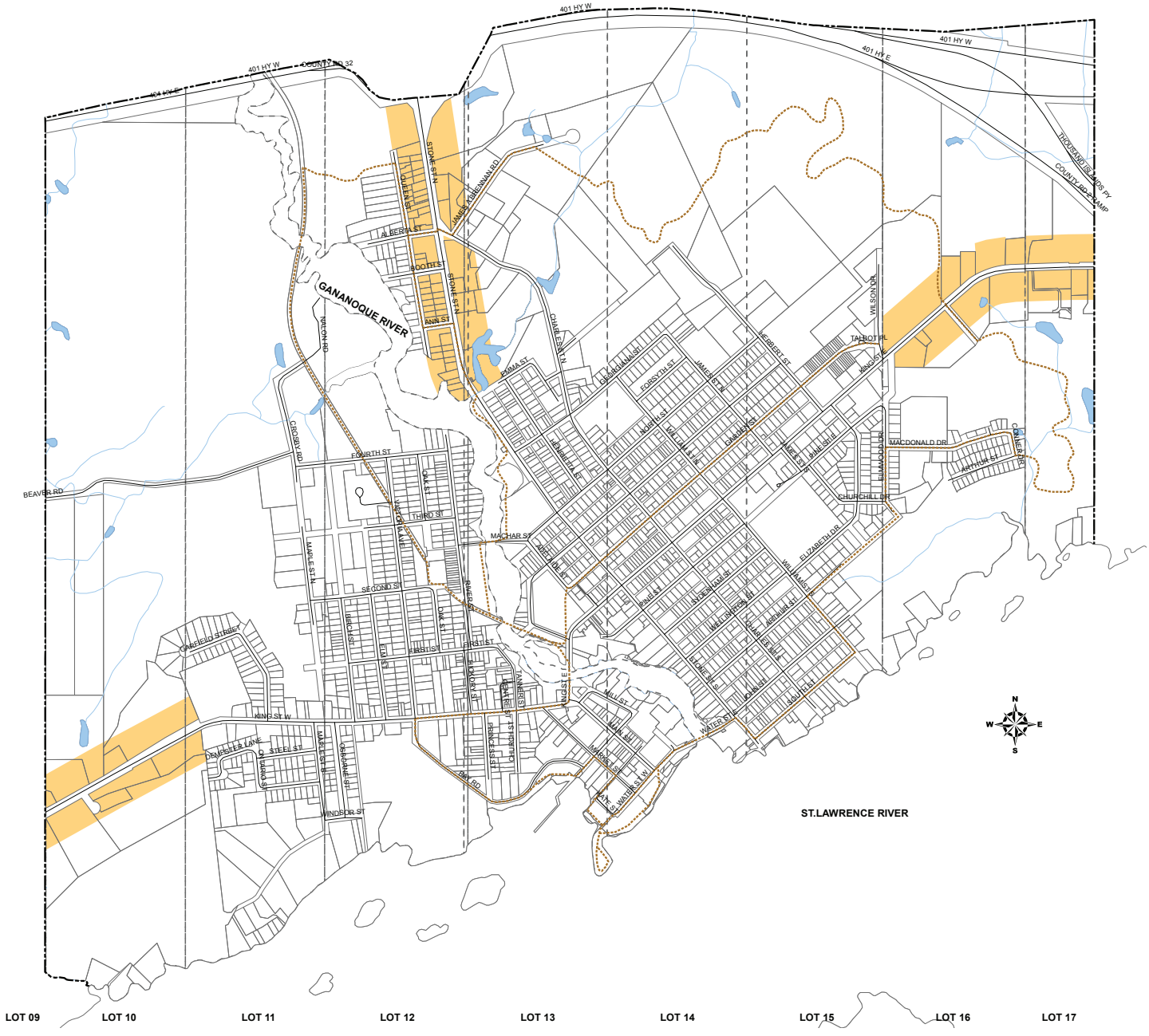
Where two or more buildings are on one lot provide for outdoor amenity space and viewscapes through the property. Provide for perpendicular access to the waterfront.



Open surface parking should be obscured behind or below non-residential or multi-residential buildings. Landscape screening of parking areas is required.

Provide for exterior waterside walkway on all new commercial and multi-residential development.

# ENTRANCE OVERLAY



Notwithstanding the provisions of the underlying designation, the following additional provisions apply to land uses within the area affected by the a Entrance Overlay, in order to encourage additional landscape features and wayfinding for transitional and/or seasonal visitors as well as the residents of the Town of Gananoque.

No person shall use any land or erect, alter or use any building or structure, or alter grades or remove vegetation in the “Entrance Overlay” designation - ‘E’ except in accordance with the following provisions of this Section and any other relevant Sections of this By-Law.

## 14.1 USE

| PERMITTED USES |
|---|
| All uses permitted in the underlying Development Permit Designation |
| Existing Uses |

## 14.2 PROVISIONS – PERMITTED USES

| Site Provisions | Requirements |
|---|---|
| 1. Setbacks, height and encroachments | As outlined in the underlying designation |

## 14.3 ADDITIONAL PROVISIONS

Existing vegetation shall wherever possible and desirable be maintained in all the setback areas. Enhancements to the streetscape and entrance features using additional hard and soft landscaping elements and materials shall be required in order to accomplish the following:

- Provide or restore a minimum 1.5 metre wide concrete sidewalk subject to the existing physical urban context.
- Provide a boulevard for street furniture, trees, and utilities next to the sidewalk wherever possible.
- Provide an area adjacent to storefronts for canopies, outdoor patios or special merchant displays.

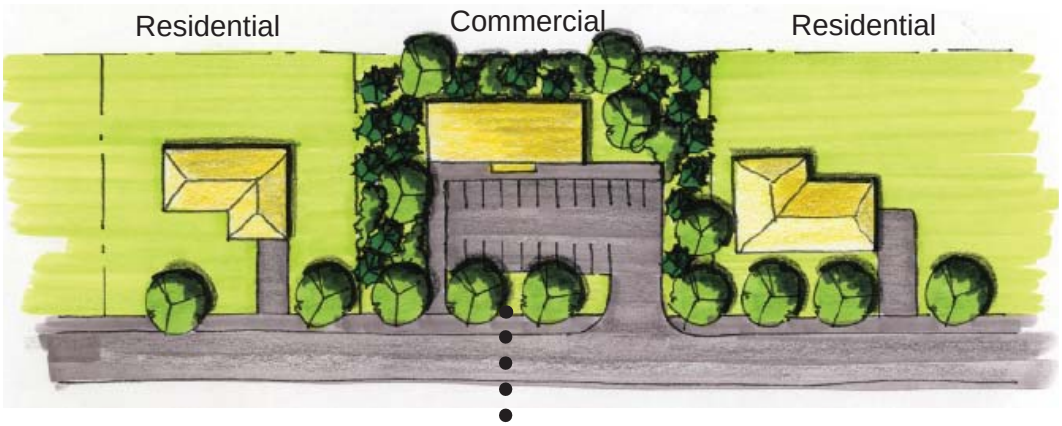
## 14.4 DESIGN CRITERIA – ENTRANCE OVERLAY

Gateways are community signatures and their design should reflect elements of local culture, natural landscape, built form or community history. Gateways help to clearly define community boundaries. The following design elements shall be incorporated into new developments whenever and wherever possible:

- Plant trees away from the curb next to private property when the boulevard is narrower that 4.0 metres.
- Plant street trees between 6.0 and 8.0 metres apart along public streets and internal pedestrian walkways, such trees to be planted in permeable surfaces with approximately 10.0 square metres of soil area per tree.
- Coordinate tree and street-light locations with above and below-grade utilities.
- Plant trees, shrubs, and ground cover on any unbuilt portions of the site that are not required to meet minimum parking requirements. This includes any areas reserved for future phases of development.
- Protect and enhance heritage, specimen and mature trees on site by minimizing grade changes and preserving permeable surfaces.
- Landscape areas between a building and the sidewalk with foundation planting, trees, street furniture and walkways linking the public sidewalk



Use trees, shrubs and low walls to screen cars from view while allowing eye level visibility into the site.




Provide a minimum 3.0 metre wide landscaped area along the edge of a site where parking areas, drive lanes or stacking lanes are adjacent to a public street.



Plant clusters of trees at street intersections.

Design pedestrian walkways and sidewalks using materials such as concrete or unit pavers that are easily maintained and meet safety standards.

For the purposes of this By-Law, the definitions and interpretations given in this Section shall govern. In this By-Law, the word “shall” is mandatory and not directory; words in the singular include the plural, words in the plural include the singular; the word “used” includes “arranged”, “designed” or “intended to be used”. The word “occupied” shall include “designed to be occupied” and “arranged to be occupied”.

### Abutting

Means two or more parcels of land sharing a common boundary of at least one point.

### Accessory

See Uses, Accessory

### Accommodation Unit

Means a room or a suite of rooms within a tourist establishment, institutional establishment or a bed and breakfast establishment designed to provide accommodation, which does not include a kitchen. An accommodation unit is not a dwelling unit.

### Adult Entertainment Parlour

Any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations but shall not include a retail store which sells adult goods and novelties.

### Adverse Impacts

Means one or more of the following:

i) Impairment of the quality of the natural environment for any use that can be made of it;

ii) Injury or damage to property or plant and animal life;

iii) Harm or material discomfort to any person;

iv) An adverse affect on the health of any person;

v) Impairment of the safety of any person;

vi) Rendering any property or plant or animal life unfit for use by humans;

vii) Loss of enjoyment of normal use of property; and

viii) Interference with normal conduct of business.

### Agricultural Use

Any building use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, tree nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises.

### Aisle

Means a portion of a parking lot which abuts one or more off-street parking spaces to which it provides access and which is not used for the parking vehicles.

### Alley

See Laneway

### Alter

When used in reference to a building, structure or part thereof, means:

i) To change any one or more of the external dimensions of such building or structure; or

ii) To change the type of construction of the exterior walls or roof of such building or structures; or

iii) To change the use of such building or structure or the number or types of uses or dwelling units contained therein.

When used in reference to a lot means:

i) To change the boundary of such lot with respect to a street or lane; or

ii) To change the grade and drainage pattern of such lot; or

iii) To change the use of such lot or the number of uses located thereon.

