



**OUR HERITAGE
OUR TOWN
OUR FUTURE**

**THE TOWN OF GANANOQUE
OFFICIAL PLAN**

Stantec Consulting Ltd.
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**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

TABLE OF CONTENTS

1.0 INTRODUCTION	2
1.1 LEGISLATIVE CONTEXT	2
1.2 STRUCTURE OF THE OFFICIAL PLAN	2
1.3 PLANNING PERIOD	5

2.0 VISION, GUIDING PRINCIPLES AND THE PLANNING CONTEXT	6
2.1 VISION	6
2.2 GUIDING PRINCIPLES	6
2.3 PLANNING CONTEXT	7

3.0 LAND USE POLICIES	9
3.1 OUR HERITAGE – PLANNING LOWERTOWN	9
3.1.1 Goal And Objectives	9
3.1.2 Policies:.....	9
3.1.2.1 Lowertown’s Natural Heritage Features.....	9
3.1.2.2 Public Access and Use	10
3.1.2.3 Development and Re-Development Policies	11
3.1.2.4 Implementation	12
3.2 WHERE WE LIVE – PLANNING SUSTAINABLE RESIDENTIAL NEIGHBORHOODS	14
3.2.1 Goal and Objectives.....	14
3.2.2 Policies:.....	15
3.2.2.1 Permitted Uses	15
3.2.2.2 Waterfront Residential	15
3.2.2.3 Non-residential Uses.....	16
3.2.2.4 Compatibility	16
3.2.2.5 Infill.....	16
3.2.2.6 Servicing	16
3.2.2.7 Energy Efficiency	16
3.2.2.8 Residential Density and Affordable Housing.....	17
3.2.2.9 Access	17
3.2.2.10 Housing Supply and Affordability	17
3.2.2.11 Street Trees	18
3.3 WHERE WE DO BUSINESS - PLANNING OUR COMMERCIAL LANDS	20
3.3.1 Goals and Objectives.....	20
3.3.2 Commercial Designations	20
3.3.2.1 General Commercial Policy Area.....	20
3.3.2.2 Highway Commercial Policy Area.....	21
3.4 WHERE WE WORK – PLANNING FOR EMPLOYMENT LANDS	24
3.4.1 Goals and Objectives.....	24
3.4.2 Policies.....	25
3.5 OUR RURAL AND OPEN SPACES – PLANNING FOR BALANCE.....	27
3.5.1 Goals and Objectives.....	27
3.6 OUR ENVIRONMENT – PLANNING FOR SUSTAINABILITY	29

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

3.6.1	Goals and Objectives.....	29
3.6.2	Policies.....	29
3.6.3	ENVIRONMENTAL IMPACT ASSESSMENTS	34
3.7	DEVELOPMENT CONSTRAINTS – PLANNING FOR PUBLIC HEALTH AND SAFETY ...	37
3.7.1	Goals and Objective.....	37
3.7.2	Identifying Hazard Areas.....	37
3.7.3	General	37
3.7.4	Hazardous Lands – Flooding And Erosion	38
3.7.4.1	Defining Areas Subject to Floods and Erosion	38
3.7.4.2	Permitted Uses	38
3.7.5	Unstable Slopes and Organic Soils	39
3.7.5.1	Policies.....	39
3.7.6	Contaminated Sites.....	39
3.7.6.1	Site Decommissioning And Clean-Up.....	40
3.7.7	Other Health and Safety Concerns	40
3.7.7.1	Noise and Vibration.....	40
3.7.7.2	Incompatible Land Uses	41
<hr/>		
4.0	MAKING IT WORK – OUR INFRASTRUCTURES	43
4.1.1	Goals and Objectives.....	43
4.1.2	General Policies.....	44
4.1.3	Transportation.....	44
4.1.3.1	Highway 401	44
4.1.3.2	Local Roads.....	44
4.1.3.3	Land Acquisition.....	45
4.1.3.4	Extension or improvements to Existing Roads	45
4.1.3.5	Addition of Roads.....	46
4.1.3.6	Conversion of Roads	46
4.1.3.7	Bridges.....	46
4.1.4	WATER, WASTE WATER AND STORMWATER SERVICES	46
4.1.4.1	General Policies.....	46
4.1.4.2	Innovative Technologies	47
4.1.5	Watershed Planning.....	47
4.1.6	Surface Water Management Plans	48
4.1.7	Waste Management.....	48
4.1.8	Energy.....	49
4.1.8.1	Wind energy.....	49
4.1.8.2	Solar Energy	49
4.1.9	Utility And Communication Facilities Corridors	49
4.1.10	Other Infrastructure Corridors	50
<hr/>		
5.0	IMPLEMENTING THE PLAN - THE PLANNING TOOLKIT	53
5.1	INTRODUCTION	53
5.2	GENERAL.....	53
5.3	PERMITTED USES	53
5.3.1	Accessory Uses	53
5.3.2	Existing Land Uses and Non-Conforming Uses.....	54

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

5.3.2.1	Extension or Enlargement under Section 34(10) of the Planning Act, R.S.O.1990	55
5.3.2.2	Minor Variance or Permission	55
5.3.3	Lots Of Record	56
5.4	DEVELOPMENT CONTROL	57
5.4.1	Plans of Subdivision	57
5.4.2	Consents	58
5.4.3	Site Plan Control	59
5.4.3.1	General Intent	59
5.4.3.2	Site Plan Control Area	59
5.4.3.3	Application of Site Plan Control	60
5.4.3.4	Exemption	60
5.4.4	Development Criteria	61
5.4.5	Cash-in-lieu	63
5.4.6	Holding Provisions	63
5.4.7	Temporary Use By-laws	64
5.4.8	Interim Control By-laws	65
5.4.9	Complete Applications	65
5.4.10	Development Permit By-laws	67
5.4.10.1	Area	67
5.4.10.2	Objectives	67
5.4.10.3	Application Requirements	67
5.4.10.4	Pre-Consultation	70
5.4.10.5	Supporting Studies and Reports	70
5.4.10.6	Discretionary Uses	71
5.4.10.7	Variations	71
5.4.10.8	Delegation of Approval Authority	72
5.4.10.9	Development Permit Not Required	72
5.4.10.10	Conditions	72
5.5	COMMUNITY IMPROVEMENT AREA	74
5.5.1	Policies	74
5.5.1.1	Policy Objectives	75
5.5.1.2	Preparation and Adoption of a Community Improvement Plan	75
5.5.1.3	Implementation of a Community Improvement Plan Policies	76
5.5.1.4	Phasing	77
5.6	MAINTENANCE AND OCCUPANCY STANDARDS	77
5.7	BUILDING PERMITS	78
5.8	ZONING BY-LAW	78
5.9	ECONOMIC DEVELOPMENT	78
5.9.1	Introduction	78
5.9.2	Goals and Objectives	78
	Objectives:	78
5.9.3	General Policies	78
5.9.4	Home Based Business	79
5.9.5	Brownfield Redevelopment	79
5.10	SOCIAL AND CULTURAL POLICIES	80
5.10.1	Affordable Housing	80

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

5.10.2 Group Homes.....81
5.10.3 Heritage Conservation81

6.0 ADMINISTRATION OF THE OFFICIAL PLAN83
6.1 AMENDMENTS TO THIS OFFICIAL PLAN.....83
6.2 CONSULTATION.....83
6.3 REVIEW AND MONITORING OF THE OFFICIAL PLAN83
6.4 LAND USE DESIGNATION BOUNDARIES84
6.5 REFERENCES TO STATUTES.....84
 6.5.1 References To Ministries And Review Agencies84
6.6 INTERPRETATION OF FIGURES, QUANTITIES AND USES.....84

7.0 INDEX85

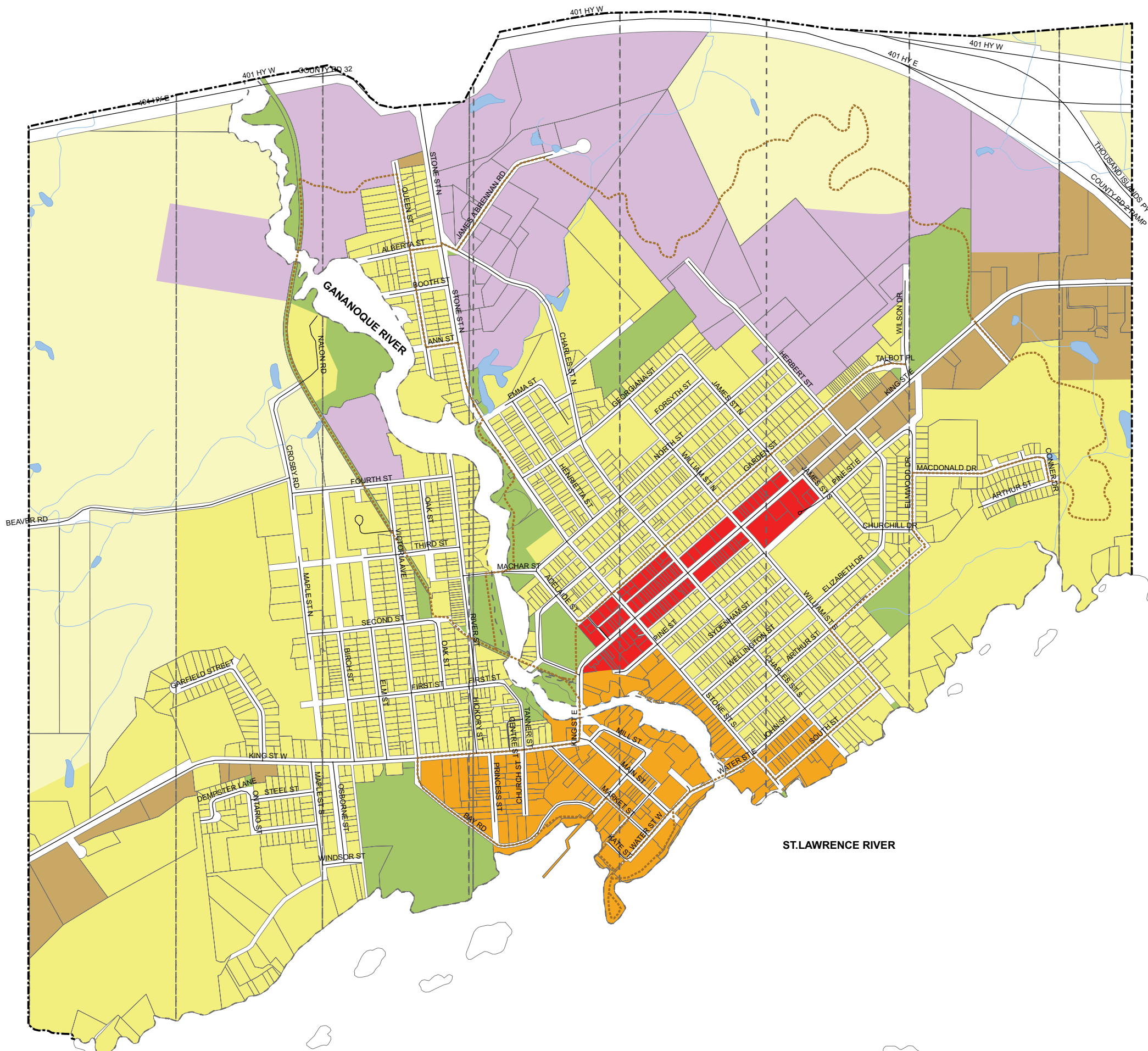
**Official Plan
 Schedule
 KEY MAP**

Legend

- Lowertown - Schedule "A"
- Residential - Schedule "B"
- General Commercial
- Highway Commercial
- Employment Lands - Schedule "D"
- Open Space
- Rural
- Roads
- Recreational Pathway
- ▭ Parcels
- - - Lot Concessions
- Watercourse
- - - - Municipal Boundary

Other Schedules:

- Natural and Cultural Heritage Feature - Schedule "F"
- Development Constraints - Schedule "G"
- Roads - Schedule "H"
- Land Use - Schedule "I"



LOT 09 LOT 10 LOT 11 LOT 12 LOT 13 LOT 14 LOT 15 LOT 16 LOT 17

1.0 INTRODUCTION

The Town of Gananoque Official Plan (OP) is an essential planning document which is designed to manage future growth, development and change in our municipality. This Official Plan provides a framework which will guide land use decisions within the Town's boundaries for the next 20 years. Because decisions which implement growth and development have long lasting impacts, it is incumbent on everyone to ensure that those decisions reflect community values and will result in a more liveable community which is economically and environmentally sustainable.

1.1 LEGISLATIVE CONTEXT

The Official Plan is a policy document, it is not a by-law or a regulation. However it is a legal document and the policies in this Plan have a basis in the Planning Act. There is therefore a need for all decision making authorities to ensure that any by-laws, permits and authorizations they issue will conform to the intent and direction provided by the policies of this Official Plan.

The *Planning Act* requires that the Gananoque prepare and adopt an Official Plan which covers the full extent of its territory. The *Planning Act* also identifies matters of provincial interest which are further defined by the Provincial Policy Statement (PPS). The Town's Official Plan must be consistent with the policies in this Statement. The Official Plan was drafted, reviewed and adopted in conformity with the requirements of the Planning Act and the content of the Plan is consistent with the Provincial Policy Statement issued under Section 3 of the Planning Act which came into effect on March 1, 2005.

The Provincial Policy Statement includes definitions of numerous significant terms used in its policies. These definitions will apply to instances in this Plan where the same terms are used, for instance in reference to "development", "adjacent lands", or "Sensitive land uses", among others. Where this Plan employs a different meaning for a term defined in the Provincial Policy Statement, this will be specifically identified in the text of the Plan.

This Official Plan was prepared by the Gananoque in partnership with the residents of the Town, its community organizations, the provincial government and its agencies. As such, the policies of the Official Plan represent a balance of interests and points of view.

1.2 STRUCTURE OF THE OFFICIAL PLAN

This document shall be known as the Official Plan for the Corporation of the Town of Gananoque. It is divided into eight major components as follows:

Part 1 – Introduction

OUR HERITAGE - OUR TOWN - OUR FUTURE THE TOWN OF GANANOQUE OFFICIAL PLAN

Provides an overview of the planning area and the organization of the plan and explains the political and administrative framework within which land use planning is carried out on Ontario.

Part 2 – Vision and Guiding Principles:

This section of the Plan provides an overview of the principles, goals and objectives developed during the initial consultation component of the Official Plan program and which provide the basis for the formulation of the policies of the Plan.

Part 3 Policies for the Use of Land

Part 3 is the core of the Official Plan providing the main policies which will guide decisions for the use of land in Gananoque for the next 20 years.

3.1 Our Heritage – Planning the Lowertown District

These policies provide for the future of the Town's built heritage area, Lowertown. The Plan provides for maintaining the character of this unique area while facilitating an evolution to a mix of uses.

