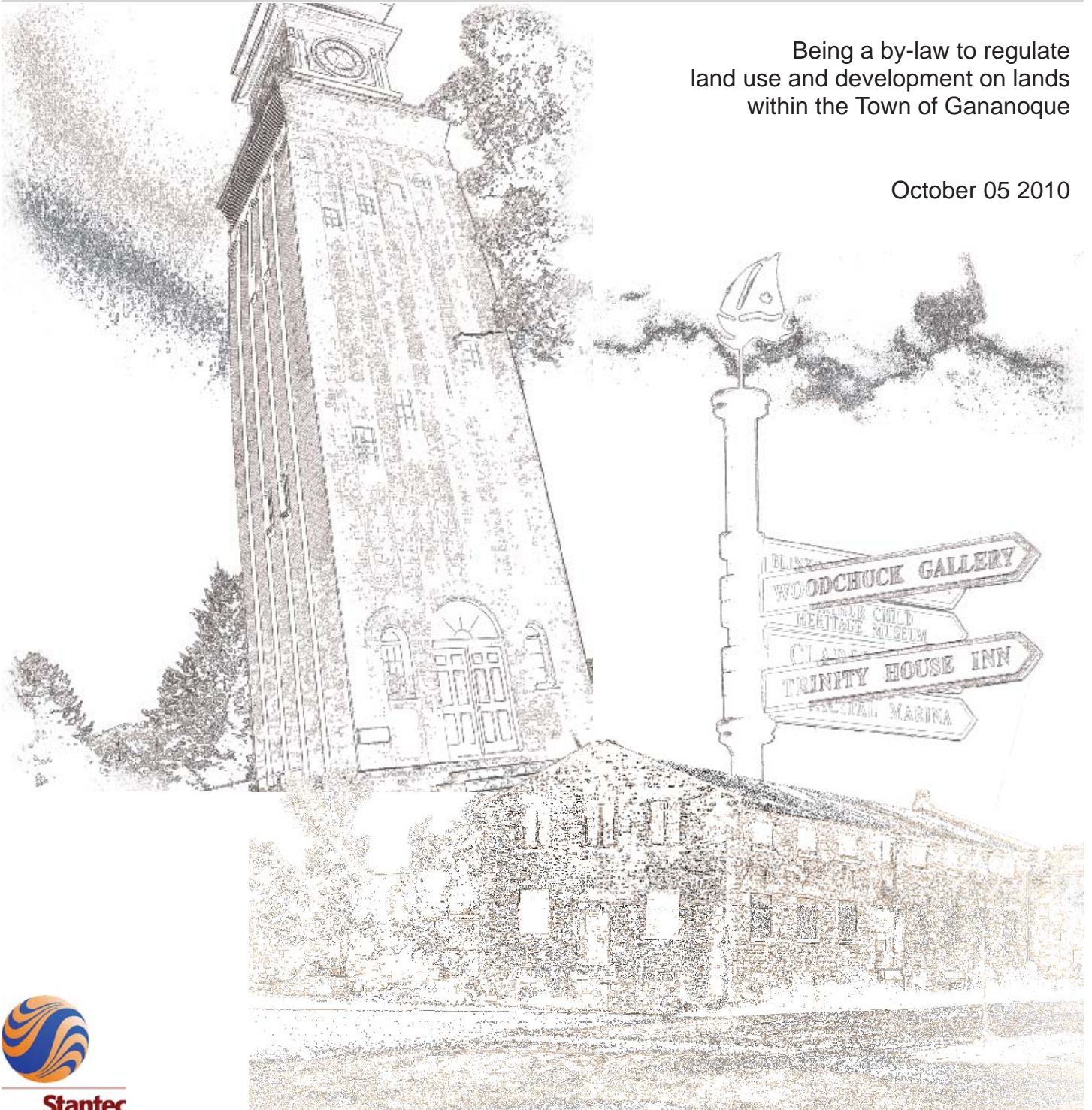


DEVELOPMENT PERMIT BY-LAW

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

October 05 2010



1.0 EXPLANATORY NOTE AND INTENT 1

1.1 Development Permit System..... 1

1.2 Development Permit Similarities and Differences with Existing
Land Use Regulations 1

1.3 Legitimacy and Approval Authority 2

2.0 ADMINISTRATION 3

2.1 Title 3

2.2 Scope 3

2.3 Administration 3

2.4 Interpretation..... 3

2.5 Conformity and Compliance with By-Law 4

2.6 Change in Use..... 4

2.7 Obligation 4

2.8 Unlawful Uses 4

2.9 Inspection of Land, Buildings and Structures 5

2.10 Enforcement and Penalties 5

2.11 Effective Date 5

2.12 Repeal of Former By-Laws..... 6

2.13 Schedules to By-Laws 6

2.14 Development Permit Requirements 6

2.15 Development Permit Areas 7

2.16 Development Permit Exemptions 7

2.17 Development Permit Classes..... 8

2.17.1 Class I Development Permit..... 8

2.17.2 Class II Development Permit 9

2.17.3 Class III Development Permit 10

2.18 Development Permit Review Process..... 11

2.19 Approval Authority and Public Notice..... 12

2.19.1 Complete Application 12

2.19.2 Notice Provisions 13

2.19.3 Requests for PAC Review for Class I Applications 13

2.19.4 Requests for Council Review for Class II Applications . 13

2.19.5 Issuance of Development Permits 14

2.19.6 Conditions..... 14

3.0 GENERAL PROVISIONS 17

3.1 Accessory Buildings, Structures and Uses 17

3.2 Auto Service Station, Commercial Garage, Gasoline Bar, Car
Washing Establishment 18

3.3 Boundary Interpretation..... 19

3.4 Buildings to be Moved..... 20