When used in reference to a shoreline:

Means to change, straighten, divert or interfere in any way with the channel of any watercourse.

### Ambulance Service

Means an ambulance service which is licensed by the Ministry of Health in accordance with the Ambulance Act.

### Animal Care

Means caring and grooming of domestic animals, excluding overnight care or accommodation, and shall not include an animal clinic.

### Animal Clinic

Means a building or part of a building used by veterinarians, their staff and their patients to provide grooming, medical, or surgical treatments or similar services and includes overnight care or accommodation and can include short term boarding facilities.

### Arcade

Means a building or a portion of a building or premises used or intended to be used for billiards or pool games, video or pinball games or other similar games.

Notwithstanding the foregoing, an arcade shall not include a building or a portion of a building or premises used or intended to be used for billiards or pool games, video or pinball games or other similar games where the use is clearly subordinate to the principle trade of the enterprise. Such exception shall include but not be limited to a restaurant, beverage room or tavern where the revenue generated from the arcade represents less than 10% of the total gross receipts.

### Area

See Lot, Area

### Arena

Means an enclosed area designed for sporting events or activities.

### Art Gallery

Means the use of land, buildings or structures for the commercial exhibition or retail sale of paintings, sculptures or other works of art or hand-made crafts.

Artisan's Studio

Means the use of land, buildings or structures for the creation, finishing, refinishing or similar production of paintings, sculptures or other works of arts or hand-made crafts by the proprietor, together with the sale of such commodities, but does not include any use otherwise defined in this By-Law.

Assembly Hall

Means a building or part of a building in which facilities are provided for civic, educational, political, religious or social purposes and shall include a banquet hall or private club.

**Assembly Plant**

Means a building where goods are assembled and distributed.

Attached

Means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

Attic

Means that portion of a building immediately below the roof and wholly or partly within the roof framing and which is not a one-half storey.

Auction House

Means premises used for the storage and/or display of goods or materials which are to be sold on the premises by auction.

Auditorium

Means a building, structure or part thereof where facilities are provided for athletic, civic, educational, political, religious, or social events. This definition may include an assemble hall, arena, community centre, gymnasium, stadium, theatre or similar use.

Automotive Body Shop

Means a building with a service bay, where painting, refinishing, restoration or repairs to the coachwork of motor vehicles are performed, but shall not include an automobile wrecking yard or salvage yard.

### Automotive Rental Establishment

Means a parking space or parking lot and/or a building or part thereof where motor vehicles are rented or kept or used for rental purposes.

### Automotive Service Station

Means a building and/or lot used for the sale of fuels for vehicles and may include the renting, servicing, repairing, lubrication, cleaning and polishing of vehicles and the sale of automotive accessories and related products, but shall not include any other automotive use defined in this By-Law.

### Automotive Sales and Service Establishment

Means a building and/or lot used principally for the display and sale of new and/or used motor vehicles and may include the servicing, repair, cleaning of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, but shall not include any other defined automotive uses.

### Automotive Washing Establishment

Means a building or portion thereof used for washing or cleaning of motor vehicles for gain.

### Bake Shop

Means a shop where products of a bakery are sold or offered for sale by retail, including incidental baking of products for retail sale on the premises only.

### Bakery

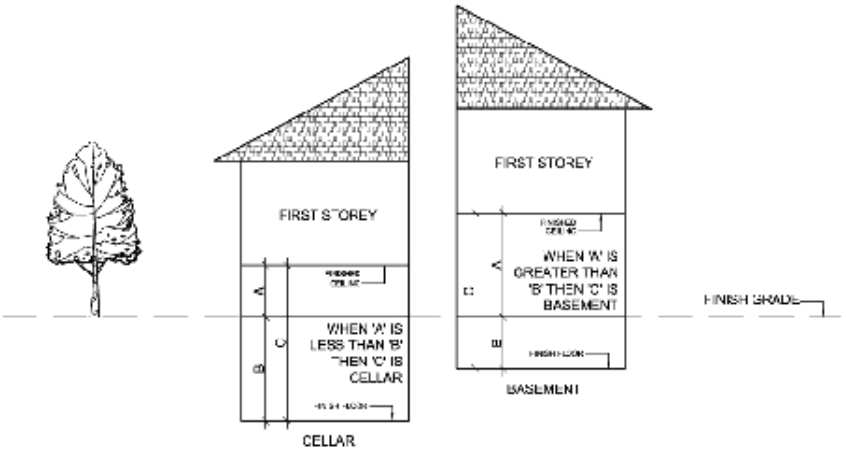
Means a factory for providing, producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery product of which flour or meal is the principal ingredient, but does not include a restaurant or other premises where any such product is made for consumption on the premises or a bake shop.

### Bank

Means a chartered bank, finance company office, co-op, trust company, loan company or similar establishment.

## Basement

Means that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above adjacent finished grade.




## Bed and Breakfast Establishment

Means an owner occupied private residential dwelling that is owner's principal residence and in which the owner has control of the environment. It provides temporary accommodations not exceeding 28 consecutive days and amenities and services auxiliary to guest accommodation including the preparation and service of breakfast for an all-inclusive fee.

## Bingo Hall

Means a building or premise or part thereof used for bingo or a bingo event and is duly registered under the Gaming Control Act and is in compliance with municipal By-laws and approvals.

## Boarding or Rooming House

Means a dwelling or portion thereof containing rooms in which the proprietor supplies for gain, lodging with or without meals, but does not include a bed and breakfast establishment, a hotel, a hospital, children's home, home for the aged, or other establishment otherwise classified or defined in this By-Law.

### Boat House

Means an accessory building used for the purpose of berthing or sheltering and storing boats and related equipment that is enclosed by more than one wall and is built, founded or anchored near or at the ordinary water's edge of a navigable waterway either over water or on the land.

### Boat Port

Means an accessory building used for the purpose of berthing, or sheltering and storing boats that is roofed, but not enclosed by more than one wall and is built, founded or anchored near or at the ordinary water's edge of a navigable waterway.

### Boat or Recreational Vehicle Establishment

Means the use of land, buildings or structures for the display, sale, repair, storage or hire of boats, recreational vehicles, snowmobiles or all terrain vehicles, and may include the sale of fuel or goods related to the running of such boats or vehicles.

### Boat Slip – Seasonal

Shall mean a mooring space that is provided for the use of a boat for a period of greater than seven consecutive days.

### Boat Slip – Transient

Shall mean a temporary mooring space that is provided for the use of visitors arriving and departing by boat which is moored in the said space for a maximum of seven consecutive days.

### Buffer

Means a portion of a lot where vegetation is substantially maintained in its natural state or vegetation is planted, or a fence or barrier is erected for the purpose of obscuring or screening buildings, structures, parking or activity on a lot.

### Buffer, Shoreline

Means a natural area, adjacent to a shoreline, maintained in its natural predevelopment state for the purpose of protecting natural habitat and minimizing the visual impact of buildings and structures on a lot.

### Building

Means any structure used or intended for sheltering any use or occupancy. The word “building” shall include the whole of such structure or part hereof and shall include any building types as regulated by the Ontario Building Code Act.

### Building Accessory

Means subordinate detached building or structure designed or intended for the better or more convenient enjoyment of the main building, to which it is accessory and which is located on the same lot therewith. An accessory building shall be uninhabitable unless otherwise specifically permitted.

### Building Area

Means the maximum projected horizontal area of a building at established grade measured to the centre of party walls and to the outside of other walls including air wells, and all other spaces within the building, but excluding open air porches, verandas, steps, cornices, chimney breasts, fire escapes, exterior stairways, breezeways, accessory buildings, ramps and pen loading platforms, balconies and garages.

### Building Attached

See Attached

### Building By-Law

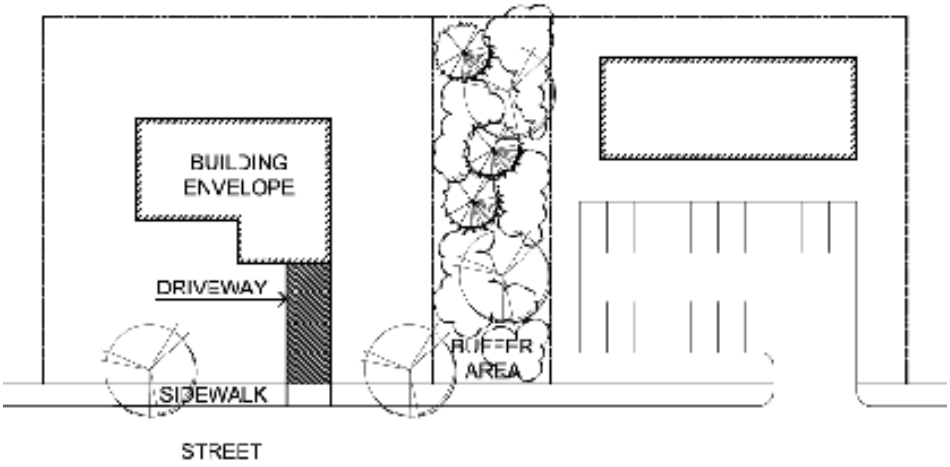
Means any By-Law of the Corporation passed pursuant to the Building Code Act.

### Building Contractor’s Shop

Means a place of business for persons employed in building trades such as painting, plumbing, electrical work, masonry, metal working and carpentry, or truck, bulldozer, loader and backhoe operating. Such place of business may be used for the storage of equipment, materials and vehicles which are used on construction sites and may include such related uses as office space or maintenance facilities, but shall not include a retail business sales counter nor a wholesale business.