3.2 Where We Live - Sustainable Neighborhoods

This section addresses residential and non-residential development in Gananoque's neighbourhoods including residential uses, local commercial uses, institutional and recreational uses.

3.3 Where We Work - Employment Lands

These policies discuss the Town's current and future employment areas and provides for the transition from industrial to light industrial and mixed commercial uses.

3.4 Our Environment – Planning for Sustainability

This section of the Plan provides policies which address the need to maintain and enhance our Town's natural heritage features and includes direction to ensure that development can be sustainable.

3.5 Development Constraints – Planning for Public Health and Safety

This section of the Plan provides for the protection of public health and safety and includes policies on hazard areas such as lands prone to flooding or unstable slopes or where soils may be contaminated as well as policies on the control of incompatible uses.

Part 4 Making it work – Our Infrastructures

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

These policies address the need to provide appropriate infrastructures to ensure sustainable development for the safety and security of residents. Policies include water, waste water, surface water and transportation infrastructures as well as waste management, communication, energy and other required services.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

Part 5 Implementing the Plan - The Planning Toolkit

Explains the various policy and regulatory tools available to ensure that the Official Plan's policies are properly implemented.

1.3 PLANNING PERIOD

The Gananoque Official Plan is intended to guide land use for a twenty year period, i.e. until the year 2028.

2.0 Vision, Guiding Principles and the Planning Context

The Town initiated the process to review its existing Official Plan in the fall of 2007. The policies contained in this Plan were formulated on the basis of a review of existing conditions, past development patterns, present development trends and projections of future conditions. The Plan maintains the best elements of the previous Official Plan, provides for new land uses in recognition of the changing face of the Town, implements the direction of the Provincial Policy Statement, 2005, provides guidance to Council and its delegates in consideration of their responsibilities, and provides direction and certainty to the Town's residents and businesses.

Future development in the Town of Gananoque must proceed in a manner which is consistent with the policies of this Official Plan. It is recognized that from time to time there will be land use or development proposals which may not appear to be in full conformity with one or more policies in this Official Plan. On such occasions it will be necessary to ensure that ultimately the decision taken can be reconciled with the long term vision and guiding principles of the Plan as well as all of the other relevant policies.

2.1 VISION

Long term planning starts with a vision for the future. Attaining that vision requires that everyone who participates in the long term development of the municipality adhere to a set of guiding principles which in turn are at the core of the policies in this Plan. The following statement is intended to be the expression of Council's vision for the future of Gananoque.

Our Vision

Our Vision is 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.

2.2 GUIDING PRINCIPLES

The following key principles are at the core of the Official Plan's policies. They were developed through consultation with the citizens of Gananoque and all of the policies in this Official Plan are consistent with these guiding principles.

Our Guiding Principles

1. We will be dedicated to maintaining and improving Lowertown through the long term implementation of the Lowertown Master Plan.
2. The waterfront will be maintained and improved as a community focal point and will be enhanced through balanced, sustainable public and private development.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

3. We are committed to revitalizing our downtown commercial district as a mixed use pedestrian friendly area while respecting the area's architectural heritage.
4. We are committed to preserving and enhancing the quality of our residential neighborhoods through appropriate housing types, densities and transitions from adjoining land uses.
5. We are committed to increasing the number and diversity of employment opportunities in the Town of Gananoque by promoting the rehabilitation of industrial properties and the introduction of a mixed use approach in our employment areas.
6. We will plan for a connected system of greenways and parks facilities to serve residents and visitors.
7. We are committed to increasing the diversity of arts, cultural and recreational opportunities.
8. We will protect our natural environment.
9. We will ensure public involvement in the planning process to ensure the protection of everyone's property rights.

2.3 PLANNING CONTEXT

The Town of Gananoque, with its abundant waterfront and eclectic mix of heritage buildings, new residential areas and industrial properties is well positioned to accommodate future growth.

The Town has experienced modest growth over the past 10 years or more, averaging five to ten housing starts per annum. Growth has occurred in a controlled and planned manner as new development resulted in extensions of existing residential neighborhoods. From an economic development perspective the municipality has experienced a decline in employment generating land uses and as such is faced with a number of vacant or under utilized non-residential buildings. As the Town continues its modest increases in population and welcomes new employment opportunities, it is important to ensure that land development and redevelopment occurs in a logical and cost efficient manner which ensures effective delivery of municipal services while preserving the Town's architectural heritage and small town character.

This Official Plan is designed to encourage and manage continued modest growth which will result in a forecasted population of approximately 5,900 people by the year 2029.

It is the general intent of this Official Plan to continue logical extensions of the Town's development areas and to encourage redevelopment and infill wherever possible. The following policies shall provide the planning framework as it applies to the Town's development areas.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

1. Future residential and non-residential growth and development shall occur in the Town's settlement area which is defined as all of the land located inside the Town's corporate limits with the exception of lands designated Rural as shown on Schedule E. Any expansion of the settlement area shall require a comprehensive review of the Official Plan which is generally carried out every 5 years. Any proponent initiated expansion of the settlement area shall also require a comprehensive review of this Official Plan which shall be carried out at no cost to Gananoque residents. Such review shall conclusively demonstrate the need and land use rationale for the proposed expansion.
2. Future development shall occur through logical planned extensions of existing developed areas, through infill on existing vacant lands in developed areas or through redevelopment of existing developed lands.
3. It is the intent of this Plan to achieve a modest increase in the density and intensity of land use through the redevelopment or re-use of existing vacant or underutilized buildings and properties. Increased land use density, though desirable to ensure more efficient delivery of public services, shall not occur where increased density or intensity of use would result in a negative impact on an areas heritage value or on a neighborhood's existing residential character.

3.0 Land Use Policies

3.1 OUR HERITAGE – PLANNING LOWERTOWN

Lowertown is one of Gananoque's greatest asset. Over the years there has been a significant amount of effort dedicated to facilitating its renaissance into a unique mixed use waterfront heritage district. A former industrial waterfront and working class residential area, Lowertown has slowly developed a community focus with its publicly owned spaces and its commercial and cultural attractions. The importance of Lowertown to the future of Gananoque is reflected in the fact that all eight of the Guiding Principles of the Official Plan have a direct application to this district. Public investment in waterfront properties and the development of a Lowertown Master Plan is further evidence of the municipality's commitment to completing the transformation of this district into a regional destination.

The policies which apply to the Lowertown Policy Area designation as shown on Schedule A are based of course on the Plan's eight Guiding Principles but they are also closely based on the content of the Lowertown Master Plan which was adopted by Council and which now will see much of its content directly included in the Town's sanctioned land use policies.

3.1.1 Goal And Objectives

Goal: Create a vibrant, year-round, mixed-use Lowertown neighbourhood on an active waterfront where people live, work and play.

Objectives:

1. Protect and enhance existing residential uses in a mixed use setting
2. Encourage new medium and high density residential uses in a mixed use setting
3. Protect and enhance existing viable businesses in a mixed use setting
4. Encourage the rehabilitation and or conversion of vacant industrial buildings
5. Encourage appropriate new, street-related retail and commercial uses
6. Protect and enhance existing recreation, tourism and cultural uses in a mixed use setting
7. Provide opportunities for new water-related recreation activities
8. Enhance vehicular and pedestrian circulation and orientation
9. Encourage appropriate cultural activities and facilities
10. Protect and enhance the natural heritage qualities of the shoreline

3.1.2 Policies:

3.1.2.1 Lowertown's Natural Heritage Features

1. Significant physical and biological features along the waterfront, as designated on Schedule F Natural Heritage Features, shall be preserved by preventing development in

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

these areas or through the incorporation of these features into plans for waterfront parks and open space.

2. Development between the stable top of bank and shoreline shall not be permitted, unless the Ministry of Natural Resources and the Cataraqui Region Conservation Authority deem it possible and, Town Council considers the development to be consistent with the Lowertown Master Plan and the waterfront objectives and policies of this Plan.
3. Development shall be set back from the stable top of bank in accordance with the requirements of the Zoning By-law, Development Permit By-law and of the Cataraqui Region Conservation Authority.
4. The use of stormwater management practices and other pollution control measures shall be required for all new development or re-development to protect water quality. Stormwater Management Reports will be reviewed by the Cataraqui Region Conservation Authority.
5. Shoreline protection measures shall be designed to visually complement the waterfront and to be undertaken in a manner that will have minimum adverse affect on the environment. Where shoreline protection works are undertaken by the Town or the Cataraqui Region Conservation Authority or any other public agency, the Town will consider opportunities to incorporate a pedestrian walkway as part of the overall design of the shoreline protection works, such walkway to be consistent with the Lowertown Master Plan.
6. Landscaping plans for publicly owned waterfront open space shall encourage the enhancement of natural habitat by means such as the use of native plants in addition to ensuring a design consistent with the open space design guidelines in the Lowertown Master Plan.

3.1.2.2 Public Access and Use

Planning for public use of and access to the shoreline shall recognize areas of existing private use and ownership of the shoreline and shall incorporate ways to ensure these uses are compatible.

1. Acquisition of land for public walkways, or to create new or to add to existing windows-to-the-river shall be considered where new development or re-development provides an opportunity to do so and where the acquisition furthers the objectives of the Lowertown Master Plan.
2. Waterfront parks and related facilities shall be designed to provide safe, attractive and inviting places for public use and to visually separate private and public open spaces. Landscape plans that enhance the attractiveness of the waterfront and add significantly to the experience, enjoyment and appreciation of the waterfront shall be implemented. These plans will preserve environmentally sensitive vegetation and landforms and reflect

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

the planned uses of the specific waterfront areas in accordance with the Lowertown Master Plan.

3. Shoreline structures should be located in such a manner as to minimize the visual impact on neighbouring properties, and should avoid sensitive environmental features, both on shore and in the water. The Zoning Bylaw may provide standards to require a minimum visibility triangle to regulate the visual impact of shoreline structures on neighbouring properties.
4. Parking areas shall be designed and located in accordance with the Lowertown Master Plan and shall be landscaped to complement the environment and to maximize the recreational and cultural open space uses of district.
5. A balanced transportation network for pedestrians, cyclists and motorists shall be implemented as development and re-development occurs and as Town resources permit. Decisions related to the extension of existing walkways, new or enhanced vehicular access points and intersections shall be consistent with the Lowertown Master Plan.
6. A continuous pedestrian walkway through the Lowertown district will be implemented through development and/or re-development in accordance with the Lowertown Master Plan. Wayfinding and directional signage as well as the development of vehicular and pedestrian gateways as demonstrated in the Lowertown Master Plan are considered to be a priority and will be developed as resources allow.
7. Council will make every effort to acquire and develop the former CNR right-of-way south of King Street for a public walkway.

3.1.2.3 Development and Re-Development Policies

1. All of the Lowertown designation is considered to be a mixed use development area and all of the following uses shall be permitted subject to all other applicable policies as well as zoning or development permit system controls such as:
 - Low Medium and High density residential
 - Tourism commercial uses
 - Service commercial uses
 - Arts and cultural uses
 - Office commercial uses
 - Home based employment
2. Subject to policy 3.1.2.4, Site Plan Control shall apply to all development and redevelopment in Lowertown as set out in Section 5 of this Plan.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**








3. Council will apply the Urban Design Guidelines as described in the Lowertown Master Plan for all proposed development or re-development. All development will be compatible with the Lowertown Master Plan and consistent with the existing character and approved themes for Lowertown. Any high density residential development will be directed away from existing low density residential areas within Lowertown.

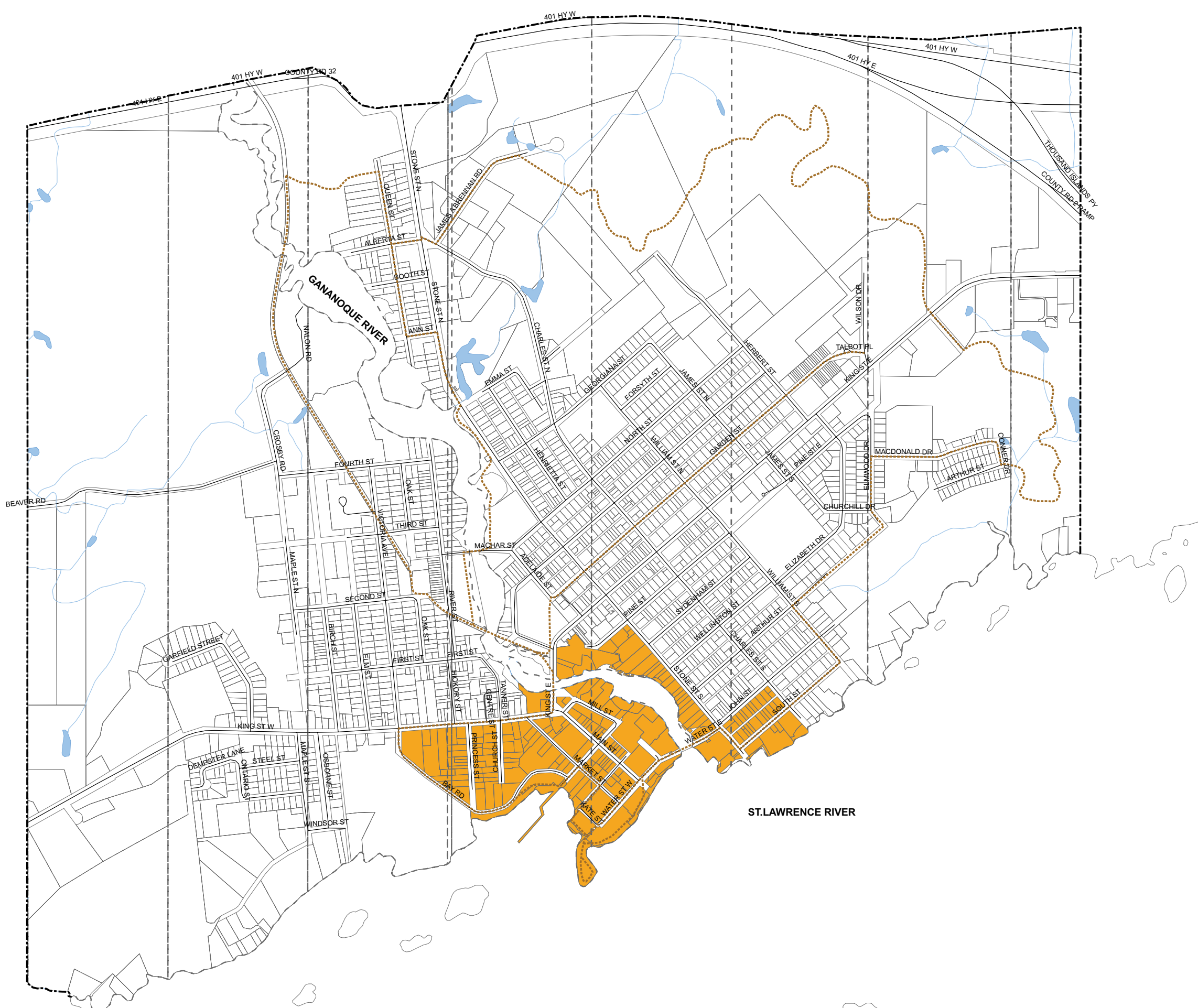
3.1.2.4 Implementation

1. In order to provide Council with an enhanced ability to ensure long term implementation of the Lowertown Master Plan, a Development Permit By-law may be adopted to control development and to streamline the development approval process where development or re-development is proposed on lands identified by the Lowertown Policy Area designation on Schedule A.
2. The delineation of land uses through a Development Permit System or through Zoning shall be based on architectural form as well as present and future land use compatibility.
3. Further to the Community Improvement Area policies included in Section 5, all of the lands designated Lowertown Policy Area are considered a high priority as a Community Improvement Project Area.
4. To maintain the historic appearance of this area, demolition and building permits shall be strictly controlled and shall be subject to Council review.