3.5 Cemetery 20

3.6 Conflicting Standard 20

3.7 Cumulative Standards 21

3.8 Dangerous Substances..... 21

3.9 Day Nursery..... 21

3.10 Drive Through Operations 21

3.11	Dwelling Units Below Grade.....	22
3.12	Established Building Line In Built-up Area.....	23
3.13	Exception Designation.....	23
3.14	Existing Lots	23
3.15	Exterior Design.....	24
3.16	Fences	24
3.17	Frontage on a Public Street, Road, Laneway or Water	24
3.18	Garages and Storage Sheds	25
3.19	Group Homes.....	25
3.20	Height Exceptions.....	26
3.21	Heritage Tourist Inns	26
3.22	Home Occupations	26
3.23	Illumination.....	28
3.24	Landscaped Open Space	28
3.25	Land Suitability for Use and Organic Soils.....	28
3.26	Loading Requirements	29
3.27	Lots Divided Into More Than One Designation	30
3.28	Non-Conforming and Non-Complying Uses	30
3.29	Noxious Uses	33
3.30	Occupancy Restrictions	33
3.31	Outside Storage, Sales and Display	33
3.32	Parking and Storage of Vehicles.....	34
3.33	Private Swimming Pools	37
3.34	Public Uses	38
3.35	Permitted Projections.....	38
3.36	Prohibited Uses	39
3.37	Provisional Approvals.....	39
3.38	Provisions for the Handling and Transfer of Propane and Natural Gas	40
3.39	Rooming or Boarding Houses	40
3.40	Secondary Suites.....	40
3.41	Setbacks from a Watercourse	41
3.42	Site Alterations or Vegetation Removal.....	42
3.43	Sight Triangles	43
3.44	Special Setbacks.....	43
3.45	Streets and Parks	44
3.46	Streetscape and Public Trail Design.....	44
3.47	Temporary Buildings or Structures During Construction	45
3.48	Variations.....	45
3.49	Water and Sewage Disposal Systems	46
4.0	LOWERTOWN MIXED USE	49

