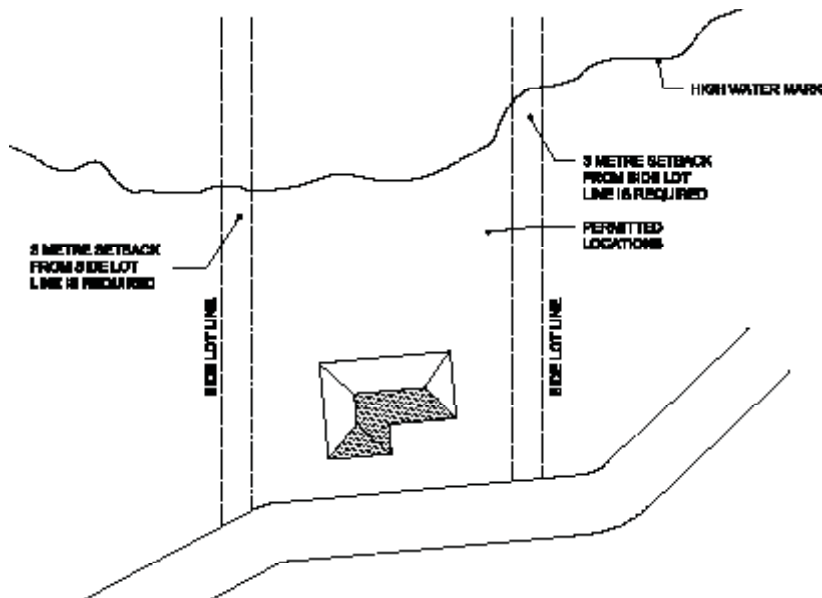


### 3.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

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 100m<sup>2</sup> (1,076 ft<sup>2</sup>) 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**

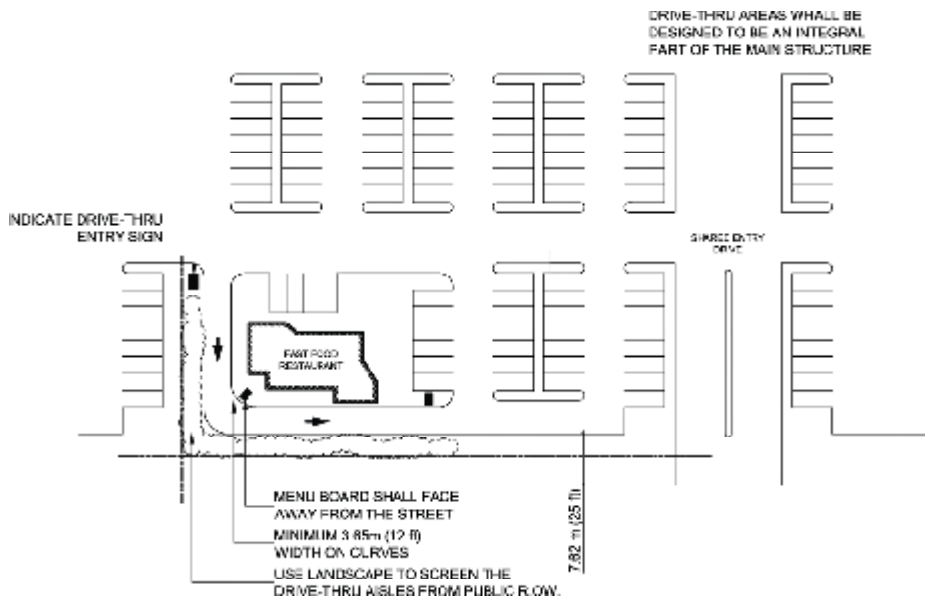
A drive through facility may be provided in conjunction with any restaurant, bank or bank machine, a gasoline pump at a gas bar or service station, a pharmacy or drug store or with any use that is associated with a shopping centre. A traffic impact study may be required before approval to support the 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<sup>2</sup> 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 m<sup>2</sup> (215 ft<sup>2</sup>). 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 m<sup>2</sup> 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 Widening**

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.

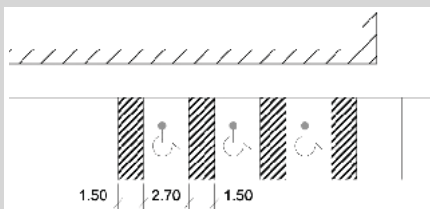
**Location and Number of Spaces**

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) 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 Tourist 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.

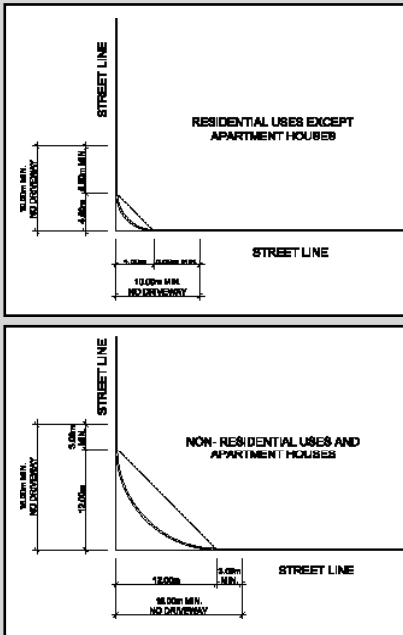
Distinctive trees in all areas of the Town shall be protected. Any proposal to remove or destroy a distinctive tree shall be subject to a Class I Development Permit application.

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.