**Official Plan
 Schedule "A"
 LOWERTOWN DISTRICT POLICY AREA**

Legend

-  Lowertown
-  Roads
-  Recreational Pathway
-  Parcels
-  Lot Concessions
-  Watercourse
-  Municipal Boundary



LOT 09 LOT 10 LOT 11 LOT 12 LOT 13 LOT 14 LOT 15 LOT 16 LOT 17

3.2 WHERE WE LIVE – PLANNING SUSTAINABLE RESIDENTIAL NEIGHBORHOODS

Gananoque’s residential neighborhoods range from heritage homes in the Lowertown district, to apartment dwellings in multi storey buildings, to single dwelling subdivisions, to mixed use buildings with local commercial, schools and residential uses. The intent of the Official Plan’s residential neighbourhood policies is to preserve and consolidate existing residential neighborhoods and to provide for new residential opportunities through intensification and re-development of vacant buildings to allow a mix of commercial and residential uses. The Residential Policy Area is shown on Schedule B which follows.

3.2.1 Goal and Objectives

Goal: Promote a balanced supply of housing to meet the present and future social and economic needs of all segments of the community while providing opportunities to develop new residential uses in mixed use buildings as well as non-residential neighbourhood components such as schools, community facilities, places of worship, parks and local commercial uses.

Objectives:

1. Promote and support development which provides for affordable, freehold and/or rental housing with a full range of density types;
2. Designate a sufficient supply of land to meet the Town’s residential requirements;
3. Ensure that land use policies and zoning do not establish barriers to a more balanced supply of housing;
4. Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of architectural design and density;
5. Allow for the redevelopment of vacant buildings for residential purposes in a mixed use environment;
6. Encourage housing opportunities that are in proximity to work, shopping, and recreation to reduce the need to drive and encourage walking and cycling;
7. Permit a range of activities in residential areas including home-based businesses, local commercial, bed and breakfasts, Heritage Tourist Inn group homes, churches, schools, community facilities and open space.
8. Promote and support the protection of urban street trees in general and of heritage trees in particular.

3.2.2 Policies:

3.2.2.1 Permitted Uses

Permitted residential uses shall include the full range of dwelling types from low density single-detached dwellings to high density apartment dwellings. In addition uses which complement residential neighborhoods may also be permitted. These could include home occupation uses, institutional uses such as schools, nursing homes, group homes and churches, open space uses such as parks and community centres, neighbourhood commercial uses such as convenience stores, licensed daycares and bed and breakfast establishments. Non-residential uses which are permitted in a residential area shall be subject to Site Plan Control. Particular attention will be required to ensure that non-residential uses are compatible with the neighborhood in terms of architectural design and intensity of use.

3.2.2.2 Waterfront Residential

Residential development along the waterfront is permitted within the Residential Policy Area provided that waterfront development is setback sufficiently from the high water mark to ensure protection of the existing natural shoreline. The minimum setback shall generally be 30 metres however the setback may be increased in the implementing zoning by-law where there is reason to provide additional environmental protection. In addition to protection of the shoreline, new development along the waterfront shall, whenever possible be designed to minimize any loss of river views from adjacent properties. Residential development along the waterfront may be subject to Site Plan Control and section 5.4.3.3.

Water Lots, being those lots that extend beyond the shoreline into the river where ownership has been legally confirmed to include the bed of the river, may be developed in accordance with the following:

- i) Only those lands located above the Floodplain or the high water mark if floodplain mapping is unavailable may be developed
- ii) When reviewing compliance to the zoning by-law, only those lands located above the high water mark may be used to establish zoning conformity
- iii) All other relevant policies of this Plan shall apply
- iv) Approvals must be obtained from the Cataraqui Region Conservation Authority and the Ministry of Natural Resources
- v) Where docking facilities are permitted, such facilities shall be non-commercial facilities for the exclusive use of the landowner and approvals must be obtained from the Cataraqui Region Conservation Authority and the Ministry of Natural Resources.

3.2.2.3 Non-residential Uses

Local commercial uses such as small local retail plazas and convenience stores, schools, places of worship and community facilities are permitted in the Residential Policy Area. Existing non-residential uses shall be zoned in the implementing zoning by-law. All new non-residential uses shall be subject to a zoning by-law amendment as well as site plan control. Proposed non-residential uses shall be reviewed to ensure compatibility with the existing residential neighborhood. Proponents shall provide sufficient evidence to ensure that new development will not result in increased neighborhood traffic, noise or other emissions and will contribute to quality of life for local residents. In all cases the scale and architectural design of any new development shall be consistent with the local neighborhood.

3.2.2.4 Compatibility

Ensure that all new development, including infill residential development in existing neighbourhoods, maintains or enhances the surrounding area and is compatible with respect to built form, scale, urban design, intensity of use and streetscape.

3.2.2.5 Infill

Infilling on registered lots where services are available shall be encouraged. Infill development shall be of the same scale and density as adjacent residential uses.

3.2.2.6 Servicing

Consideration may be given to permitting alternative servicing for specific properties, but only in isolated cases where full municipal services cannot be extended due to technical or economic obstacles of extending services. Alternative servicing may include individual on-site systems or communal systems. Any proposal for development will require a servicing options study which includes a supporting rationale for the alternative proposed. The applicant must show that there is sufficient quantity and quality for the provision of potable water and must also demonstrate that a permit can be obtained for the proposed sewage system by either the Health unit or the Ministry of Environment as applicable.

3.2.2.7 Energy Efficiency

In order to promote energy efficiency, new development will be encouraged to employ design techniques which result in efficient orientation of streets, lots and buildings. Rooftop solar panels, building orientation to ensure solar access and functional landscaping (windbreaks, boulevards, and planting) should also be taken into consideration during the design phase of new Greenfield residential development.

3.2.2.8 Residential Density and Affordable Housing

In order to ensure an appropriate mix of housing and to facilitate the provision of affordable housing, a full range of housing densities will be permitted. An overall housing density target of 12 units per gross hectare has been established and will be achieved through an appropriate mix of low, medium and high density residential development. The intent is to maintain or improve the historical availability of affordable housing in the Town of Gananoque by ensuring a broad mix of housing types and densities while also ensuring that the character and quality of residential neighborhoods will be maintained. Higher density residential development will generally be encouraged in locations having greater amenities or services such as areas in proximity to:

- Commercial designations;
- Open Space;
- Arterial or collector roads.

Such development will only be permitted where it is compatible with the neighborhood, where sewer and water lines have adequate capacity to service higher density development and where the street system is such that traffic, parking and access will not result in negative impacts.

3.2.2.9 Access

Development shall be permitted only where safe, convenient access to a public road is available to ensure ready accessibility for school buses, ambulances, fire trucks, and other essential service vehicles.

Access to individual lots shall be from internal local roads constructed to municipal standards and shall generally not be permitted from arterial or collector roads nor from existing back alleys. The creation of new lots which do not have sufficient frontage on a municipally owned and maintained road is not permitted.

3.2.2.10 Housing Supply and Affordability

Through the designation of land for residential neighborhoods Council shall provide for the near- and longer-term supply of housing in the Town including maintaining a minimum 10-year supply of residentially-designated land. In addition Council will seek to maintain a 3-year supply of draft approved and/or registered lots and blocks in plans of subdivision for new residential developments. Maintaining an adequate water and sewage capacity to serve these supply targets is crucial to providing for an adequate supply of residential lands.

The provision of affordable housing shall be supported by encouraging densification where appropriate and providing for an appropriate housing mix and density through appropriate zoning. While the Affordable Housing Strategy for United Counties of Leeds & Grenville does not require the Town to produce additional affordable housing units, it is the intent of Council that such production will be encouraged, as appropriate.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

The provision of non-profit housing by private and non-profit housing corporations shall generally be encouraged provided that it not be concentrated to any particular part of the municipality and that it be compatible with surrounding development.

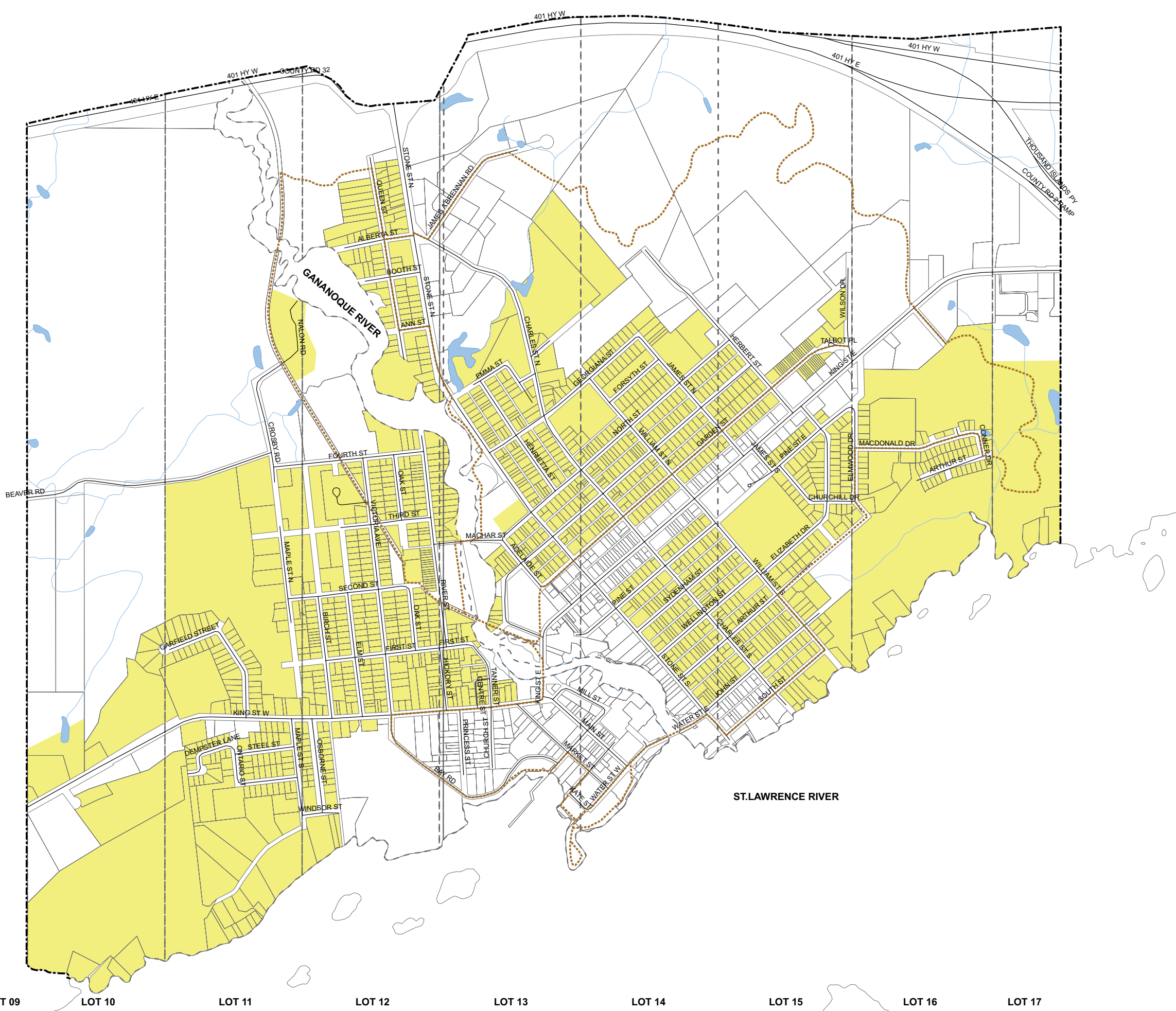
3.2.2.11 Street Trees

Street trees and canopies provide many benefits. They provide natural habitat opportunities, reduce heating and cooling costs and noise levels, increase property values and provide numerous other social and aesthetic benefits. It is the intent of Council to protect and preserve existing street trees and in particular those trees that have been identified as heritage trees. Council may enact more restrictive regulations under the Municipal Act to protect the Town's urban trees and will ensure that proposed development is reviewed to provide for the preservation and protection, wherever possible, of existing treed areas.

**Official Plan
 Schedule "B"
 RESIDENTIAL POLICY AREA**

Legend

- Residential
- Roads
- Recreational Pathway
- Parcels
- Lot Concessions
- Watercourse
- Municipal Boundary



LOT 09 LOT 10 LOT 11 LOT 12 LOT 13 LOT 14 LOT 15 LOT 16 LOT 17

3.3 WHERE WE DO BUSINESS - PLANNING OUR COMMERCIAL LANDS

Encouraging and enhancing commercial development in Gananoque is crucial to the Town's quality of life. Commerce provides employment through the retail sale of goods and services to residents, visitors and other businesses and helps broaden the Town's tax base which in turn helps the municipality maintain required public services.

King Street is the Town's primary commercial artery and it runs east west through the municipality. The three separate types of commercial activity are located along King Street. They are the General Commercial Policy Area, the Highway Commercial Policy Area as shown on Schedule C which follows.

3.3.1 Goals and Objectives

Goal: Provide a supportive land use policy framework which reduces constraints for commercial development while ensuring that existing and future commercial uses will contribute to the Gananoque's small town character.

Objectives:

1. Support a diverse range commercial uses that meet the existing and future needs of the community and reduces the need for residents to shop elsewhere;
2. Accommodate a range of commercial formats from smaller pedestrian-oriented stores in the central King Street area to highway commercial type uses near Highway 401;
3. Enhance the form and character of each commercial area in the Town and work to create a distinct community identity for each.
4. To encourage the maintenance and improvement of existing commercial buildings.