4.1	Uses	49
4.2	Provisions – Permitted Non-Residential Uses.....	51
4.3	Provisions – Residential Uses.....	52
4.4	Additional Provisions	55
4.4.1	Condominium provisions	55
4.4.2	Multi-Unit Dwellings (Triplex, Townhomes and Apartment Dwellings)	56
4.4.3	Discretionary Uses	56
4.5	Design Criteria – Lowertown Mixed Use Designation	57
4.6	Special Exceptions	59
5.0	DEVELOPMENT PERMIT AREA DESIGNATIONS	61
5.1	Lowertown Residential	61
5.1.1	Uses	61
5.1.2	Provisions – Permitted Uses.....	61
5.1.3	Provisions – Discretionary Uses.....	64
5.1.4	Design Criteria.....	64
5.1.5	Special Exceptions	69
5.2	Traditional Residential	71
5.2.1	Uses	71
5.2.2	Provisions – Permitted Uses.....	71
5.2.3	Additional Provisions – Discretionary Uses	74
5.2.4	Design Criteria.....	74
5.2.5	Special Exceptions	79
5.3	Residential	81
5.3.1	Uses	81
5.3.2	Provisions – Permitted Uses.....	81
5.4	Additional Provisions	85
5.4.1	Condominium Provisions	85
5.4.2	Multi-Unit Dwellings (Triplex, Townhomes and Apartment Dwellings)	86
5.4.3	Discretionary Uses	87
5.4.4	Design Criteria.....	87
5.4.5	North Garden Street Special Exception – 1, NGS-X1 ...	89
5.4.6	Residential Special Exception Designations	90
5.5	Estate Residential	93
5.5.1	Uses	93
5.5.2	Provisions – Permitted Uses.....	93
5.5.3	Discretionary Uses	93
5.5.4	Design Criteria.....	94
5.5.5	Special Exception Designations	97
6.0	COMMERCIAL TRADITIONAL CORE	99

6.1	Uses.....	99
6.2	Provisions – Permitted Uses.....	101
6.3	Additional Provisions – Residential	101
6.4	Additional Provisions – Commercial.....	101
6.5	Provisions Discretionary Use.....	101
6.6	Design Criteria – Traditional Commercial Core.....	102
6.7	Special Exceptions	109
7.0	PROGRESSIVE COMMERCIAL DISTRICT	111
7.1	Uses.....	111
7.2	Provisions – Permitted Uses.....	112
7.3	Additional Provisions – Residential	112
7.4	Additional Provisions – Discretionary Use.....	112
7.5	Design Criteria – Progressive Commercial Designation.....	114
7.6	Special Exceptions	119
8.0	GATEWAY COMMERCIAL	121
8.1	Uses.....	121
8.2	Provisions – Permitted Uses.....	122
8.3	Additional Provisions – Discretionary Use.....	122
8.4	Design Criteria – Gateway Commercial Designation.....	123
8.5	Special Exceptions	127
9.0	EMPLOYMENT DISTRICT	129
9.1	Uses.....	129
9.2	Provisions – Permitted Uses.....	130
9.3	Additional Provisions – Discretionary Use.....	130
9.4	Design Criteria – Employment Designation	131
9.5	Special Exceptions	135
10.0	RURAL.....	137
10.1	Uses.....	137
10.2	Provisions – Permitted Residential Uses.....	137
10.3	Provisions – Non-Residential Uses.....	138
10.4	Additional Provisions – Residential Uses	138
10.5	Additional Provisions – Discretionary Uses	138
10.6	Special Exceptions	139
11.0	OPEN SPACE	141
11.1	Use	141
11.2	Provisions – Permitted Uses.....	141
11.3	Additional Provisions.....	142
11.4	Design Criteria – Open Space	142
11.5	Special Exceptions	143
12.0	ENVIRONMENTAL CONSTRAINTS	145

12.1	Use	145
12.2	Provisions – Permitted Residential Uses	145
12.3	Additional Provisions – Discretionary Uses	145
12.4	Additional Provisions	146
12.5	Special Exceptions	147
13.0	WATERFRONT OVERLAY	149
13.1	Use	149
13.2	Provisions – Permitted Uses.....	149
13.3	Additional Provisions	149
13.4	Design Criteria – Waterfront Overlay	150
14.0	ENTRANCE OVERLAY	153
14.1	Use	153
14.2	Provisions – Permitted Uses.....	153
14.3	Additional Provisions	153
14.4	Design Criteria – Entrance Overlay	154
15.0	DEFINITIONS.....	157
Appendix A – Examples of Designer Heritage Colours		219