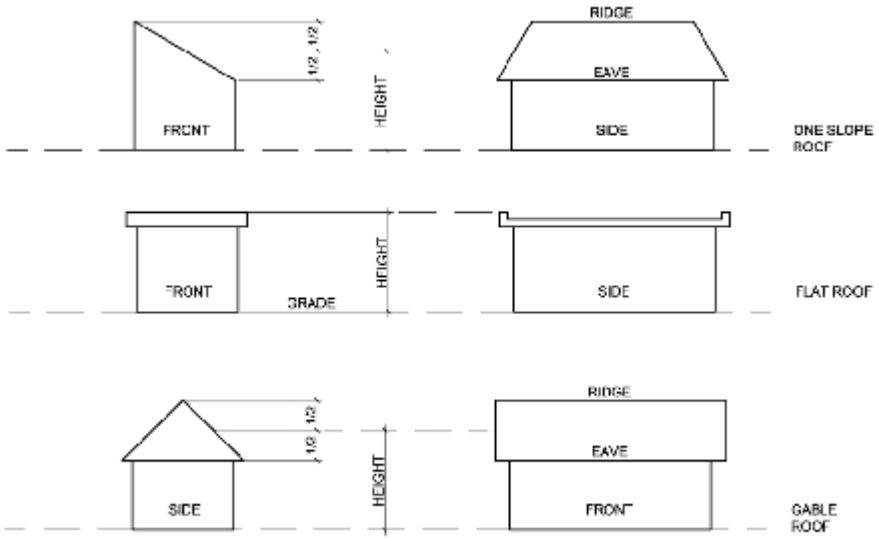
## Building Envelope

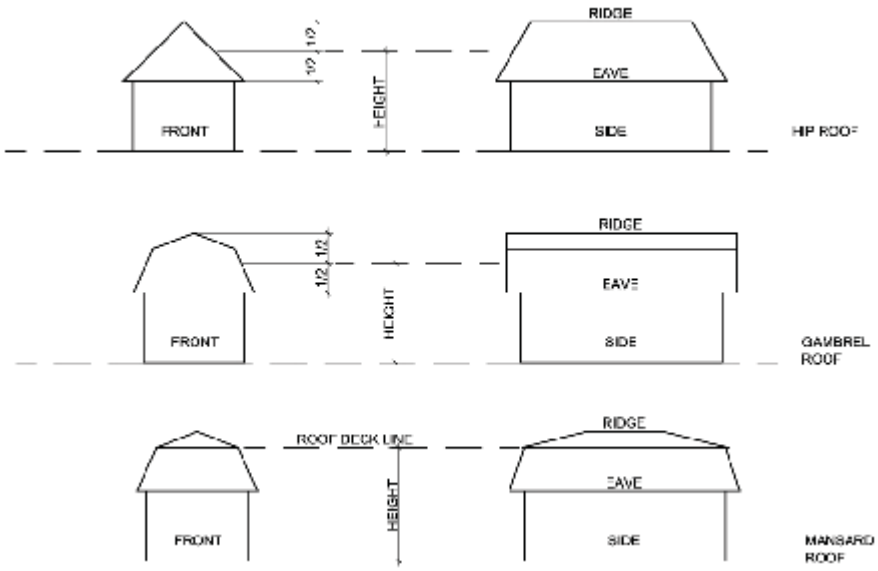
The three dimensional space within which a structure is permitted to be built on a lot as defined by the other standards of this by-law including height, yards and building coverage.




## Building Height

Means the vertical distance measured between the average finished grade at the base of the building:The highest point of the roof surface or parapet wall in the case of a flat roof, whichever is the highest, or al all other types of roofs; the mean height level between the base of the roof and the highest point of any other type of roof.






## Building Inspector

Means an officer or employee of the Corporation charged with the duty of enforcing the provisions of the Building Code Act.

## Building Line

Means a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.

## Building Main

Shall mean a building in which is conducted the principal uses of the lot on which it is situated. In any residential zone a dwelling containing one or more dwelling units shall be deemed to be a Main Building on the lot on which it is situated.

## Building Separation

Means the least horizontal distance permitted between the nearest portions of the walls of any buildings on a lot.

## Building Setback

See Setback

### Building Supply Store

Means a building where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvement and similar goods are stored, displayed, or kept for retail sale. This definition shall not include a salvage yard.

### Building, Temporary

Means a building or structure intended for removal or demolition within a prescribed time not exceeding six months or as set out in a building permit.

### Bulk Storage

Means the use of land, structures and/or buildings for the purpose of storing and selling coal, fuel oil, chemicals and similar items, but does not include any manufacturing, assembling or processing uses.

### Butcher Shop

Means a building or portion of a building where animals, poultry and/or fish are processed and packaged for retail sale on the premises, but shall not include an abattoir. Can also be referred to as a butchery.

### Campground

Means an area of land, managed as a unit, providing short term accommodation for tents, recreational vehicles or campers for a set fee but shall not include mobile homes, park model trailers or a mobile home park.

### Campus Form Buildings

Means one or more buildings situated in a landscaped setting with shared amenities and features.

### Canopy

Means a roof free of enclosing walls over an entrance to a building, structure or gasoline pump island.

## Car Port

Means a structure open on at least two sides and intended to be used for the sheltering of one or more motor vehicles.

Where a roofed enclosure used for the storage or parking of motor vehicles has more than 60 per cent of the total perimeter enclosed by walls, doors or windows, the enclosure shall be considered a garage.

## Car Washing Establishment

See Automobile Washing Establishment

## Catalogue Store

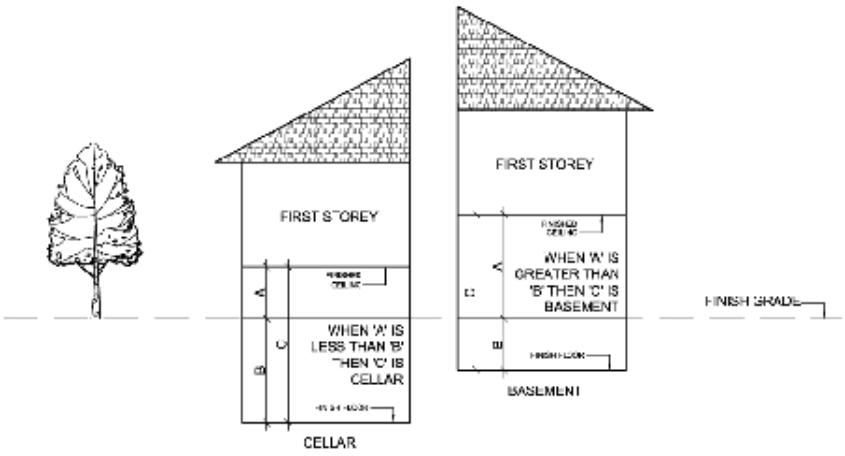
Means a retail commercial establishment in which orders are accepted for the purchase of goods listed in a catalogue provided by the establishment and in which some or all of the goods so listed may also be available within the establishment for sale at retail.

## Catering Establishment

Means an establishment in which meals and beverages are prepared to be served for consumption off the premises.

## Cellar

Means that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to finished ceiling below the finished grade.



### Cemetery

Means a cemetery within the meaning and as regulated by the Cemeteries Act.

### Chief Building Official

Means an officer or employee of the Corporation of the Town of Gananoque charged with the duty of enforcing the provisions of the Building Code Act.

### Cinema, Theatre

Theatre means a building or part of a building which is used for the presentation of live, dramatic or musical performances or entertainment.

Cinema means a building or part of a building devoted to the showing of motion pictures.

### Clinic

Means a building used solely for the purpose of consultations, diagnosis and treatment of patients, by one (1) or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors or drugless practitioners, together with their qualified assistants and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, laboratories, pharmacies or dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

### Club, Commercial

Means a building or premises used as an athletic recreational or social club operated for gain or profit.

### Club, Private

Means a building or premises used as an athletic, recreation or social club not operated for gain or profit. This definition may include a social service club, a fraternity or sorority, a hostel, a labour union hall or similar use.

### Cluster Development

Means a group of single detached dwellings, each located on an individual lot or unit and some communal lands.

### Commercial Greenhouse

Means a building used for the growing of flowers, vegetables, shrubs, trees, and similar vegetation for wholesale or retail sale. This definition shall not include any premises for the growing of mushrooms.

### Commercial Sports and Recreation Establishment

Means an athletic, recreational or social club operated for gain or profit or for the private use of members.

### Commercial Storage

Means a building or structure in which more than one storage unit is rented and used for the temporary storage of household items, vehicles and/or commercial goods and materials, but does not include any business operation or use associated with the storage. Each unit is physically separated from other units within the building and has its own entrance.

### Commercial Vehicle

Means a motor vehicle used for commercial trade or government services and without limiting the foregoing includes delivery vehicles, emergency vehicles, motor buses, farm tractors, tractors and tractor trailers and single or multiple axle trucks.

### Communications Facility

Means a structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, satellite or telephone signals.

### Community Centre

Any tract of land or building or buildings or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof.

**Concert Hall**

Means a facility used for live musical productions.

### Conservation Use

Means the use of land for the protection of the natural environment through maintenance or comprehensive management for individual or public use or benefit.

### Convenience Store

Mean a building or part of a building used primarily for the sale of grocery and confectionery items and incidentally for the sale of such other merchandise as is required to fulfill the day-to-day needs of a surrounding community.

### Corporation

Means the Corporation of the Town of Gananoque

### Council

Means the Council of the Corporation of the Town of Gananoque

### County

Means the Corporation of the Untied Counties of Leeds and Grenville.

### Coverage

See Lot, Coverage

### Custom Workshop

Means the use of a building or part of a building for the production or finishing of custom or hand-made commodities in small quantities. Without limiting the generality of the foregoing, a custom workshop includes upholstering, refinishing of antiques or furniture, drapes, Venetian blinds, handmade leather goods, orthopedic and prosthetic appliances, weaving, awnings and where other non-offensive, non-dangerous custom production is carried out but does not include any use other wise defined in this By-Law.

### Day Nursery

Means a place wherein the temporary care of children is provided , which is operated as an accessory use within a residential dwelling unit and is not required to be licensed by the Province but shall comply with the applicable provisions of the Day Nursery Act or;

Means a place wherein the temporary care of children is provided in facilities and by staff licensed by the Province of Ontario and operated in accordance with the provisions of the Day Nursery Act.

### Deck

Means a structure abutting a dwelling or building with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.

### Density

Means the maximum number of dwelling units allowed by this By-law based on lot area. A fraction of one-half or more in value shall be counted as one dwelling unit.

### Department Store

Means a building or part of a building wherein various goods, wares, merchandise, substances or articles are offered for retail sale directly to the public in various parts of such building and may include storage for such goods, wares, merchandise, substances, or articles.

### Detached

When used in reference to a building, means a building which is not dependent on any other building for structural support or enclosure.

### Development

The construction, erection or placing of one or more buildings or structures on land or,

The making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability or,

The laying out and establishment of a parking lot or,

The removal of vegetation.