3.3.2 Commercial Designations

Two commercial designations are identified on Schedule C of this Plan: General Commercial, Highway Commercial, The distinct nature of each commercial area will be established through the Zoning By-Law and all new commercial uses will be subject to Site Plan Control in accordance with Section 5.

All new development within the General Commercial and Highway Commercial designations shall conform to the development criteria set out in Section 5.4.4 of this Plan.

3.3.2.1 General Commercial Policy Area

3.3.2.1.1 Permitted Uses

Retail and service commercial development intended to serve the needs of local residents and visitors and include a wide range of small scale uses including retail stores, personal service

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

establishments, professional offices, restaurants, banks and financial services, travel accommodations, and community services.

Mixed use commercial which includes residential uses above or behind the storefronts are also permitted.

3.3.2.1.2 General Commercial Policies

All new commercial development, and infill commercial development in existing areas shall provide adequate off-street parking. Access to parking shall be designed to minimize conflict between pedestrian and vehicular traffic. Access to commercial development from residential streets shall be avoided.

New or redeveloped commercial uses in the General Commercial designation shall be oriented to pedestrian and vehicular traffic with an emphasis on the ease of movement for pedestrians between commercial establishments.

Where off street parking is required due to development or redevelopment of commercial land uses, such parking shall generally be located to the side or rear of establishments in order to foster a pedestrian friendly environment.

Council may consider the development of commercial design guidelines or the use of a Development Permit System to influence or control design of building mass and scale, facades, streetscape design, pedestrian amenities, signage and gateway features. In the absence of additional direction site plan control will be applied to ensure that the general intent of these policies is achieved.

3.3.2.2 Highway Commercial Policy Area

3.3.2.2.1 Permitted Uses

The Highway Commercial Policy Area is intended for large format retail and service commercial development intended to serve the Town, the region and the traveling public. The designation will permit a diverse range of land uses including general retail stores, grocery stores; commercial lodging; automotive sales and services and gas stations. Some outdoor storage may be permitted.

3.3.2.2.2 Highway Commercial Policies

Highway commercial development or redevelopment shall occur in a manner which minimizes potential off-site impacts on adjacent residential neighbourhoods or other sensitive land uses through buffering and screening. Site development plans shall be developed and stamped by a registered Landscape Architect and such plans shall ensure mitigation of site impacts as well as ensuring that the final development will have esthetic appeal.

Site Plan Control shall apply to all highway commercial development as well as any redevelopment which would have the effect of increasing parking and or loading requirements or which substantially changes the scale and or density of the existing development.

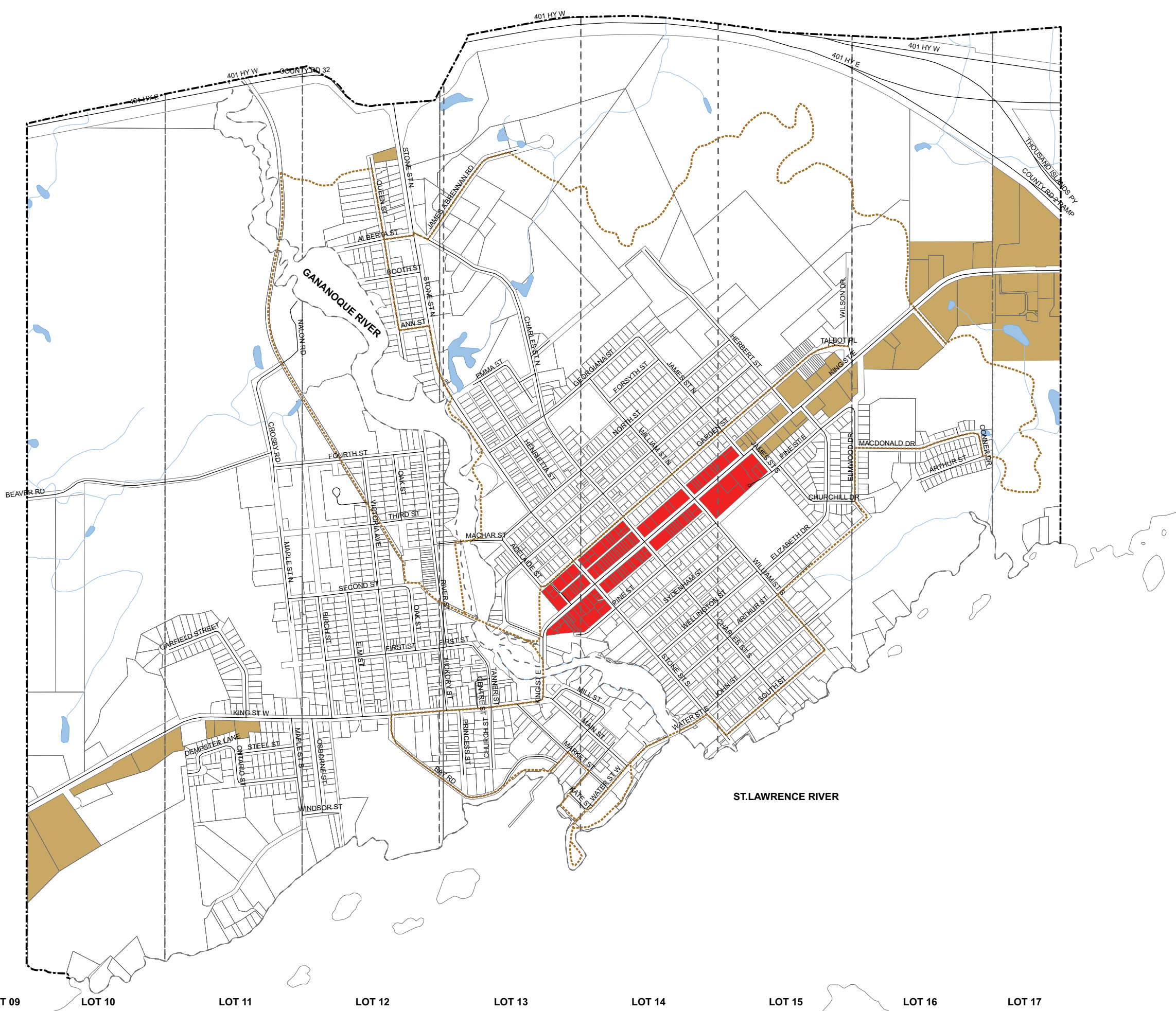
**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

The Highway Commercial designation also serves as an important commercial gateway to the Town and as such Council may undertake the preparation of design guidelines to address the potential for entry features, streetscape designs, signage, lighting, landscaping, and architecture.

**Official Plan
 Schedule "C"
 COMMERCIAL POLICY DESIGNATIONS**

Legend

- General Commercial
- Highway Commercial
- Roads
- Recreational Pathway
- Parcels
- Lot Concessions
- Watercourse
- Municipal Boundary



3.4 WHERE WE WORK – PLANNING FOR EMPLOYMENT LANDS

The globalization of the economy as well as regional economic trends has resulted in a slow decline in the Town's industrial land base. Notwithstanding these changes there is a need to provide for industrial land uses in Gananoque. Industrial land use policies however must recognize the need to adapt as economic conditions change. The Trade and Industry policies are intended to create a planning framework which will encourage and support mixed use employment areas which can accommodate industrial and commercial uses.

The following policies apply to the Trade and Industry Policy Area designation as shown on Schedule D which follows. Alterations to the boundaries of the Trade and Industry Policy Area designations as shown on Schedule D shall require a comprehensive review demonstrating that the lands are not required for employment generating purposes over the life of the Official Plan and that the alternative use or uses proposed are required.

3.4.1 Goals and Objectives

Goal: To support the expansion of the Town's employment base through flexible land use policies which recognize the dynamic nature of a changing regional economy.

Objectives:

1. to provide for commercial and industrial uses which require larger land areas;
2. to ensure access to efficient transportation links;
3. to provide commercial and industrial development opportunities which will not result in land use conflicts in accordance with Ministry of the Environment Guideline on Compatibility Between Industrial Facilities and Sensitive Land Uses;
4. to enhance economic development opportunities within the Town of Gananoque.

Permitted Uses:

Development within the Trade and Industry Policy Area shall generally take place in the form of an industrial, business or commercial park. The following uses shall generally be permitted in the Trade and Industry Policy Area:

1. manufacturing and processing
2. warehousing and wholesaling of bulk products
3. transportation depots
4. heavy equipment and recreational vehicle sales and service

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

5. open storage
6. automobile and commercial vehicle service centres
7. service commercial uses ancillary to the above
8. large scale retail
9. other commercial uses appropriate or compatible with an industrial/commercial mixed use area or business park as described in the implementing zoning by-law and subject to any other related policies in this Plan.

New heavy industrial uses may be permitted in the Trade and Industry Policy Area without an amendment to the Official Plan provided that there is evidence demonstrating that all environmental issues normally related to heavy industrial land uses have been resolved.

Permitted uses shall be subject to zoning by-law provisions. Council may require that any commercial proposed uses be supported by a market retail study prepared by a qualified professional which demonstrates that the proposed development will not negatively impact the General Commercial or Highway Commercial areas as shown on Schedule C.

3.4.2 Policies

Where uses are proposed in un-serviced areas evidence in the form of a hydrogeology study or an Impact Assessment Study which confirms that the proposed development is feasible from a health and environment standpoint will be required.

Council through zoning and site plan control shall endeavour to maintain the character and scale of development in the Trade and Industry Policy Area and to ensure appropriate regulatory control. Whenever possible Council shall encourage the development of recreational uses to be integrated into the Trade and Policy area to provide for balance and lifestyle benefits.

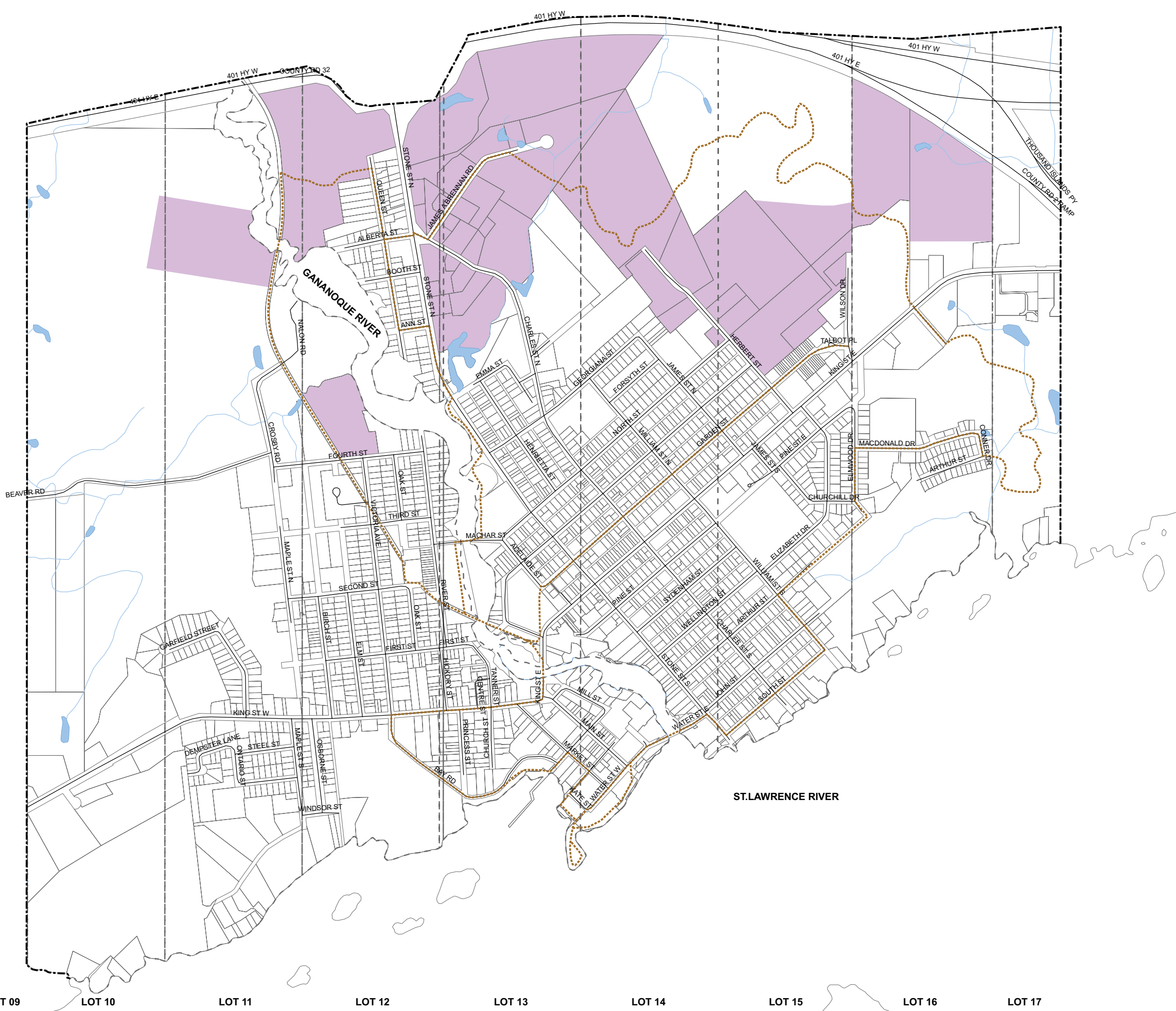
Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to new or expanded trade and industry uses in order to regulate the physical character of development and to ensure compatibility with established land uses. Particular attention will be placed on appropriate buffering of the permitted uses from adjacent non-compatible uses as well as ensuring that there is efficient and immediate access to transportation links.

Where warranted Ministry of the Environment Guidelines for the separation of industrial uses from sensitive land uses shall be applied in accordance with section 3.6.7.2.

**Official Plan
 Schedule "D"
 TRADE AND INDUSTRY POLICY AREA**

Legend

- Employment Lands
- Roads
- Recreational Pathway
- Parcels
- Lot Concessions
- Watercourse
- Municipal Boundary



3.5 OUR RURAL AND OPEN SPACES – PLANNING FOR BALANCE

There are large areas of lands on both the eastern and western boundaries of the Town that are vacant and inaccessible due to either development constraints of organic soils, topography or poor drainage. These lands are generally not serviced by roads or any other infrastructure and as such may require further studies to support development.

In addition the Town has a considerable inventory of open space and park lands along the watercourses and within developed areas of Town. These lands are illustrated on Schedule E Rural and Open Space.

3.5.1 Goals and Objectives

Goal: To promote the wise use and management of rural land based resources and to provide for a balanced community that enjoys significant recreational opportunities.

Objectives:

To maintain and enhance the existing inventory of parks and recreational opportunities

To allow for agricultural and forestry activities to occur within the rural lands

Policies:

The plan recognizes the value of the rural lands and it is the intent of this plan to provide for opportunities for passive recreation and agricultural and forestry activities to occur while having regard to factors of long term sustainability and use.

Additional permitted uses on land designated rural shall include manufacturing and processing of forest products, reforestation, market and nursery gardening, kennels and facilities connected with the raising of fur-bearing animals and any activity associated with research on or conservation of soils, cropland or wildlife. In addition, parks, recreation facilities, and communication facilities will be permitted.

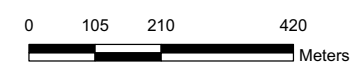
**Official Plan
 Schedule "E"
 RURAL AND OPEN SPACES**

Legend

-  Open Space
-  Rural
-  Roads
-  Recreational Pathway
-  Parcels
-  Lot Concessions
-  Watercourse
-  Municipal Boundary



LOT 09 LOT 10 LOT 11 LOT 12 LOT 13 LOT 14 LOT 15 LOT 16 LOT 17



Drawings are produced by Stantec Consulting Ltd. with base information supplied by the United Counties of Leeds & Grenville (2007).
 @ August 2009



3.6 OUR ENVIRONMENT – PLANNING FOR SUSTAINABILITY

The natural heritage landscape of Town of Gananoque is defined by its waterfront location. With significant access to the Gananoque and St Lawrence Rivers the Town must ensure that its ability to maximize benefits from these natural heritage features is balanced by policies designed to preserve and protect them.

The Town does not enjoy other natural features such as wetlands, Areas of Natural and Scientific Interests or valley lands. There is however potential habitat for rare, threatened or endangered species as well important fish habitat areas which will require appropriate review prior to the approval of new development.

For the purposes of this policy, “development” is defined as the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act. It also includes site alteration activities such as the deposit or removal of fill, site grading, excavation or alteration, topsoil removal and peat extraction or similar activities that would change the landform and natural vegetative characteristics of a site.

3.6.1 Goals and Objectives

Goal: To conserve, protect and enhance the Town’s natural heritage features.

Objectives:

1. The Town’s significant natural heritage features shall be protected from negative impacts of development.
2. The Town’s natural heritage features, including non-significant features, should be conserved and rehabilitated for the benefit of future generations according to best management practices undertaken today and as they evolve.

3.6.2 Policies

Council acknowledges that its decisions regarding land use and development can affect the significant natural heritage features of the Town of Gananoque. Therefore, policies are required to protect these features from the potential negative impacts of development or to conserve them by prohibiting development.

Endangered or Threatened Species Habitat

Endangered and threatened species can encompass any of the many types of living things: birds, mammals, plants, fish, reptiles, amphibians and invertebrates. Endangered and threatened species are those species listed as such in the Species at Risk in Ontario list under the Endangered Species Act, 2007. The significant habitat of these species is protected through the ESA, 2007 and through this land use policy.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

A screening map, prepared by the Ministry of Natural Resources showing areas of documented occurrences of endangered and threatened species and their related habitats, identifies where this policy applies. Within the Town of Gananoque, where according to the screening map there is potential for significant habitat of threatened and endangered species, ecological site assessments, which delineate significant habitat of endangered and threatened species within or adjacent to an area proposed for development or site alteration, will be required to support all planning applications proposals for development and site alterations. MNR will approve the extent of significant habitat as identified in an ESA or EIS.

The identified species within the Town of Gananoque are the Pugnose Shiner, the Butternut Tree, Ginseng, the Broad Beech Fern, the Stinkpot turtle and the Black Rat Snake.

The existing habitat sites of any endangered or threatened species in the Town are not identified in this Plan in order to protect endangered or threatened flora or fauna. In some cases identifying a significant habitat is not reasonable. It is important to protect the significant habitat of endangered and threatened species found within the Town. Council will contact the Ministry of Natural Resources to develop a mutually acceptable protocol for sharing available endangered and threatened species habitat.

Where endangered or threatened species habitat is identified in the Town of Gananoque then the following policies shall apply:

1. Development and/or site alteration is prohibited in the significant habitat of endangered or threatened species as may be identified from time to time.
2. It is the policy of Council not to identify the location of such habitats on Official Plan Schedules in order to afford the greatest possible protection to the species in question. Approval authorities shall refuse development applications where the development review process confirms the existence of the significant portions of the habitat of endangered or threatened species.
3. Development and site alteration may be permitted on lands within 50 metres of the habitat of endangered or threatened species unless it has been demonstrated through an environmental impact assessment in accordance with Section 3.5.3 that there will be no negative impacts on the natural features or the ecological functions for which the area is identified.
4. A site inventory for butternut will be required prior to disturbance or removal of trees. Where harm to (cutting of branches, root disturbance, etc.) or removal of butternut is proposed, prior assessment of the health of the species by a qualified Butternut Health Assessor is required. If the butternut is determined to be "not retainable" a certificate will be issued by the assessor and the tree can be removed/harmed. If, however, the butternut is "retainable" a permit will be required for its removal pursuant to the Endangered Species Act, 2007."

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

Woodlands

According to the PPS, woodlands are defined as “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 include treed areas, woodlots or forested areas and vary in their level of significance.” Woodlands in Gananoque have values, both natural and human. The more obvious values are that they:

1. help to moderate climate, as temperature and moisture are influenced by respiration of trees and shrubs and by their shading;
2. provide oxygen to the atmosphere while reducing carbon dioxide, via photosynthesis;
3. clean air pollutants;
4. prevent soil erosion and stabilize slopes;
5. help to maintain good surface water quality;
6. provide habitat for a diverse range of species;
7. retain water and may recharge ground water;
8. yield economic products including lumber, firewood, maple syrup and mushrooms;
9. provide recreational activities such as wildlife observation, hiking, and hunting;
10. contribute to the beauty and visual diversity of the urban and rural landscape; and,
11. provide an attractive setting for rural residential development.

The following policies apply:

1. Development may be permitted in accordance with the underlying land use designation in areas where a Woodlands overlay designation is shown on Schedule F where it has been demonstrated through an environmental impact assessment, in accordance with Section 5, that the overall woodland function will not be negatively impacted or the ecological function of the woodland negatively impacted by the proposed development.
2. Notwithstanding policy 1 above for significant woodlands, agricultural forestry activities such as maple syrup production and the harvesting of mature trees in accordance with accepted forestry practices, recreational trails and snowmobile trails are considered as appropriate activities in woodlots and therefore are permitted without an environmental impact assessment. Such activities are to be carried out in an environmentally sensitive manner so as to preserve the overall woodlot function.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

Fish Habitat

According to the PPS, fish habitat is defined as: “the spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.” All watercourses and waterbodies are considered to have the potential for Fish Habitat and more specifically the St. Lawrence and the Gananoque Rivers. Where development is proposed adjacent to any watercourse consultation with the Town and the Cataraqui Region Conservation Authority is required. Fish resources have many values to the Gananoque, including:

1. contributing to a diversity of species;
2. providing a natural indicator of water quality and environmental health;
3. forming a vital part of the aquatic food chain;
4. providing commercial fishing such as baitfish (minnow) harvest (OMNR, 1983); and,
5. providing recreational sportfishing opportunities and related economic spin-offs (OMNR, 1990).

The following policies apply :

1. Development and site alterations shall not be permitted in fish habitat except in accordance with provincial and federal requirements. Where development is proposed within 30 metres of an area of fish habitat as identified on Schedule E or adjacent to an area of fish habitat identified through consultation with the Cataraqui Region Conservation Authority or the federal Department of Fisheries and Oceans it must be demonstrated through an environmental impact assessment carried out in accordance with Section 3.5.3 that there will be no negative impacts on the natural feature or on the ecological functions for which the feature is identified.
2. Notwithstanding policy 1 above, the cleaning of municipal drains shall be permitted provided that such is carried out in accordance with acceptable standards and with authorization of the Cataraqui Region Conservation Authority, and that, where required, the authorization of the Department of Fisheries is obtained.
3. Notwithstanding policy 1 above extensions or enlargements of existing buildings and structures in the adjacent land area to an identified Fish Habitat may be permitted provided that it is demonstrated to the satisfaction of the appropriate regulatory agency or approval authority that such extension or enlargement will have no negative impact on the fish habitat as demonstrated by an Environmental Impact Assessment undertaken in keeping with section 3.5.3 of this Plan.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

4. It is the policy of this Plan to encourage the re-establishment of naturally vegetated buffer strips along water bodies and headwater areas.
5. Although storm water management and drainage measures are often located some distance from a watercourse these measures can impact the water quality and quantity of the watercourse and affect fish habitat. When evaluating storm water management and drainage activities, consideration shall be given to impacts upon fish habitat.
6. The advice of the Department of Fisheries and Oceans through the Cataraqui Region Conservation Authority, which serves as the first point of contact for the Department of Fisheries and Oceans should be sought where any proposal may potentially impact fish habitat. In instances where a proposal may result in a harmful alteration, disruption or destruction of fish habitat the proponent must obtain authorization from the Department of Fisheries and Oceans through the CRCA.

River Corridors

Town of Gananoque enjoys the presence of two rivers, the St Lawrence and the Gananoque. These natural features contributed in a significant way to the Town's history and in many ways have defined the settlement pattern. Development along these river corridors has continued throughout the Town's history and as a result there are fewer and fewer opportunities for public access to these water bodies. This section of the Plan seeks to encourage the preservation of shoreline areas in order to enhance the recreational and economic benefits which can be derived from enhanced public access and the preservation of natural shoreline states.

The following land use policies shall apply in addition to the policies of the applicable land use designation along the shorelines of the two rivers.

1. Where development is proposed which would require shoreline alterations a permit under the Ministry of Natural Resources Public Lands Act and or approval under Ontario Regulation 148/06 administered through the Cataraqui Region Conservation Authority may be required.
2. Where new development lots are created, dwellings and sewage disposal systems shall be set back a minimum of 30 metres from the high water mark or 15 metres from the floodplain in accordance with CRCA requirements, whichever is greater.
3. When reviewing development proposals for land abutting the shoreline, Council may require that lands be dedicated for public purposes which will preserve public access to the water body and where possible shall ensure that such lands be accessible from a public road.
4. When reviewing subdivision, consent and site plan applications consider the impacts of the development on the visual access to the waterbody and ensure that the appearance of the development, when viewed from the water body, complements the natural setting.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

5. Where development proposes shoreline alterations a development permit may be required from the federal Department of Fisheries and Oceans or its delegate.

6. Council may enact a Tree Cutting By-law and/or a Site Alteration By-law to control or prevent the degradation of shoreline areas which could be caused by the removal of vegetation or the disturbance of native soils.

Wildlife Crossings

Schedule E identifies areas where wildlife is known to cross Highway 401. These corridors provide opportunity for many species of wildlife to access the St. Lawrence River from the north part of the municipality and from an area commonly referred to as the Algonquin Adirondack Trail. Appropriate protective measures for these vital migration routes for wildlife will be included with any development proposal. Applicants will be required to submit an Environmental Impact Assessment which demonstrates no net loss of wildlife utilization or alternatively shall demonstrate how any loss can be compensated.

Public Open Space

The Town of Gananoque owns a significant amount of open space within the Town's corporate limits. Some of this space is undeveloped and has to date been maintained in its natural state. These lands may be developed for active or passive recreational uses such as parks, boat launches, walking trails, picnic areas, etc. when resources are available. Council may undertake a recreational master plan to assist in its decision making process with respect to the development, sale or purchase of lands intended for public open space.

3.6.3 ENVIRONMENTAL IMPACT ASSESSMENTS

Potential negative impacts will be examined through a process of environmental impact assessment, carried out on a case by case basis, prior to development approval.

Environmental Impact Assessment Study

The preparation of an environmental impact assessment (EIA) study may be required for submission prior to the approval authority making a formal decision on a planning application (eg. Official Plan amendment, zoning amendment, site plan control, subdivision, consent, etc.) to assess the negative impacts on the natural features and the ecological functions of the area in question. The EIA shall be completed by a qualified individual or company and shall fulfill each of the following steps:

1. Research, identify, map, and prioritize the characteristics of the natural heritage features that made it significant.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**















2. Describe and map the proposed development activities, including building location, excavation, site grading, landscaping, roadway construction, paving, drainage works, and sewer and water servicing in relation to the natural heritage feature.
3. Predict the effects that the proposed development may have on various components of the environment, such as wildlife, fish, vegetation, soil, surface water, ground water, and air, taking into consideration effects during and after development or site alteration.
4. Evaluate the significance of all predicted negative and positive effects on the various environmental components.
5. Itemize and recommend all measures that can be taken to avoid or mitigate the predicted negative impacts.
6. Evaluate the cumulative effect that the project (and any other projects or activities) may have on the characteristics of the natural heritage feature which made it significant, after mitigation.
7. Conclude with a professional opinion on whether negative impacts will prevail, and on the significance of the impacts, if any, and if ongoing monitoring is required.

The approval authority may require that the EIA be peer reviewed prior to making a decision on the development application.

The approval authority may use various planning and other approvals (eg. site plan control, site specific zoning, site alteration by-laws, etc.) to ensure that the development or site alteration occurs in accordance with the environmental impact assessment study recommendations.

**Official Plan
 Schedule "F"
 NATURAL AND CULTURAL HERITAGE FEATURE**

Legend

-  Organic Soils
-  Unstable Slope
-  Fish Spawning
-  Significant Woodlands
-  Former Waste Disposal Site
-  Flood Plain Line
-  Roads
-  Recreational Pathway
-  Parcels
-  Lot Concessions
-  Municipal Boundary
-  Watercourse
-  Wildlife Crossing
-  Heritage Site
- 1. Town Hall
- 2. Public Library and Museum
- 3. Clock Tower
- 4. Old Post Office
- 5. Skinner House
- 6. The Old Foundry



3.7 DEVELOPMENT CONSTRAINTS – PLANNING FOR PUBLIC HEALTH AND SAFETY

Our natural landscape and resources are constantly being shaped and reshaped by naturally occurring physical and ecological processes. These landscapes and resources only become a hazard when people and structures are located within them or are affected by them. As such environmental conditions occasionally represent significant constraints to the development of land such that there can exist a significant threat to people's health and safety. Constraints to development are primarily related to hazardous conditions such as the existence of floodplains, erosion hazards and the presence of unstable slopes or organic soils. To a lesser extent, development may be restricted on the basis of existing site contamination or noise concerns.

The preparation of these development constraint policies was undertaken with the objective of integrating them with other policy areas, primarily those policies addressing natural heritage sectors. Issues surrounding water quality and quantity, wetlands, soils, fisheries and woodlands are closely related to development constraints. As such these policies should not be read in isolation.

For instance, development is prohibited in a floodplain or in areas subject to slope failure because it can result in changes to natural conditions that may actually endanger areas previously unaffected. Promoting quality of life and self sufficiency for our citizens requires that all development be carried out in a manner which ensures that life, safety and economic welfare be protected.