### Diameter at Breast Height (DBH)

“DBH” or “diameter at breast height” means the measurement of a trunk of a tree at a height of one hundred and twenty (120) cm for trees of fifteen (15) cm diameter or greater, and at a height of thirty (30) cm for trees of less than fifteen (15) cm diameter.

### Dining Room

Means that part of a restaurant, or other building, which is used for the consumption of food by persons seated at booths, counters tables or a combination thereof.

### Discretionary Uses

See Use, Discretionary

### Distinctive Tree

Means any tree with a DBH of 60 centimetres or greater.

### Dock, Floating

Means an accessory structure used for the mooring of marine vessels which is designed to float freely on the surface of the water body and which may be secured to the shoreline.

### Dock, Permanent

Means an accessory structure used for the mooring of marine vessels which is secured to the shoreline and/or the bottom of the water body by concrete, metal or wood pillars or such other foundation, the design of which facilitates the construction of a more or less permanent structure.

### Drainage

Means the movement of water, whether by way of the natural characteristics of the ground surface or by an artificial method.

### **Drive-through facility**

Means a premises used to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in vehicles that are in a designated queuing space, and may be in combination with other land uses.

### Driveway

Means a vehicular access connected to only one public street or thoroughfare and which provides ingress to and/or egress.

### Dry Cleaning Establishment

Means a building or part of a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric may be performed. This definition may include a dry cleaning outlet.

### Dwelling

Means a detached building occupied or capable of being occupied as the home, residence or sleeping place by one or more persons, and containing one or more dwelling units but shall not include a trailer, houseboat or motor home.

### Dwelling – Apartment

Means the whole of a building that contains three (3) or more dwelling units, which units are served by a common entrance from street level and by a common corridor and the occupants of which units have the right to use in common the corridors, stairs, yards, or one or more of them. An “Apartment Dwelling” includes a garden suite, but does not include a quadruplex dwelling, a group of row dwellings, or a pair or group of semi-detached duplex or triplex dwellings, not any other dwelling otherwise defined herein.

### Dwelling, Converted

Means a building originally designed as a single detached dwelling which has been altered or converted so as to provide therein not more than four dwelling units, with or without separate entrances, none of which shall be located in the cellar of the dwelling but which may be located in the basement.

### Dwelling – Duplex

Means a building divided horizontally into two (2) dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.

### Dwelling, Mobile Home

See Modular Home

### Dwelling, Park Model Trailer

Means a manufactured building designed and constructed in conformance with CAN/CSA –Z241 Series M “Park Model Trailer, as set out in the Building Code, and is used or intended to be used as a dwelling or seasonal dwelling.

### Dwelling – Quadruplex

Means a dwelling that is divided vertically by common party walls into four separate dwelling units, each of which has two common party walls.

### Dwelling – Semi-detached

Means a building on a single foundation divided vertically into two (2) separate dwelling units by a common wall.

### Dwelling – Townhouse

Means a building that is divided vertically into three or more dwelling units attached by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.

### Dwelling – Triplex

Means a building that is divided horizontally into three separate dwelling units each of which has an independent entrance wither directly or through a common vestibule.

### Dwelling Unit

Means a building occupied or capable of being occupied as the home or residence of one or more persons, where food preparation and sanitary facilities are provided, but shall not include a boarding house, mobile home or recreational vehicle, hotel, motel, rental cottage or cabin, or similar commercial use of a private or semi-private institution.

### Dwelling Unit – Accessory

Means a dwelling unit which is part of and accessory to a permitted non-residential building other than an automobile service station or commercial garage.

### Easement

Means the legal right acquired by contract to pass over, along, upon or under the lands of another.

### Emergency Services

Means a building or structure used for the purposes of supporting the provision of municipal fire protection services, police services or ambulance services and which can include sleeping and dining facilities for personnel, vehicle storage, maintenance and repair facilities and office space.

### Equestrian Facility

Means a building(s) where horses are bordered and may mean a facility where instruction is given on the equestrian arts.

### Equipment Rental Establishment

Means a building or part of a building wherein the primary use is the rental of machinery, equipment, furniture, fixtures and other goods, of a size and type which would be used for home improvement, household purposes, agricultural, business, and industrial or similar non-household oriented rental functions.

### Equipment Sales Establishment

Means a building or part of a building where machinery, equipment, furniture, fixtures and other goods of a a size and type which would be used for home improvement, household purposes, agricultural, business, and industrial or similar non-household oriented rental functions.

### Equipment Service and Repair

Means a building or part of building used for the servicing or repairing of articles, goods and materials but no does not include the manufacturing or motor vehicle repair.

### Erect

Means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension. Any work for the doing of which a building permit is required under the Ontario Building Code Act.

### Established Building Line

Means the average setback from the street line of existing buildings on one side of a continuous 100 metres (324 feet) strip of land where three (3) or more of the lots having street frontage upon the said side of the street have been built upon and can also be referred to as median setback.

### Established Grade

Means the average elevation of the finished level of the ground adjoining all of the walls of the building exclusive of any artificial embankments or berms.

### Existing

Means existing as of the date of the passing of this By-Law

### Existing Vegetation

Means the plant materials growing upon any lands prior to the erection, alteration or enlargement of any buildings or structures thereon.

### Fabricating Plant

See Assembly Plant

### Factory Outlet

Means a building or part of a building where products or goods are manufactured or produced on site for wholesale or retail sale or are manufactured off-site for wholesale or retail sale.

### Farm Supply and Machinery Sales and Service

Means a building or part of a building where the sale, storage or repair of equipment and machinery directly associated with the operation of a farm.

### Fence

Means any barrier or structure constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines.

### Finished Grade

The average elevation of the finished surface of the ground. A ground level measured on any side of a building or structure.

### Fish Habitat

Means the spawning grounds and nursery, rearing food supply, and migration areas which fish depend directly or indirectly in order to carry out their life processes.

### Flea Market

Means a street market composed of a series of individual retailer's booths or tables where sundry items, new or secondhand articles, fresh produce or preserves are offered for sale.

### Flood Proofing

Means a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damages.

### Floodline or Flood Elevation

Means a line established by a one in one hundred year storm as established by flood plain mapping or by the Cataraqui Region Conservation Authority.

### Floodplain

Means the area below the one in one hundred year flood line as established by the conservation Authority, Ministry of Natural Resources, or other designated authority.

### Floor Area – Gross

Means the total area of each floor measured between the exterior faces of the exterior walls of the building and where there are no walls the total area of a floor within the outer perimeter of the floor.

### Floor Area – Net

The total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, verandah or sunroom unless such sunroom is habitable during all seasons of the year.

### Footprint

Means the floor area of a building or structure, measured at grade on a horizontal plane, to the outside edge of walls, or posts n the case of an unenclosed structure, and includes the furthest extent of a deck or a dock.

### Forestry Use

Means the planting, managing and harvesting of timber resources including the cultivation of Christmas Trees.

### Frontage, Road

Means the horizontal straight-line distance determined as follows:

i) Where a lot abuts a road, the distance between the side lot lines measured along a line that is parallel to the road at a distance equal to the minimum front yard setback; or

ii) In the case of a back lot where a lot abuts a road or roads in more than one location the distance measured along the front lot line where it abuts the road, or

iii) In the case of a shoreline lot where a lot abuts a road or roads in more than one location, the distance measured along the rear lot line where it abuts the road; or

iv) Where there are no side lot lines, such as in the case of a peninsula, the greatest distance between any point on the front lot line and any point on the rear lot line.

### Frontage, Water

Means the horizontal straight-line distance determined as follows:

i) Where the lot abuts a shoreline or a closed shore road allowance or is within a navigable waterway, waterfrontage is the distance measured along the shortest line joining the point where one side lot line or a projection thereof intersects the shoreline and the opposite side lot line or a projection thereof: or

ii) Where the lot abuts a shore road allowance that has not been closed, is the distance along the shortest line joining the points where the side lot lines intersect the inner limit of the shore road allowance; or

iii) Where there are no side lot lines, such as in the case of a peninsula, the greatest distance between any point on the shoreline, or in the case where the shore road allowance has not been closed, the inner limit of the shore road allowance and any point on the rear lot line, or

iv) Where there are no inside or rear lot lines, such as in the case of an island, the greatest horizontal straight-line distance measured between any two points on the shoreline, or in the case where the shore road allowance has not been closed, the inner limit of the shore road allowance.

### Fuel Depot

Means land, building or structures used for the bulk storage, distribution and sale of gasoline, propane, heating oil or motor oil.

### Full Drawing Set

Means the set of plans that is required by this by-law to review and be submitted with any development proposal.

### Funeral Parlour/Home

Means a building or part of a building wherein undertaking services are offered and may include subsidiary activities such as the sale of caskets and funeral accessories provided such activities are clearly secondary and incidental to the main undertaking service.

### Garage, Attached

Means a private garage accessory to a dwelling unit on the same lot and attached thereto by a common wall and/or common roof structure.

### Garage, Detached

Means a private garage accessory to a dwelling on the same lot, but not attached to the dwelling by a common wall and/or common roof structure.

### Garage, Parking

Means an enclosed structure used for the temporary parking of more than 4 vehicles available for public use either for free, for compensation or as an accommodation to customers.

### Garden Centre

Means an outdoor area primarily used for the retail of gardening equipment, products and planting materials.

### Gasoline Pump Island

A structure which is an accessory use intended to provide gasoline for vehicles.

### Gatehouse

Means a structure at the entrance to a property for the purpose of security and the screening of visitors.

### Gazebo

Means an accessory freestanding roofed structure with open or screened walls enclosing a single area used for the purpose of relaxation.

### Golf Course

Means a public or private area operated for the purpose of playing golf and includes a par 3 golf course, but does not include driving ranges, miniature courses and similar uses.

### Golf Driving Range

Means an open-air recreation facility where golf is practiced from individual tees and which may include accessory structures for the management and operation of the range, and a miniature golf course, but not a golf course.

### Golf Course, Miniature

Means an area of land, building or structure or premises or part thereof operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the fame on a small scale, but does not include a golf driving range.

### Grade

Means when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior at the base of a building and when used with reference to a structure shall mean the average elevation of the finished surface of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment, and when used with reference to a street, road or highway means the highest elevation of the street, road or highway by the Corporation or other designated authority.

### Greenhouse

Means a building and/or structure used for the growing of flowers, vegetables, shrubs, trees and similar vegetation including any part of a building, structure or area used for the sale of garden supplies and landscaping materials which may include seeds, bulbs, tools etc. This definition shall not include any premises for the growing of mushrooms.

### Group Home

Means a single housekeeping unit in a residential dwelling, which is registered with the Municipality, in which three (3) to ten (10) persons (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licensed and/or approved under Provincial Statutes.

### Guest Room

Means a room or suite of rooms, which contains no facilities for cooking and which is used or maintained for gain or hire by providing accommodation.

### Habitable Room

Means a room in a dwelling used or intended to be used primarily for human occupancy.

### Health Retreat

Means a building or part thereof wherein the business of a respite care, relaxation and rejuvenation is undertaken. Without limiting the generality of this type of use, such services as a business office, therapeutic massage, health and food counseling and therapy, may be located therein.

### Height

Means the vertical distance measured from the average elevation of the finished grade adjacent to a building or structure, or for a structure partially or entirely on or over the water, from the elevation of the ordinary water's edge, to:

i) The highest point of the surface of a flat roof or of the surface of a structure, but excluding any railing;

ii) Half the distance between the top of the highest load-bearing wall and the roof ridge of any sloped roof; or

iii) 75% of the height of the roof ridge of an A-framed structure.

### Heritage Site

Means premises included in the Inventory of Heritage Properties, listed as being of historical, architectural, archeological or cultural heritage value or interest, or designated as such pursuant to the Ontario Heritage Act.

### Heritage Tourist Inn

Means a building with historic and architectural merit on a large property in which no more than six guest rooms are made available for the temporary (no more than 30 days) accommodation of the travelling public. Such an establishment may offer meals to guests staying at the Inn, but shall not offer services to non-guests.

### Hereafter

Means after the date of the passing of this By-Law.

### Herein

Means in this By-Law, and shall not be limited to any particular section of this By-Law.

### High Water Mark

Means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

### Home for the Aged

See Nursing Home.

### Home Occupations

Means an occupation or enterprise which is carried out as use accessory to the main residential use of a property and is owned and operated only by a person or persons residing on the property.

### Hospital

Means a hospital as defined by the Private Hospitals Act or a hospital as defined by the Public Hospitals Act.

### Hotel

Means a building designed or used for the accommodation of the traveling or vacationing public, containing therein five (5) or more guest rooms served by a common building entrance. Accessory uses may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms, or similar uses.

### Housekeeping Unit

Means a room or a suite of rooms within a tourist establishment that is designed to provide accommodation and is equipped with a kitchen. A housekeeping unit is not a swelling unit.

### Household

The collection of all individuals normally resident in a dwelling unit.

### Human Habitation

Means the use of a building or structure for living, sleeping, eating or for food preparation purposes.

### Industrial Mall

Means a building divided into a number of self-contained units which are occupied by uses which are permitted uses in an Industrial designation.

### Industrial or Business Service Centre

Means a building where commercial or industrial services are offered to industries.

### Industrial Uses Class I Industry, Light

Means a place of business for a small scale, self contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and/or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assemble, auto parts supply.

### Industrial Uses Class II Industry, Medium

Means a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odour, dust and vibration. Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, contractor's yard.

### Industrial Uses Class III Industry, Heavy

Means a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes, vibrations or extensive outside storage as part of their normal operations. Such uses include sawmills, pulp and paper mills, refineries, smelting operations and similar uses which are intended to be secluded from residential or other sensitive land uses in order to limit potential adverse effects on the environment or the surrounding areas and public health.

### Infrastructure

Means physical structures that form the foundation for development including sewage and water works, waste management systems, electric power, communications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.

### Institutional Use

Means land, building, structure or part thereof used by any government agency, organization, group or association, for the promotion of religious, charitable, educational, medical, benevolent objectives or public service.

### Kennel

Means a building or a structure or part of a building or structure used for the breeding, raising and/or boarding of dogs or cats for personal use or for profit or gain.

### Land

Means any ground, soil or earth whatsoever regarded as the subject of ownership and everything annexed to it whether by nature (such as trees, water) or by man (such as buildings, fences).

### Landscaped Open Space

Means a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use; but does not include decks, parking areas, traffic aisles or driveways or ramps for vehicles.

### Landscape Strip

An open unobstructed space free of buildings or structures which is used for the growing and maintenance of grass, flowers, shrubs or other landscaping.

### Landscaping

Means a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the aesthetics of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

### Lane

Means a subsidiary thoroughfare providing access from within a lot, principally from parking or loading spaces or from a lot to a public street; or

A subsidiary public thoroughfare for the sole use of pedestrians and connecting public streets, open spaces and/or buildings.

### Landing

Means an area at the top of a flight of stairs or between flights of stairs, which does not exceed the width of the associated stairs by more than 1 ½ times, or a maximum width of 2.5 metres (8.2 feet), whichever is less.

### Laundromat

Means a building or structure where coin-operated laundry machines are made available to the public for the purpose of laundry cleansing.

### Library

Means a public building or structure where books and other audio-visual resources may be read, consulted or borrowed.

### Loading Space

Means a space or bay located on a lot or within a building which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials in connection with the use of the lot or any building thereon, and which has unobstructed access not necessarily in a straight line to a street.

### Local Commercial Uses

Means uses which provide retail and service commercial uses that serve the daily and weekly requirements and needs of the surrounding residential neighbourhoods.

### Lot

Means a parcel of land;

a) The whole of which can be legally conveyed without approval pursuant to the Planning Act, and

b) No part of which can be transferred without such an approval; and

c) Which is not described in a registered condominium description; or

d) Two or more parcel of land which are:

Deemed to be one lot by this By-Law; or

Required to be transferred together by an agreement made pursuant to the Planning Act; or

A parcel of land described as a whole registered description by the Condominium Act, except for :

A vacant land condominium, in which a unit is considered to be a lot, or

In the case of a resort commercial establishment that includes associated accommodation units within one or more condominium descriptions that share central management and resort amenities on one contiguous area of land, the entire land area of the resort commercial establishment is deemed to be one lot for the purpose of this By-Law.

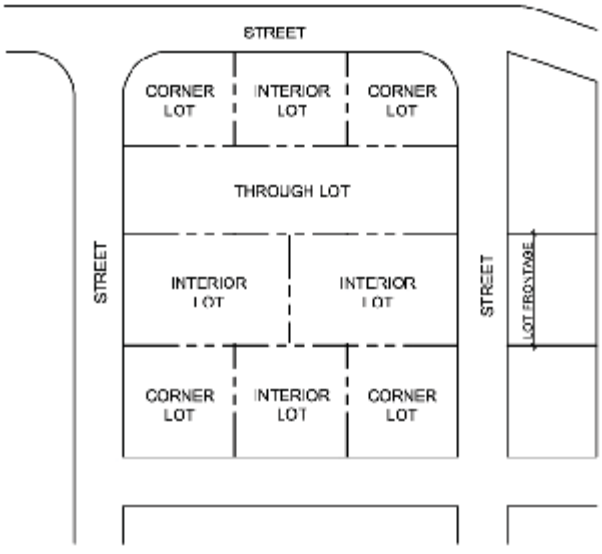
### Lot Area

Means the total horizontal area measured within the limits of the lot lines of the lot.

### Lot, Corner

Means a lot situated at an intersection of two or more streets, or at the intersection of two parts of the same street which have an interior angle or intersection of not more than one hundred and thirty-five degrees.

Where such street lines are curved, the angle of intersection of the street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the side lot lines. In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents.



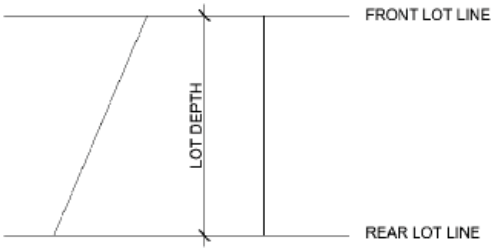
## Lot, Coverage

Means the percentage of the lot area covered by the ground floor area of all buildings located on the lot excluding canopies, balconies, overhanging eaves and private open air swimming pools.

## Lot, Depth

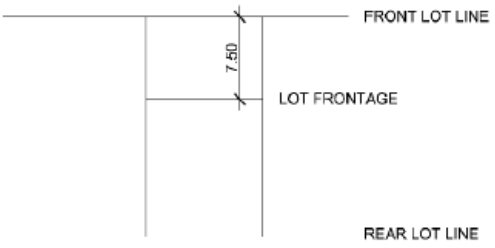
Means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, “lot depth” means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

If there is not rear lot line, “lot depth” means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.




## Lot, Frontage

Means the horizontal distance between the side lot lines. Where such side lot lines are not parallel, it shall be the width of a lot measured between the intersections of the side lot lines with a line 7.5 metres (24.6 feet) back from and parallel or concentric to the front lot line. Arc distances shall apply on curved lines.



### Lot Frontage, Island

Means the maximum distance measured between the farthest points along the shoreline.

### Lot, Interior

Means a lot other than a corner or a through lot which has frontage on a public street.

### Lot, Irregular

Means a lot abutting more than one street, but not otherwise defined herein.

### Lot, Line

Means a boundary line of a lot.

### Lot Line, Exterior Side

Means a lot line located between the front and rear lot lines and dividing the lot from a street.

### Lot Line, Front

Means:

i) In the case of an interior lot, the line dividing the lot from the street line.

ii) In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line.

iii) In the case of a corner lot with two street lines of equal lengths, the lot line that abuts the wider street, or abuts a Provincial Highway shall be deemed to be the front line, and in the case of both streets being under the same jurisdiction and of the same width, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.

iv) In the case of a lot with frontage on a public street or private road and on a water body, the front lot line shall be measured both on the street line and on the water side.

### Lot Line, Rear

Means the lot line furthest from, and opposite to, the front lot line.

### Lot Line, Side

Means a lot line other than a front, rear or side exterior lot line.

### Lot, Through

Means a lot having a frontage on two parallel or approximately parallel streets.

### Lot, Waterfront

Means a lot with one lot line abutting the shoreline of a waterbody.

### Lot, Width

Means the average horizontal dimension between the two longest opposite sides.

### Main Wall

Means any exterior wall of a building and all structural members essential to the support of a fully enclosed space or roof exclusive of permitted projections.