3.7.1 Goals and Objective

Goal: To ensure that development will not pose a danger to public safety or health or result in property or environmental damage.

3.7.2 Identifying Hazard Areas

Accurate mapping showing the location of areas characterized by health and public safety hazards and/or by constraints for development is of crucial importance in order to ensure informed decisions by approval authorities when considering development applications. The limits of hazard areas shown on Schedule E were identified on the basis of information provided by the Ontario Ministry of Natural Resources and the Cataraqui Region Conservation Authority. The Ministry of the Environment has provided information respecting contaminated sites such as closed landfill sites and policy direction respecting appropriate setback distances to industrial sites.

3.7.3 General

Hazardous areas are identified on Schedule G on the basis of the particular characteristics which pose a threat to public health and safety which may result should these areas be developed. The constraints include areas subject to flooding, areas affected by unstable slopes,

organic soils, erosion hazards and contaminated sites. Where hazard land mapping is complete, it is shown on Schedule G. However, it is recognized that hazardous conditions may exist which are not shown on Schedule G.

3.7.4 Hazardous Lands – Flooding And Erosion

3.7.4.1 Defining Areas Subject to Floods and Erosion

The floodplain area shown on Schedule G includes areas known to be subject to 1 in 100 year flood events or greater flood events along the St. Lawrence and Gananoque Rivers. These areas have been identified and mapped by the CRCA and by the Ministry of Natural Resources. . These areas have been identified and mapped by the Cataraqui Conservation Authority and by the Ministry of Natural Resources.

3.7.4.2 Permitted Uses

Notwithstanding the underlying designation on Schedule A, B, C, D or E, development and site alteration is prohibited in flood plains, except in accordance with the following:

1. Repairs and minor additions to buildings and accessory buildings, which do not affect flood flows, will be permitted where there is existing non-conforming development subject to approval from the Cataraqui Region Conservation Authority.
2. Uses which by their very nature must be located within the flood plain and will not affect the hydrology or hydraulics of the flood plain may be permitted;
3. Works required for flood and/or erosion control and passive recreational and/or open space non-structural uses which do not affect the hydrology or hydraulics of the flood plain may be permitted.

In accordance with the underlying designation on Schedules A, B, C, D or E, development and site alterations may be permitted in areas subject to erosion related hazards which are not located in the flood plain. All new development and site alterations on hazardous lands must achieve all of the following:

1. the hazards must be safely addressed and the development and site alteration is carried out in accordance with the established standards and procedures;
2. new hazards are not created and existing hazards are not aggravated;
3. no upstream or downstream adverse impacts will result;
4. vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and
5. the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.
6. the CRCA administers all development and site alteration activities through Ontario Regulation 148/06 and requires a 15 metre setback for development from any floodplain in the Town.

7. in certain instances, the Town may require a technical analysis by a qualified geotechnical engineer where conditions warrant as part of a complete application.

3.7.5 Unstable Slopes and Organic Soils

3.7.5.1 Policies

Development and site alteration in areas designated as having unstable slopes, i.e. lands with a slope stability factor of safety of 1.5 or less, or organic soils is prohibited except by site-specific Zoning By-law amendment. Site specific zoning amendments are not required where the Building Code Act addresses the requirements for development in areas of unstable slopes as shown on Schedule E. Site-specific Zoning By-law amendments to permit construction of a building or structure may be passed only if all of the following conditions are met:

1. development may be permitted in accordance with the underlying designation in areas of unstable slopes as shown on Schedule E with appropriate development setbacks as provided in a joint report prepared by the Ministry of Natural Resources and the Ministry of Northern Development and Mines;
2. sufficient soils and engineering information is made available to indicate that, although the site is identified as having unstable slopes or organic soils, it is in fact suitable or can be made suitable for development using accepted scientific and engineering practices;;
3. alterations to the site will not result in increased hazards or cause adverse environmental effects on or off-site;
4. the designation on Schedule A, B, C, D or E permits the proposed development.

Notwithstanding the above, institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted on lands designated as having unstable slopes or organic soils.

3.7.6 Contaminated Sites

Contaminated sites are defined as sites where the environmental condition of the property, i.e. the quality of the soil or ground water, may have the potential for adverse effects to human health or the natural environment. Current mapping showing contaminated sites was not available at the time this Official Plan was drafted. In reviewing development applications the approval authority may require the undertaking of an ESA.

Where the ESA produces reasonable evidence to suggest the presence of site contamination, the proponent may be required to undertake appropriate technical studies as part of the development review process in order to identify the nature and extent of contamination, to determine potential human health and safety concerns as well as effects on ecological health and the natural environment, to demonstrate that the site can be rehabilitated to meet provincial standards and to establish procedures for site rehabilitation and mitigation of the contamination.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

The proponent will be required to restore the site and to make it suitable for the proposed use in accordance with the recommendations of any required technical studies prior to development or land use change.

The ESA and site restoration shall be undertaken according to Ontario Regulation 153/04, Record of Site Condition.

3.7.6.1 Site Decommissioning And Clean-Up

It is the intent of Council to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse. Prior to Council's approval of an Official Plan Amendment and prior to the approval of a Zoning By-law amendment, subdivision, condominium, consent or other planning application by the appropriate approval authority on a site that is potentially contaminated or is contaminated, the proponent shall document the present and past use of the site and surrounding lands, engage professional assistance in the analysis of soils, ground waters and surface waters as required in consultation with the Ministry of the Environment and shall prepare a remedial action plan in accordance with "Ontario Regulation 153/04, Record of Site Condition". where the contaminants are in concentrations above Ministry established acceptable concentrations. A Ministry of the Environment "Record of Site Condition" may be required to confirm that a site is suitable for its intended use. The proponent shall ensure the supervision of excavation and soil handling activities during site clean-up.

Where planning applications are not required, Council may require a proponent of development to consult with the Ministry of the Environment on the suitability of site development.

Mandatory filing of a record of site condition in the Registry is required for the change of use of a property from industrial or commercial to residential or parkland. Phase I Environmental Site Assessments (ESA) should be carried out at sites which may be contaminated and Phase 2 ESA's should be completed if required. Clean-up of contaminated sites should be done in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) and with MOE guideline "Records of Site Condition – a Guide on Site Assessment, The Clean-up of Brownfield Sites and the Filing of Records of Site Condition" dated October 2004 or associated guidelines.

3.7.7 Other Health and Safety Concerns

3.7.7.1 Noise and Vibration

1. Noise and vibration impacts shall be addressed for new sensitive land uses adjacent to existing railway lines, highways, sewage treatment facilities, waste management sites, industries or other stationary or line sources where noise and vibration may be generated. Council may require the proponent to undertake noise and/or vibration studies to assess the impact on existing or proposed sensitive land uses within minimum distances identified in Ministry of Environment guidelines including Publication LU – 131, Noise Assessment Criteria in Land Use Planning. Noise and/or vibration attenuation measures will be implemented, as required, to reduce impacts to acceptable levels.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**



2. Notwithstanding policy 1 above existing and proposed agricultural uses and normal farm practices, as defined in the Farm and Food Production Protection Act, 1998, shall not be required to undertake noise and or vibration studies.

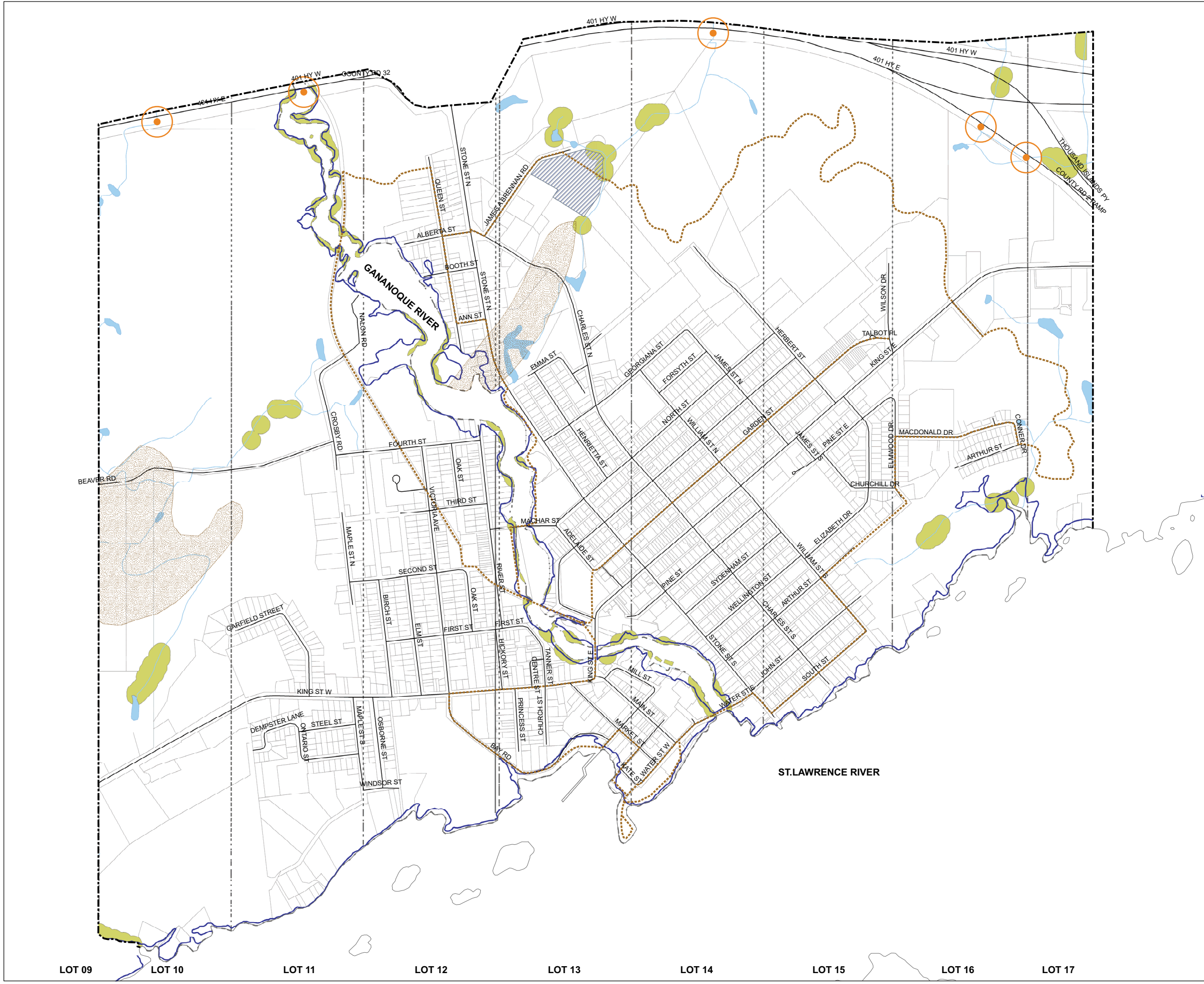
3.7.7.2 Incompatible Land Uses

Every effort shall be made to prevent or minimize future land use conflicts which can arise when incompatible land uses develop in close proximity to one another. Ministry of the Environment guidelines on Land Use Compatibility (Guidelines D-1, D-2, D-4 and D-6 and any other relevant or future MOE Guideline documents) shall be applied when preparing and adopting local Zoning By-laws and when considering amendments to this Official Plan.

**Official Plan
 Schedule "G"
 DEVELOPMENT CONSTRAINTS**

Legend

-  Wildlife Crossing
-  Organic Soils
-  Unstable Slope
-  Former Waste Disposal Site
-  Flood Plain Line
-  Roads
-  Recreational Pathway
-  Parcels
-  Lot Concessions
-  Watercourse
-  Municipal Boundary



4.0 MAKING IT WORK – OUR INFRASTRUCTURES

Infrastructure refers to the construction and maintenance of roads, bridges, structures and railway lines required for transportation services, the physical supply and distribution of water, the collection and treatment of waste water and the management of storm water, the collection and disposal of solid waste, the construction and maintenance of energy production and distribution facilities such as hydro-electric structures, wind and solar energy facilities and gas pipelines and finally the development of communication facilities such as transmission towers and underground telephone and fibre optic lines. Infrastructure policies also take into consideration the on-going development of multi-purpose recreational trails by the Town of Gananoque and other authorities.

The Planning Act requires that infrastructure expansions conform to the upper tier Official Plan. (See Section 24.1, Planning Act). The Development Charges Act, 1997 and associated regulation requires that the Council of a municipality must indicate, in an approved Official Plan, capital forecasts or similar expression of the intention of the Council, that it intends to ensure that an increase in the need for service will be met (See Development Charges Act, paragraph 3 of Section 5(1)).

The provision of transportation, water, waste water, solid waste, energy and communication infrastructures are crucial to ensuring that the Gananoque can continue to accommodate growth in a manner which is environmentally, socially and economically sustainable.

4.1.1 Goals and Objectives

Goal: To ensure that effective infrastructure services will be provided by the appropriate level of government or the private sector in a cost effective manner which recognizes development priorities and which ensures the protection of our environment.

Objectives:

1. That the road network within the Gananoque, regardless of which level of government is responsible, will function in a cost effective, efficient and safe manner for the movement of people and goods throughout the territory;
2. That water, waste water and stormwater will be managed in a fiscally and environmentally responsible manner;
3. That waste management is carried out in a manner which is environmentally sustainable and to provide appropriate waste management infrastructures which support on-going development;

4.1.2 General Policies

It is the intention of Council to ensure that an increase in the need for eligible services and infrastructure may be recoverable through the enactment of a development charge by-law under the Development Charges Act, 1997 by the Town of Gananoque. In short, eligible public works and municipal services may be in part or in whole funded through development charges.

4.1.3 Transportation

The management of the roadway infrastructure in Town of Gananoque is shared between the Province and the Town. The transportation system is composed of Provincial highways, local public roads opened and maintained on a year round basis and private roads. The transportation network is shown on Schedule H.

4.1.3.1 Highway 401

There is one Provincial Highway in Gananoque, Highway 401. Development fronting on or in proximity to this highway must be reviewed by the Ministry of Transportation Ontario (MTO) and development is conditional on the issuance of MTO permits which are designed to ensure that the long term efficiency of the highway is not compromised. The MTO permit can apply to building setbacks, signage, location and number of highway accesses, frontage requirements and required improvements such as culvert installation, road widenings, traffic signalization or the construction of turning lanes. Any outdoor storage and loading areas will be screened and buffered from viewscales along the provincial highway. Development proponents will be required to consult with the MTO prior to the submission of a development application.

4.1.3.2 Local Roads

Local roads consist of arterials, local collectors and local streets which are publicly maintained on a year round basis and private roads. Local roads shall generally have a minimum right-of-way width of 20 metres however reduced right-of-way widths may be accepted through the subdivision or condominium review process provided that the right-of-way widths can accommodate all of the required servicing infrastructures for the proposed development and provided that the approval authority is satisfied that the reduced widths will not result in lower quality development.