### Main Front Wall

Means the exterior wall of the building, excluding the front wall of an attached garage, and all structural members essential to the support of a fully enclosed space or roof, that faces the front lot line.

### Maneuvering Aisle

Means a space which services two or more parking spaces in a parking lot, such as the area between two rows of parking spaces.

### Manufacturing Plant

Means the use of land, buildings or structures for the purpose of producing, assembling, making, preparing, inspecting, finishing, treating, altering, warehousing or storing or adopting for sale of any goods, substance, article or service.

### Marina

Means a lot, building, structure on a waterfront with or without docking facilities where boats and boat accessories are berthed, constructed, stored, serviced, repaired or kept for sale or rent and where the facilities for the sale of marine fuels, marine equipment, lubricants, bait as well as the sale of foods, provisions or supplies as an accessory use may be provided.

### Marine Commercial Facility

Means a building or structure used for boat repairs, sales, storage, and service or other marine related commercial use.

### Marine Facility

Means a non-commercial building or structure which is used to moor, berth, or store a boat. This definition may include a boat launching ramp, a boat lift, marine railway, dock or boathouse, but does not include any building used for human habitation or a marina. A marine facility shall also include a water intake facility and any flood or erosion control structure.

### Maximum

Means the greatest number or amount permitted.

### Median Building Line

See Established Building Line

### Minimum

Means the least or smallest amount or number permitted.

### Mini Warehouse and Public Storage

Means a commercial building or part of a building wherein general merchandise, vehicles, furniture and household goods are all stored in separate, secured storage areas or lockers which are generally accessible by means of individual loading doors.

### Minor

Means a variance from any provision of this By-Law in respect to the land, building or structure or the use thereof, which is desirable for the appropriate development of the land, building or structure and which maintains the general intent and purpose of the By-Law and of the policies implemented by the By-Law.

### Mobile Home

Means any dwelling that is designed and constructed in compliance with CSA Z 240 to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.

### Mobile Home Park

Means land which has been provided and designed for the location thereon of two (2) or more occupied mobile homes.

### Mobile Home Parcel

Means the space for the placement of one mobile home and for the exclusive use of its occupants.

### Modular Home

Means a single detached dwelling consisting of one or more modules which has been prefabricated or manufactured in compliance with CSA A 277 in a factory remote from the site where it is intended to be used and transported to the site for installation on a permanent foundation, but does not include a Mobile Home or Park Model Trailer as otherwise defined.

### Motel

Means a building or buildings designed or used for the accommodation of the traveling or vacationing public, containing therein three (3) or more guest rooms, each guest room having a separate entrance directly from outside and may include an accessory eating establishment.

### Multiple Occupancy Industrial Building

Means a building containing two storeys or less located within an Industrial zone wherein a combination of two or more uses permitted in the zone occupy separate homogenous floor space areas and where no individual occupant is identifiable as a dominant occupant of the building.

### Municipal Garage

See Garage Municipal

### Municipal Office

Means an office occupied and or owned by the municipality and used for municipal purposes.

### Municipality

See Corporation.

### Museum

Means the use of land, buildings or structures for the purposes of assembling, preparing and displaying a collection or articles and artifacts illustrating science, art, ancient life or other subjects and includes accessory uses such as facilities for repair, renewing and storage and may include retail outlets for souvenirs and refreshments.

### Natural Heritage Features

Means features and areas, such as significant wetlands, significant woodlands, fish habitat, significant wildlife habitat and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

### Negative Impacts

Means:

In regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity.

In regard to other natural heritage features and areas, the loss of the natural features or ecological functions for which an area is identified.

### No Encroachment Area

Means an area on a lot where no development shall be permitted, with the exception of surface landscaping that is installed at grade.

### Non-Conforming or Non-Complying

Means any existing use, building, structure or lot which does not conform with the zone requirements and standards of this By-Law.

### Nursery

Means land and structures used for the growing of sod, flowers, bushes, trees, or other gardening, landscaping or orchard stock for wholesale or retail sale. (see also Commercial Greenhouse)

### Nursing Home

Means a building or premises used in accordance with the provisions of the Nursing Homes Act, or the Homes for the Aged and Rest Homes Act, the Long-Term Care Act or a home for the aged as provided for under the Charitable Institutions Act respectively and amendments thereto.

### Obnoxious Uses

Means any use which is a nuisance to the occupant or owner of any neighbouring lands or buildings by reason of the emission form the neighbouring land or building or any part thereof, or the creation thereon, of odours, gasses, dirt, radiation, smoke, noise, vibration, fumes, cinders soot, waste or water carried waste, or depositing or leaving unsightly objects or chattels thereon.

### Office

Means a building or part of a building where one or more persons are employed in administering, directing, managing or conducting the affairs of a private enterprise. This definition shall not include any manufacturing operation or any premises used for the repairing equipment, goods, materials or vehicles.

### Office, Public Administration

Means the use of a building for the business and administration of a public authority.

### Official Plan

Means the Official Plan of the Town of Gananoque or parts thereof and amendments thereto and any Official Plan which may be adopted by the Corporation.

### One Hundred Year Flood

Means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

### Open Space

Means the open, unobstructed space on a lot including landscaped areas, pedestrian walkways, patios, pools or similar areas but not including any deck, driveway, ramp, parking spaces or aisles, loading spaces or maneuvering areas and similar areas.

### Open Storage

Means storage or display of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof. This definition shall not include the open storage of goods or equipment incidental to a residential occupancy of a lot, a parking area or parking space or the outdoor display of a limited number of samples of goods, merchandise or equipment for the purpose of sales and advertisement.

### Open Storage Area

Means an area within or outside of a building used or intended for use for the open storage of goods, merchandise or equipment which may or may not be intended for immediate sale.

### Outdoor Café

Means an outdoor area adjoining a restaurant, a bar or a tavern, consisting of outdoor tables, and related decorations and fixtures, and where meals or beverages are served to the public for consumption on the premises. An outdoor café may be located within the public road right-of-way where an encroachment agreement exists between the owner and the Municipality.

### Outdoor Display Area

Means a portion of a lot used for exhibiting in an orderly manner, completely assembled or finished merchandise, equipment, goods or products sold by a retail or wholesale business on the same lot.

### Outdoor Recreational Facility

Shall mean an establishment which provides recreational activities primarily located outside of a building such as golf driving range, miniature golf, lawn bowling, tennis court, model airplane flying or similar activities. A Go Cart Track is not included within this definition.

### Owner

Means the person or organization who owns the land in or on which a land use is located and who may be responsible for the establishment or operation of that land use.

### Park – Public

Means an area of land, whether enclosed or not, maintained by the Corporation or other public authority for the enjoyment, health and well-being of people and open to the public with or without charge and, for the purposes of this definition, includes tourist campground facilities.

### Park – Private

Means an area of land, enclosed or not, owned and maintained by a private person for the enjoyment, health and well-being of people and which is open to the public with or without charge.

### Parking Area

Means a lot or portion thereof required in accordance with the provisions of this By-Law for the temporary storage or parking of motor vehicles accessory or incidental to uses in all designations and shall not include the storage or parking four (4) or more motor vehicles for hire and gain, display or for sale.

### Parking, Garage

See Garage, Parking

### Parking Lot

A parking area forming the principal use of a lot.

### Parking Space

Means an area used for the temporary parking of one motor vehicle and includes spaces for the handicapped.

### Permitted

Means permitted by this By-Law.

### Permitted Uses

Means a use which is listed under the heading “Permitted Uses” in the designation where such use is located. It should be noted that unless the use has been specifically identified as permitted or discretionary it is not permitted.

### Person

Shall include an individual, an association, a charted organization, a firm a partnership, a corporation, an agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

### Personal Service Establishment

Means an establishment wherein a personal service is performed. This definition may include a barber shop, beauty salon, shoe repair, Laundromat or a dry cleaning distribution station or a similar use.

### Pet Shop

Means a shop or place where animals or birds for use as pets are sold, kept for sale or groomed, where pet supplies and pet foods are sold but does not include a shop for breeding or boarding of pets.

### Pharmacy

Means a building or structure or portion thereof wherein prescription medicines, patent medicines, sundry household items and similar merchandise are kept and offered for sale to the public.

### Place of Assembly

Means a building specifically set aside for and primarily engaged in the operation of arts and crafts shows, trade fairs, fashion show, public meetings, banquets, conference meetings and similar activities.

### Place of Entertainment

Means an establishment operated for commercial gain or profit wherein amusement facilities are provided such as an arcade shop or penny arcade, billiard or pool room, pinball machines and video games.

### Place of Recreation

Means an establishment, premises, or building where any recreational, social or cultural uses are operated commercially for profit such as arenas, health clubs, golf courses, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasium, band shell or open theatre, and other similar uses but does not include a casino or bingo hall.

### Place of Worship

Means a building or an open area dedicated to religious worship.

### Playground

Means a park or part thereof which is equipped with active recreational facilities oriented to children.

### Principal

See, Uses Principal

### Printing and Publishing Establishment

Means a building or part thereof used primarily for printing, regardless of the method, and publishing of newspapers, periodicals, books, maps and similar publications and also includes the sale and servicing of printing and duplicating equipment.

### Private Amenity Area

Means a privacy yard immediately adjacent to the dwelling unit which serves the household and with access controlled by the household of the dwelling unit.

### Private Club

Means a building or part of a building used as a meeting place by an association of persons who are bona fide members, which owns, hires or leases the building or part thereof, the use of such premises being restricted to members and their guests for social, cultural, recreational, business or athletic purposes.

### Private Road

Means a private right-of-way over private property which affords access to at least two (2) abutting lots and which is not maintained by a Public Authority.

### Propane/Compressed Natural Gas Transfer and Handling Facility

Retail propane/compressed natural gas transfer means a transfer facility that is licensed under the provisions of the Energy Act, R.S.O. 1990, c. E.16, from which petroleum fuels (propane and compressed natural gas) may be retailed to the public.

Consumer outlet propane/compressed natural gas facility means a non-retail facility licensed under the Energy Act, R.S.O., where vehicles, appliance and other equipment of the business or establishment to which the said facility belongs are refueled with petroleum fuels (propane and natural gas).

Gas cylinder handling facility means a facility licensed under the Energy Act, R.S.O., where bottled gases are handled and stored in cylinders and where there is no element of transfer.

Bulk propane storage depot means a propane transfer facility that has an aggregate capacity in excess of 47571 litres (2000 US gallons).

### Public Access Point

Means public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable water body.

### Public Art

Means any artistic installation in a publically owned building or space.

### Public Authority

Any Federal, State, Provincial, District, Region, county or Municipal agencies, and includes any commission, board, authority, or department established by such agency.

### Public Market

Means the use of a building, structure or lot for the purpose of selling any or all of produce, fish, seafood, fruits, meats, dairy product, plants and crafts, but does not include a flea market.

### Public Street

Means a public or common highway affording the principal means of access to abutting properties which has been dedicated to and/or assumed by a public authority.

### Public Service Area

Means the area served by the Town operated water and wastewater services.

### Public Use

Means a building, structure or lot used for public services by the Town of Gananoque or the United Counties of Leeds and Grenville and any Boards or Commissions thereof, and any Ministry or Commission of the Governments of Ontario or Canada, any telephone, telegraph or railway company, any company supplying natural gas, Ontario Hydro, and Conservation Authority, Public Utilities Company or similarly recognized agencies.

### Public Utility

Means a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone system, scientific research system, and includes any lands, buildings or equipment required for the administration or operation of any such system and which is operated by a public authority or a publicly governed company.

### Recreational Trailer

Means a structure designed to provide temporary living accommodation for travel, vacation or recreational use and to be driven, towed or transported and without limiting the generality of the foregoing includes folding camping trailers, travel trailers and motor homes.

### Recreational Vehicle

Shall mean any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term basis for living, sleeping or eating accommodation of persons. The term recreational vehicle includes the following: motor homes, travel trailers, tent trailers, camper, motor homes but does not include a mobile home, recreational equipment such as boats, snowmobiles, personal water craft, all terrain vehicles or other equipment used for recreational purposes.

### Recreational Vehicle Sales and Storage

Means a building and/or lot which is used for the display, storage and/or sale of boats, trailers, campers and other recreational vehicles or recreational equipment.

### Recycling Depot or Transfer Station

Means a special waste management facility which serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system.

### Redevelopment

Means a removal or rehabilitation of buildings or structures and the construction, reconstruction or erection r other buildings or structures in their place.

### Restaurant

Means the use of a building or structure or part of a building for the preparation and sale of food and beverages for immediate consumption within or outside of the building or structure and may include ancillary home delivery, catering or take out services.

### Restaurant, Take Out

A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site.

### Retail Factory Outlet

Means a building or part of a building wherein goods, wares, merchandise, substances, or articles produced by one factory only are offered for sale directly to the public and may include storage for such goods, wares, merchandise, substances, or articles.

### Retail Grocery Store

See Supermarket

### Retail Store

Means a building wherein goods, wares, merchandise, substances or articles are offered for sale to the general public, and may include the limited storage and display of goods, wares, merchandise, substances or articles, and shall not include any other use defined herein. A retail store may include the sale of food stuffs; such as baking, dairy, fruit or vegetables and meat.

### Retail Outlet

Means a building or part of a building accessory to a permitted use in the Employment Designation, in which goods, wares, merchandise, substances, articles or things are offered or kept for retail sale to the public and which are largely manufactured on site.

### Revegetation

Means the planting or planting and regeneration of native vegetation in order to restore a shoreline buffer.

### Road

See public street.

### Road Allowance

Means a public highway and includes the surface of which is not improved for use by vehicular traffic and is not maintained by a Public Authority.

### Rooming House

Any house or other building or portion thereof in which persons are harbored, received or lodged for hire, but does not include a hotel, hospital, home for the young or the aged or institution, provided the hotel, hospital, home or institution is licensed, approved or supervised under any general or specific Act.

### Sample and Showroom

Means a building or part of a building used for the display of samples, patterns or other goods for viewing by the consumer and where purchase orders are taken, provided that articles from the display are not taken from the premises.

### Satellite Dish/Receiver

Means a structure designed, used or intended to be used to send or receive signals to or from a satellite.

### Sawmill or Planing Mill

Means a building, structure or area where timber is cut or sawed, either to finished lumber or as an intermediary step.

### Sauna

Means an accessory building or structure not exceeding 10 square metres (107 square feet) wherein facilities are provided for the purpose of a steam bath and may include a change room and shower and may be constructed as part of a boat house.

### School

Shall mean a public educational establishment operated by a School Board.

### School, Commercial

Means a commercial establishment which offers instruction in a specialized field including, but not limited to, computer training, music, sports, arts and crafts.

### School, Private

Means an educational establishment, other than a School wherein teaching or instruction is offered for gain in such fields as academics, dancing, music, art, sports, business or trade, and any other such specialized school conducted for gain, and also includes such fields as a studio for photography and arts and crafts.

### Seat

Means a place on or in which one sits. Where provided by benches, forms or pews, each 0.6 linear metre (2.0 feet) of seating space shall be the equivalent of one (1) seat.

### Seating Capacity

Means the number of persons which can be accommodated in a building or structure or part thereof in a seated position on chairs, benches, forms or pews.

### Secondary Suite

Mean an ancillary dwelling that is part of a principal dwelling.

### Secondhand Shop

Means a building or part of a building in which used goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail and may include such uses as a pawnshop, an antique store, an opportunity shop or similar use but no open storage is permitted other than during regular business hours.

### Sensitive Land Use

Means buildings, amenity areas or outdoor spaces where routine or normal activities occurring as reasonable expected times would experience on or more adverse effects from contaminant discharges generated by a nearby facility and includes a dwelling, day care centre and an educational or health facility.

### Service or Repair Establishment

Means the use of a building for the servicing or repairing of articles, goods or materials, and includes sales accessory to the principal use. A service or repair shop does not include the manufacture of articles, goods or materials, motorized or gas powered engines or include a use otherwise defined by this By-Law.

### Setback

Shall mean:

With reference to a road or street, the least horizontal distance between the front lot line and the nearest building line.

With reference to an interior lot or a through lot, the space between the front lot line and the nearest portion of the main wall of a building.

With reference to a corner lot, the space between the nearest portion of the main wall of a building and the street line, and the space between the side lot line abutting the flanking street, and the nearest portion of the main wall of a building.

### Setback, Prominent

Shall mean the average setback along the streetscape between two intersecting streets.

### Sewage and Water Systems

Full Municipal Sewage and Water Services

Means piped sewage and water services that are connected to a centralized water and waste water treatment facility.

Communal Services

Means sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water but which; are not connected to full municipal sewage and water services; are for the common use of more than five residential units/lots; are owned, operated, and managed by a municipality or, another public body, or a condominium corporation or single owner which has entered into an agreement with the municipality or public body, pursuant to Section 51 of the Planning Act, providing for municipal/public body assumption of the communal services in the event of default by the owner.

Individual On-Site Systems

Means individual autonomous water supply and sewage disposal systems that are owned, operated and managed by the owner of the property upon which the system is located and which do not serve more than five residential units/lots.

Partial Services

Means connection to one communal service or full municipal service where the other connection will be to an individual on-site system.

Shopping Centre

Means a group of restricted business uses designated, developed and managed as a unit, having the off-street parking provided on the site.

Shoreline

Means those lands extending from the average annual water level which have potential and direct significant impact on near shore waters and the shore ecosystem through run-off, and where land use activity is primarily water oriented.

Shoreline Structure

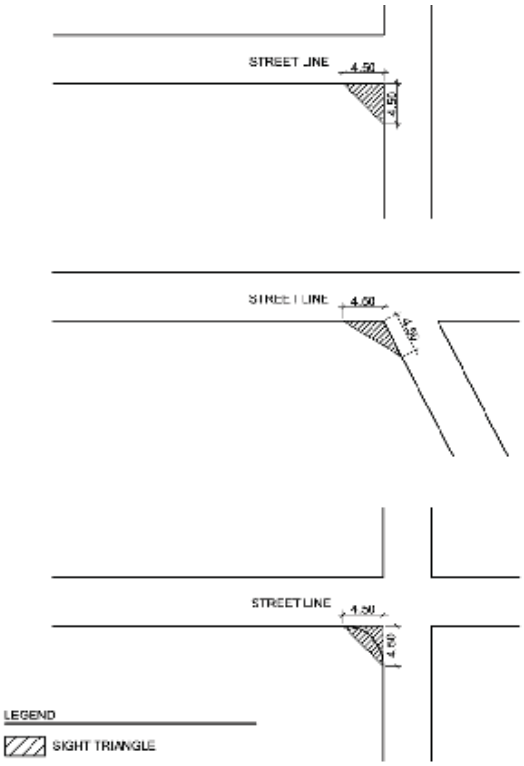
Means a boat house (wet or dry), a boat port, a float plane hangar, a sauna or steam bath, a dock or wharf, a gazebo, a utility or storage shed or a viewing deck.

Side Wall

Means the exterior wall of a building; and all structural members essential to the support of a fully enclosed space or roof.

Sight Triangle

Means a triangular space, free of buildings, structures and obstructions including landscaping materials such as shrubs and trees, formed by the street lines abutting a corner lot and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the street lines as specified in this By-law.




## Sign

Shall mean any writing., letter work or numeral, any pictorial representation, illustration, drawing, image or decoration, any emblem, logo, symbol or trademark or any device with similar characteristics which:

Is a structure, or part of a structure, or which is attached thereto or mounted thereon; and

Which is used to advertise, inform, announce, claim, give publicity or attract attention.

## Site Alteration

Means a change to the existing topography by more than 0.3 metres (1 foot) and over an area exceeding 9.29 square metres (100 square feet).

## Sleeping Cabin

Means a building used for the temporary accommodation of persons with no kitchen or sanitary facilities.

### Small Batch Brewery

Means a building or structure used to brew local beer for sale and distribution and may include a retail facility.

### Solid Waste Disposal Site

See Waste Disposal

### Steep slope

Means a slope of more than 30%.

### Storage, Establishment

Means the use of land, buildings or structures for the primary purpose of storing of chattels such as boats or heavy equipment. A storage establishment may include accessory structures for the management and operation of the establishment, but does not include the overnight accommodation of humans or any use otherwise defined in this By-Law.

### Storage, Outdoor

Means the use of an area of land outside of a building or structure intended for the storage of equipment, chattels, goods or materials integral to a principal use on a regular basis for a time period greater than 72 hours.