The following policies shall apply to the local road network:

1 Arterial

Arterial Roads are intended to carry large volumes of traffic and serve to provide the major transportation routes throughout the community and connections to the Provincial Highway. Access will be limited in order to maintain their primary function. The minimum width of any arterial roadway right of way shall be 26 metres.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

2. Local Collector

Local collectors are identified on Schedule H. Access to local collectors shall generally be minimized in order to ensure that the main function of the roadway as an efficient transportation artery is maintained. Access control shall be established in the zoning by-law. The minimum width of any local collector right of way shall be 20 metres.

3. Local Street

Local streets are identified on Schedule H. Generally new development and lot creation on local streets may be permitted in accordance with the relevant policies of this Plan and the requirements of the zoning by-law. The minimum width of any local street right of way shall be 20 metres. A reduced right of way standard may be accepted in new developments where it can be demonstrated that required infrastructures including snow storage space can be accommodated.

4. Private Roads

Private roads are identified on Schedule H. New private roads or the extension of existing private roads is only permitted where such roads are required as part of a condominium plan which defines responsibility for the long term maintenance of the private road. In such cases an amendment to the Official plan is not required.

5. Lanes or Alleyways

Lanes or alleyways are found in the older parts of the municipality and were originally designed as service accesses. New development with frontage only on a lane or alleyway is not permitted. The development of new lanes or alleyways may be permitted as a feature of new Greenfield subdivision development.

4.1.3.3 Land Acquisition

Land may be acquired by the Town for road widenings, road extensions, rights of way, intersection improvements or railway crossing improvements. Such land may be acquired through the subdivision or consent process, through site plan control or through formal agreements. Schedule F identifies the minimum rights-of-ways for highways and roads to be widened and the extent of the proposed widenings.

4.1.3.4 Extension or improvements to Existing Roads

Extensions to existing roads may proceed without amendment to this Plan provided that the extension is required to improve the local or Town road system. Minor extensions may be permitted for development purposes provided that the roadway extension is constructed to municipal standards at no cost to the municipality and provided that the local council is satisfied that the extension and the subsequent maintenance costs are justified.

4.1.3.5 Addition of Roads

New roads may be added to the road system without amendment to this plan where such roads are the result of the approval of a Plan of Subdivision or is required as a condition of Site Plan Approval.

4.1.3.6 Conversion of Roads

The conversion of private roads to public roads shall require an amendment to this Plan. An amendment shall not be required where such private road meets municipal design standards for public streets.

4.1.3.7 Bridges

Bridges and culverts are an integral component of the Gananoque transportation systems. The maintenance, repair, replacement or expansion of these structures is an on-going and necessary activity and is considered consistent with the policies of this Official Plan.

4.1.4 WATER, WASTE WATER AND STORMWATER SERVICES

4.1.4.1 General Policies

1. The need to ensure that water and waste water infrastructures are properly maintained and expanded to meet growth and development priorities is crucial to the long term economic and environmental health of the municipality. As such any capital expenditures required for water and waste water system maintenance and expansion are considered to be in full conformity with this Official Plan.
2. Development will not be encouraged where such development would result in, or could lead to, unplanned expansions to existing water and waste water infrastructures.
3. Development shall generally be directed areas where water and waste water services can reasonably be extended.
4. The allocation of infrastructure capacity for infill and economic development purposes is encouraged. The Town shall development a phasing strategy prior to considering the extension of services, particularly in subdivision development.
5. Stormwater management will be required, as outlined in MOE's Stormwater Management Planning and Design Manual 2003, for all new development in accordance with guidelines which may be developed by the Ministry of Natural Resources, the Cataraqui Region Conservation Authority or the Town of Gananoque. Stormwater management may not be required for small scale developments such as

lots created through the consent process or minor developments subject to site plan control where there is no impact on the watershed.

6. The establishment of new water and waste water servicing facilities shall be subject to Ministry of the Environment guidelines and provincial regulations.
7. Consideration may be given to permitting development on private servicing, communal services or partial municipal services but only in isolated cases where full municipal services cannot be extended due to technical constraints. Any such development will require a servicing options study which includes a supporting rationale for the alternative proposed. The applicant must show that there is sufficient quantity and quality of potable water and must also demonstrate that a permit can be obtained for the proposed sewage system from the Health Unit or the Ministry of Environment as applicable. In addition the applicant must demonstrate that the proposed development will not result in increased costs to the municipality for the provision of other required services such as road maintenance, school transportation, waste collection etc.
8. Source protection plans for the Cataraqui Source Protection Area will be prepared by 2012. The plans will be prepared in accordance with the requirements of the Ontario Clean Water Act, 2006 and will be approved by the Ontario Ministry of the Environment. Amendments to this Official Plan may be appropriate following the publication of the source protection plans.

4.1.4.2 Innovative Technologies

Council will encourage, support and promote waste water disposal systems which incorporate proven and innovative technologies to reduce waste water volumes or which improve the quality of waste water effluents. This will include, but not be limited to:

1. water conservation devices which reduce water usage;
2. innovative solutions to municipal or industrial waste water treatment such as the design and construction of artificial wetlands and grey water treatment and re-use .

4.1.5 Watershed Planning

The Town encourages the preparation of watershed and sub watershed studies where major development or redevelopment is proposed which could have a significant downstream impact upon a watershed. These studies are most needed in areas with both development pressures and highly sensitive natural environments to provide some understanding of the relationship between water resources and land use activities. The development of sound watershed and sub watershed plans will require cooperation between all affected municipalities, government agencies and interested groups to ensure that potential cross-boundary environmental impacts

are addressed. The results of watershed studies should be incorporated into the Town's Official Plan whenever practical.

4.1.6 Surface Water Management Plans

In order to control flooding, ponding, erosion and sedimentation and to protect, as much as possible, water quality and aquatic habitat or other natural habitat which depend upon watercourses and other water bodies for their existence, surface water management plans (or stormwater management plans) shall be required for some forms of new development. Stormwater management plans shall be required for any new development consisting of more than four lots or for commercial or industrial developments with large amounts of impervious area. Stormwater management will be undertaken in accordance with the Ministry of the Environment Guideline entitled "Stormwater Management Planning and Design Manual, 2003". Stormwater management may not be required for small scale developments such as lots created through the consent process or developments subject to site plan control where there is no impact on the watershed.

4.1.7 Waste Management

1. Development shall be reviewed to ensure that appropriate solid waste disposal services can be provided in a manner which is consistent with environmental considerations.
2. Solid waste disposal sites are identified on schedule E. The establishment of new sites or the enlargement of existing sites shall be in accordance with Ministry of the Environment guidelines and regulations and shall require an amendment to the Official Plan.
3. Solid waste disposal sites shall be appropriately zoned.
4. Development within 500 metres of existing waste water or solid waste management sites shall generally be discouraged unless supported by an appropriate study or studies which confirm that there will be no negative impacts on the proposed development related to the adjacent waste water or waste disposal site. In addition the study(ies) shall confirm that the proposed development will not impact future expansions of the waste disposal site in question.
5. Separation distances shall normally be measured from the periphery of the odour producing source or structure to the property line of the sensitive land use for a waste water treatment facility or from the boundary of the fill area (footprint) specified in the Certificate of Approval (or property line for closed sites where no Certificate of Approval is available) to the property line of the sensitive land use for a solid waste management site.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

6. In reviewing development proposals adjacent to such disposal sites the approval authority shall consult Guideline D-2 and Guideline D-4 issued by the Ministry of the Environment.
7. The zoning by-law shall zone adjacent lands appropriately, prohibiting new incompatible uses which cannot be reasonably mitigated.

4.1.8 Energy

It is a policy of this Plan to encourage the use of alternate energy sources, such as wind, solar and energy from waste heat or gases.

4.1.8.1 Wind energy

The following policies apply to wind energy facilities:

1. The development of wind farms comprising one or more wind turbines, where electrical wind energy is sold to the electrical grid shall not require an amendment to this Official Plan provided that they are in full compliance with applicable Provincial and/or Federal legislation.
2. The development of wind farms comprising one or more wind turbines, shall require an amendment to the zoning by-law and site plan approval.
3. The development of wind farms is not permitted in the Habitat of Endangered and Threatened Species.
4. The development of individual wind turbines at a scale consistent with the provision of electricity to a private home or business is permitted subject to a study confirming that there will be no negative impacts on local flora and fauna and provided that a noise study confirms that there will be no negative impacts on any sensitive land uses within 500 metres of the proposed wind turbine. An amendment to the zoning By-law will be required and site plan control will apply.

4.1.8.2 Solar Energy

The development of roof top or ground oriented solar energy conversion systems for individual residential uses or for large scale commercial or industrial facilities shall generally be permitted subject to zoning requirements and, where applicable, site plan control.

4.1.9 Utility And Communication Facilities Corridors

Utility and communications facilities and corridors include a wide variety of utilities owned and operated by both public and private entities. The well being of Gananoque's economy is closely linked to the presence of hydroelectric corridors, telecommunications networks and energy pipelines.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

The following policies shall apply:

1. The development of hydro-electric power generation and supply facilities, telecommunications facilities and local utilities shall not require an amendment to this Official Plan provided that they are in full compliance with applicable Provincial and/or Federal legislation.
2. The development of hydro-electric power generation and supply facilities, telecommunications facilities and local utilities shall be subject to the provisions of local zoning by-laws.
3. The development of hydro-electric power generation and supply facilities, telecommunications facilities and local utilities is not permitted in the Habitat of Endangered and Threatened Species.
4. Utility installations that may pose a hazard shall be located away from residential areas.
5. The multiple use of corridors for utility and transportation uses shall be encouraged.

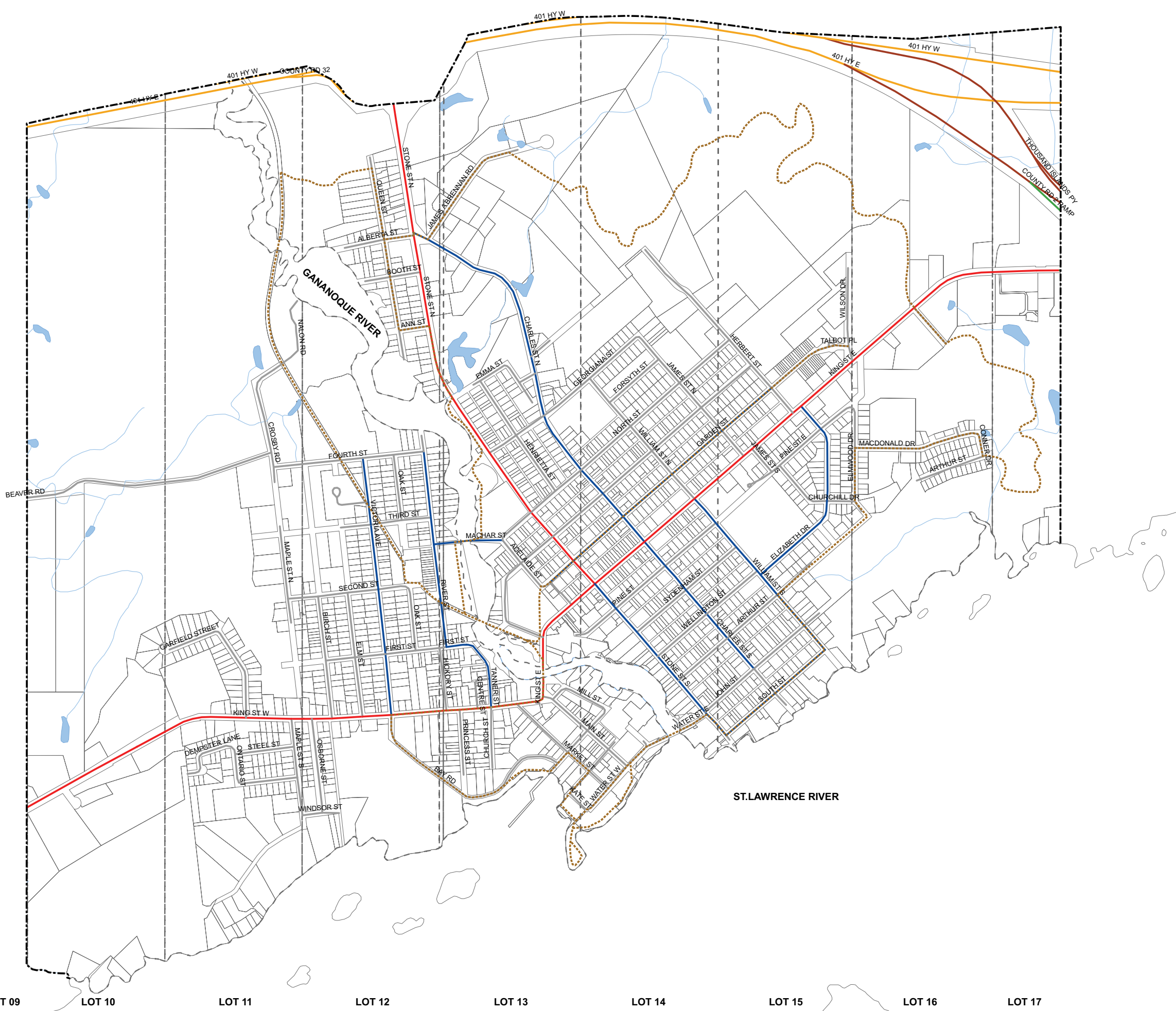
4.1.10 Other Infrastructure Corridors

Council recognizes the importance of other infrastructure corridors, such as hydroelectric transmission corridors, oil pipelines, natural gas pipelines, abandoned rail lines and fibre-optic corridors. The expansion, maintenance and preservation of these and other infrastructure corridors are important to continued economic development and diversification, and will not require an amendment to this Plan.