### Storage Shed

Means an accessory building used for the storage of household items and equipment incidental to a residential occupancy.

### Storey

Means that portion of a building other than a cellar or basement included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it.

First Storey means the storey with its floor closest to finished grade and having its ceiling at least 1.5 metres (4.92 feet) above finished grade.

One-half Storey means that portion of a building situated wholly or partly within the roof and in which there is a vertical dimension of at least 2.0 metres (6.56 feet) (measured from finished floor to finished ceiling) over a floor area equal to at least 50% of the floor area of the storey next below.

Attic means that portion of a building situated wholly or partly within the roof but which is not a one-half storey.

Basement means any storey below the first storey which is at least 50% above finished grade (measured from finished floor to finished ceiling).

Cellar means any storey below the first storey which is more than 50% below finished grade (measured from finished floor to finished ceiling).

### Straight Line Projection

Means the straight-line extension or projection of a lot line.

### Street Allowance

Shall have a corresponding meaning to that of Public Street or Private Road.

### Street or Road

Means a public or common highway affording principal means of access to abutting properties. This definition shall not include a private land or private right-of –way.

### Street Line

Means the limit of the road or street allowance and is the dividing line between a lot and a Public Street or Private Road.

### Structure

Means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground. For the purposes of this By-Law, a fence not exceeding 2 metres (6.56 feet) in height shall be deemed not to be a structure.

### Studio

Means a building or part thereof used, as the workplace of a photographer, artist, or artisan or for the instruction of art, music, languages or similar disciplines.

### Suite Secondary

Means a dwelling unit located within and ancillary to a principal detached dwelling and which is to be used on a temporary basis as an alternative living arrangement for individuals that require some support from the occupants of the principal dwelling.

### Swimming Pool

Means an outdoor or indoor pool used for swimming, wading, diving or recreational bathing which is at least 60 centimetres (23.5 inches) in depth, but does not include a hot tub, spa or whirlpool.

### Tarpaulin Structure

Means a supporting metal pole frame structure with a fabric cover made of canvas nylon or similar material. Such structure must be ancillary to a main permitted use and can be dismantled and moved.

### Taxi Station

Means a building or structure or a part thereof used in whole or in part to dispatch taxis and includes adjacent land used to store vehicles used for the taxi business.

### Teletheatre

Means the use of a building or part of a building for a horse racing off-track betting facility licensed by the Ontario Racing Commission which operates wagering and provides live audio visual signals of direct, simulcast horse racing. The teletheatre may only be carried on in conjunction with an existing restaurant/tavern.

### Temporary Use

Means a use established for a fixed period of time by By-Law under Section 38 of the Planning Act, R.S.O., 1990, as amended, with the intent to discontinue such use upon the expiration of the time period.

### Theatre, Cinema

See Cinema, Theatre

### Top of Slope

Means the point of line which is the beginning of a significant change in the elevation of the land surface, and from which the land surface slopes downward toward an existing (or abandoned) watercourse (or lake).

### Tot Lots

Means a public park which is generally limited in size and which is equipped with amenities designed for recreational use by small children.

### Transportation Depot/Terminal

Means land, or a structure or a building where commercial vehicles are kept for hire, rental and/or lease, or stored and/or parked for remuneration and/or from which such vehicles are dispatched for hire as common carriers and where such land, structure or building may be used for the storage and/or distribution of goods, wares, and merchandise.

### Transport Trailer

Means any vehicle so constructed that it is suitable for being attached to a motor vehicle or tractor and capable of being used for transporting goods, materials or livestock, despite that such vehicle is jacked up or its running gear is removed.

### Unclassified Wetland

Means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The edge of a unclassified wetland shall be defined as being where greater than 50% of the plant community consists of hydrophytic or water tolerant species. For the purpose of this By-Law, such areas have not been classified as being of Provincial significance under the Provincial Policy Statement. Lands being used for agricultural purposes, that are periodically “soaked” or “wet”, are not considered to be unclassified wetlands in this definition.

### Use

Means the purpose for which land, buildings or structures may be arranged, designed, designated, intended, maintained or occupied; and

The occupation, business, activity, or operation carried on, or intended to be carried on the land or in a building or structure for which it is arranged, designed, designated, intended, maintained or occupied.

### Use, Accessory

Means a use customarily incidental and subordinate to the main use or main building and located on the same lot with such principal use or principal building.

### Use, Discretionary

Means a use which may be permitted subject to a municipal review to confirm that the use is both desirable and appropriate in the proposed location on the basis of the physical and functional design of the structure(s) and use(s) and subject to the provisions of the applicable Area Designation.

### Use, Principal

Means the predominant purpose for which any land, building or structure, or part thereof is used, designed, arranged, occupied or maintained.

### Vegetation

Means healthy, woody vegetation which measures at least 4 feet in height.

### Vegetation Removal

Means the removal of healthy, woody vegetation of at least 4 feet in height, but does not include trimming, pruning and removal of such woody vegetation if it presents a hazard to life or property.

### Vehicle

Means a motor vehicle, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a snowmobile or a street car.

### Vehicle Agency

Means an establishment having as its main use the storage of vehicles for sale, rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.

### Video Rental Outlet

Means a building or part of a building wherein the primary use is the rental of DVD's, video tapes or compact discs and may include the rental of video recorders, cameras, players or games.

### Warehouse

Means a building or structure or portion thereof used or intended to be used for the bulk storage of goods, merchandise, or material.

### Waste Disposal Site

Means a site which is licensed or approved by the Ministry of the Environment and/or its agents where garage, refuse, domestic or industrial waste, excluding radioactive or toxic chemical wastes is disposed of or dumped. This definition shall include waste transfer stations and recycling depots. (See also Recycling Depot).

### Waste Disposal Site Influence Area

Means the area where the possible effects of a Waste Disposal Site, including landfill-generated gases, ground and surface water contamination by leachate, odour, litter, contaminant discharges from associated vehicular traffic, visual impact, dust, noise, other air emissions, fires, surface runoff, and vectors and vermin, are most likely to occur.

### Water Frontage

Means a lot which has one or more lot lines abutting a navigable watercourse, bay or lake.

### Water Body

Means any bay, lake, river, natural watercourse or canal but excluding a drainage or irrigation channel.

### Watercourse

Means the natural channel for a perennial or intermittent body of water, including a river or stream with well defined banks and a bed.

### Welding Shop

Means the use of land, building, or structure where pieces of metal are welded or fabricated.

### Wetland

Means a Provincially Significant Wetland.

### Wholesale Establishment

Means a building, structure or part thereof used or intended to be used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise, or materials for resale or business use.

### Wildlife Habitat

Means areas where plants, animals and other organisms live, and find adequate amounts of food, water shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual life cycle; and areas which are important to migratory or non-migratory species.

### Woodlands

Means treed areas that provide environmental and economic benefits such as erosion prevention, water retention, provision of habitat, recreation and the sustainable harvest of woodland products. Woodlands also include treed areas, woodlots or forested areas and vary in their level of significance.

### Workshop

Means a building, structure or part thereof where manufacturing is performed by a tradesman, requiring manual or mechanical skills and may include a carpenter’s shop, a locksmith’s shop, a gunsmith’s shop, a tinsmith’s shop, a commercial welder’s shop or similar uses.

### Yard

Means the area between a main wall of a building and a lot line that, except for landscaping or accessory buildings and projections specifically permitted elsewhere in this By-law, is unobstructed above grade.

### Yard, Front

Means a yard extending across the full width of the lot between the front lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a main building closest to the front lot line.

### Yard, Rear

Means a yard extending across the full width of the lot between the rear lot line and a line drawn parallel or concentric thereto and through the point of the main wall of the main building closest to the rear lot line. Where there is no rear lot line, the Yard, Rear shall be measured from the intersection of the side lot lines to the closest point of the main wall of the main building.

### Yard, Side

Means a yard extending from the front yard to the rear yard between the side lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a building closest to the side lot line.

### Yard, Side Exterior

Means a side yard adjacent to a public street. In the case of an irregular lot, if a proposed building or structure conforms to the yard requirements but would be located closer to the property limit than the minimum distance required, the minimum distance required shall be applied between the property limit and the closest part of the building or structure.

### Yard, Side Interior

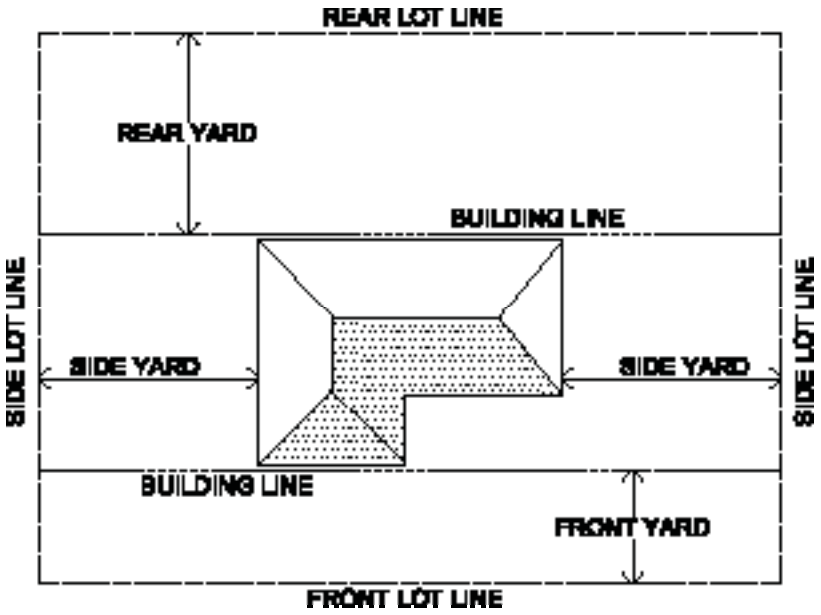
Means a side yard other than an exterior side yard.

### Yard, Shoreline

Means a yard extending across the full width of the lot situated between the shoreline and a line parallel thereto and passing through the nearest point of the outside edge of walls or posts of a building or structure, including any attached or directly adjacent deck, or the nearest open storage on the lot.

## Yard, Required

Means the minimum and maximum yard required by the standards, provisions and requirements of this By-Law.



# Examples of Designer Heritage Colours