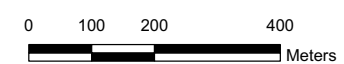
**Official Plan
 Schedule "H"
 ROADS**

Legend

-  Provincial Highway
-  Thousand Island Parkway
-  County Road
-  Arterial Road
-  Collector Road
-  Local Road
-  Recreational Pathway
-  Parcels
-  Lot Concessions
-  Watercourse
-  Municipal Boundary



LOT 09 LOT 10 LOT 11 LOT 12 LOT 13 LOT 14 LOT 15 LOT 16 LOT 17



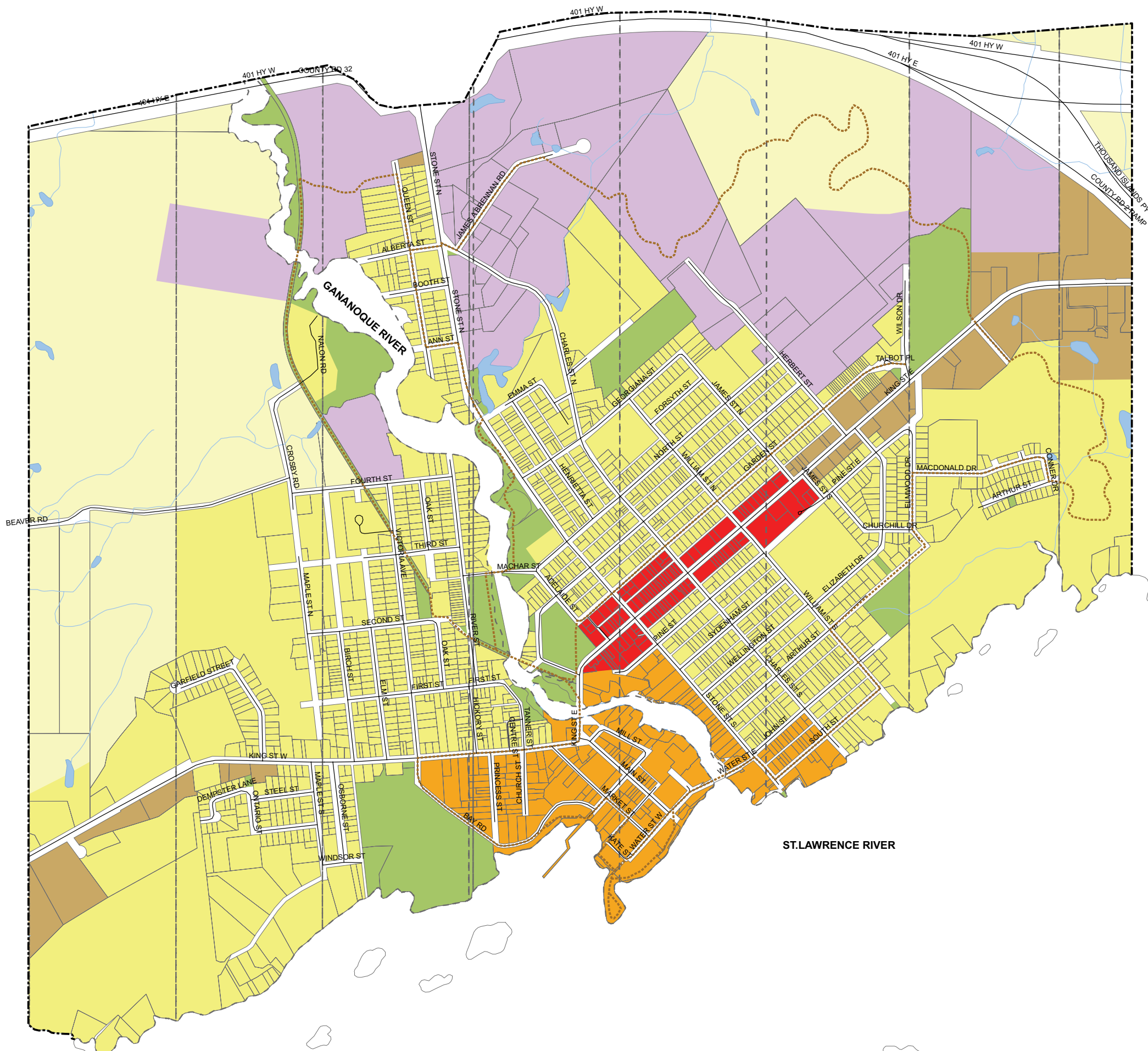
Drawings are produced by Stantec Consulting Ltd. with base information supplied by the United Counties of Leeds & Grenville (2007).
 @ August 2009



**Official Plan
 Schedule "I"
 LAND USE**

Legend

- Residential
- General Commercial
- Highway Commercial
- Lowertown
- Employment Lands
- Open Space
- Rural
- Roads
- Recreational Pathway
- Parcels
- Lot Concessions
- Watercourse
- Municipal Boundary



LOT 09 LOT 10 LOT 11 LOT 12 LOT 13 LOT 14 LOT 15 LOT 16 LOT 17

5.0 IMPLEMENTING THE PLAN - THE PLANNING TOOLKIT

5.1 Introduction

The following policies are provided to guide the implementation of the Official plan. The policies are divided into six categories as follows:

- General
- Permitted Uses
- Development Control
- Economic Development
- Social and Cultural Policies
- Administration of the Official Plan

5.2 General

The policies of this Plan shall be implemented by the Town of Gananoque through the powers conferred upon them by the *Planning Act*, R.S.O. 1990, the *Municipal Act*, 2001, the *Development Charges Act, 1997*, the *Building Code Act, R.S.O. 1992*, as amended, and any other applicable statutes of the Province of Ontario;

The decisions of Town Council must be consistent with and in conformity to the relevant policies of this Official Plan and applicable provincial policy statements and provincial plans;

Pursuant to Section 24(1) of the *Planning Act*, R.S.O. 1990, no public work shall be undertaken and no by-law shall be passed by the Town or a local municipality for any purpose that does not conform to the intent and policies of this Official Plan;

Town Council may acquire, hold, or dispose of land for the purposes of implementing any policies of this Official Plan subject to the provisions of the *Planning Act*, R.S.O. 1990, the *Municipal Act*, 2001, and any other applicable statutes of the Province of Ontario; and

.All forms of development agreements regarding subdivisions, consents, condominiums, variances and site plans are required to conform to the policies of this Official Plan.

5.3 Permitted Uses

The following general policies are related to various types of land uses permitted throughout the planning area regardless of the land use designation.

5.3.1 Accessory Uses

Wherever a use is permitted in the land use designation, it is intended that uses, buildings or structures incidental, accessory or essential to the use shall also be permitted.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

Accessory Dwelling Units: It is a policy of this Plan to provide opportunities for accessory dwelling units such as apartments in detached, semi-detached dwelling units and row houses on the same lot as the principal single detached dwelling. In substantiating the appropriateness of a proposed accessory dwelling the proponent shall:

1. demonstrate compliance to the Ontario Building Code;
2. demonstrate compliance with applicable zoning standards for lot size, setbacks and parking.

5.3.2 Existing Land Uses and Non-Conforming Uses

All uses which were legally in existence at the effective date of this Plan shall be allowed to continue as such.

Existing uses which do not conform to the relevant provisions contained in this Plan shall be deemed non-conforming uses. The long-term objective of this Plan is to relocate, eliminate, or replace these non-conforming uses with uses which are permitted in the relevant land use designation.

A Council may recognize a non-conforming use and zone it in accordance with the existing use provided that:

1. the zoning by-law does not permit any change of use or performance standard that might aggravate, increase or enlarge the non-conforming status;
2. the use does not constitute a danger to surrounding uses or persons by virtue of its hazardous nature or the traffic flow generated;
3. the use does not pollute the air, water or soil to the detriment of the health or comfort of the surrounding land uses;
4. the use does not interfere with the orderly development of adjacent lands.

Where a non-conforming use is discontinued, the lot may be rezoned in accordance with the policies and intent of this Plan, or to permit a similar use provided that the Council is satisfied that the use is similar to the discontinued use and provided that the provisions of section items 1 to 4 above are met.

Existing non-conforming buildings or structures which are destroyed or damaged may be reconstructed to their former dimensions provided work is commenced within 12 months of the date of destruction.

Non-conforming uses located in a flood plain area which are damaged or destroyed by flooding may only be reconstructed in accordance with the requirements of the Cataraqui Region Conservation Authority or the Ministry of Natural Resources.

5.3.2.1 Extension or Enlargement under Section 34(10) of the *Planning Act*, R.S.O.1990

Where a property is not zoned in accordance with the existing use, the extension or enlargement of such use may be considered by Councils through the passing of a Zoning By-law pursuant to Section 34(10) of the *Planning Act* or by the Committee of Adjustment under Section 45 of the *Planning Act* subject to the following guidelines:

1. The extension or enlargement should not aggravate the non-conforming situation for neighbouring uses.
2. The extension or enlargement should be in a reasonable proportion to the existing use and to the land on which it is to be located.
3. Any extension or enlargement involving land should be minor in relation to the total property. Any major change or adjustment shall require an amendment to this Plan.
4. The proposed extension or enlargement shall not create undue noise, vibration, fumes, smoke, dust, odours, traffic generation nor glare from lights.
5. Adequate buffering, setbacks and other measures necessary to reduce or mitigate any impact shall be required and where possible shall be extended to the existing use.
6. Traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and by improvement of site conditions especially in proximity to intersections.
7. Adequate provisions have been or will be made for off-street parking and loading facilities.
8. Municipal services such as storm drainage, roads, sewer and water are adequate or can be made adequate.
9. Neighbouring land owners will be notified of the proposed extension or enlargement of the non-conforming use before the final decision on the application is made.

The development of existing undersized lots may be permitted in accordance with the relevant provisions of the zoning by-law provided that where the development is on private services the size, configuration and, where applicable, the soil structure of the lot is appropriate for the long term provision of services.

A lot addition or enlargement to an existing undersized lot may be permitted even though the addition does not bring the lot up to the standard required in the zoning by-law. In such cases the lot does not lose its non-conforming status and may be developed in accordance with the relevant provisions of the zoning by-law.

5.3.2.2 Minor Variance or Permission

Section 45 of the *Planning Act* authorizes a Committee of Adjustment to grant variances and permission for enlargements or extensions or changes in the use of lands, buildings or structures to a similar or more compatible use. A Committee may approve applications provided that (1) general intent and purpose of the Official Plan are maintained, (2) the general

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

intent and purpose of the Zoning By-law are maintained, (3) the variance is minor and (4) the proposed use of land, building or structure is desirable for appropriate development.

5.3.3 Lots Of Record

Except for lots which are subject to development constraints such as flooding or unstable slopes, and subject to section 3.2.2.2, lots of record which are vacant may generally be used for building purposes in accordance with the policies of this Plan and the regulations of local zoning by-laws provided they front on a year round publicly maintained road and can be adequately serviced. Lots of record which are subject to development constraints may be developed provided the constraint may be mitigated in accordance with other relevant policies in this Plan.

Public Uses

Public utility facilities subject to the requirements of the *Environmental Assessment Act* may be permitted in all land use designations of this Plan and are not subject to the restrictions listed in items 1 to 4 below.

Other public utility and municipal services and facilities are permitted in all land use designations as shown on the accompanying land use schedules, provided that:

1. such use is necessary in the area, that it can be made compatible with its surroundings and that adequate measures are taken to ensure land use compatibility;
2. adequate off-street parking and loading facilities are provided;
3. the construction of permanent buildings is discouraged in all areas which have been identified as environmentally sensitive;
4. the general intent of the policies of this Plan is satisfied.

Notwithstanding the power of the Federal and Provincial Governments to undertake public works by authority granted under statutes other than the *Planning Act*, Council shall endeavour to ensure that such development follows the general intent of this Plan and is compatible, as far as practicable, with the type, quality and character of development in the area in which it is proposed. Council encourages the Federal and Provincial Governments to consult with them whenever a use of land or public work is proposed which is not permitted by this Plan, in order that the proposal may be evaluated with regards to its effect on the achievement of the goals and objectives of this Plan and on the provision of Town' services and facilities.

Public uses are not permitted in areas of Endangered or Threatened Species habitat. Where public uses are to be located on lands adjacent to natural heritage or resource designations, such public uses shall not result in a negative impact on the natural features or ecological functions for which the area is identified.

5.4 Development Control

5.4.1 Plans of Subdivision

A plan of subdivision application will be reviewed on the basis of technical, environmental and planning and design considerations. The following is a list of some of the types of studies which may be required. Though this list summarizes the types of studies commonly required for plans of subdivision it is not necessarily exhaustive, and other studies may be required in certain situations.

Technical considerations relate to the following requirements:

1. The application must be complete in accordance with the requirements of Section 51 (17) and applicable regulations under the *Planning Act*, R.S.O.1990;
2. The application must conform to the policies of this Official Plan;

Environmental documentation which should accompany the submission of application for draft plan approval, relate to the following requirements:

1. Evidence respecting the availability and suitability of water and waste water services including where appropriate the preparation of a hydrogeological study, terrain analysis and an impact assessment report in accordance with the Ministry of Environment guidelines and regulations;
2. Preparation of a servicing options statement;
3. Preparation of a stormwater drainage plan;
4. Preparation of a grading plan
5. Preparation of a sediment and erosion control plan
6. Completion of studies required under the environmental and development constraints policies in sections 3.5 and 3.6 of this Plan.

Planning and Design Considerations include the following:

1. Consistency with the Lowertown Master Plan where applicable
2. Lot and block configuration
3. Compatibility with adjacent uses
4. Road access, street layout and pedestrian amenities
5. Parks and open space amenities
6. Easement and right-of-way requirements
7. Justification of the need for the Subdivision
8. In considering a draft plan of subdivision, regard shall be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act*, R.S.O. 1990
9. Emergency and secondary accesses

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THE TOWN OF GANANOQUE OFFICIAL PLAN**

The Approval authority will, in giving draft approval to plans of subdivision or condominium which have access to full or partial municipal water and/or sewage services, provide that approval will lapse not more than 3 to 5 years from the date draft approval is given, in accordance with section 51 (32) of the Planning Act, R.S.O. 1990, as amended. The Approval authority may, in giving approval to plans of subdivision or condominium which will employ private services, provide that approval will lapse at the expiration of a period of time to be specified by the approval authority in accordance with section 51 (32) of the Planning Act, R.S.O. 1990, as amended.

5.4.2 Consents

It is the policy of this Plan that lot creation in excess of three lots, including the retained lot, from the original lot shall take place by Plan of Subdivision. For the purposes of this policy the original lot is defined as the lot as it existed as of the date of approval of this Official Plan.

Exceptions to the policy limiting the number of lots which can be created by consent may also be granted by the approval authority to permit infill lots in existing areas of strip development provided that it will not create negative effects on traffic flow and safety.

Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason which does not result in the creation of a new lot. Vertical consents (commonly known as Strata Plans) are not permitted.

The following criteria shall apply when considering consent applications.

1. The size, configuration and, where applicable, the soil structure of a proposed lot shall be appropriate for the long term provision of services and the applicant shall provide sufficient information to the consent authority to this effect. The approval authority may require that this information shall be in the form of a hydro-geological study, prepared by a qualified professional, and must demonstrate that the aquifer can provide a long term sustainable water supply of acceptable quality and quantity, as well as providing evidence through testing, that the soil conditions can accommodate the effluent load from a septic field along with its replacement area. Such a study shall recommend a minimum lot size, which shall be used in evaluating the proposed consent. Regardless of the recommendation contained in such a study, municipalities may impose a minimum lot size in the implementing zoning by-law.
2. The consent granting authority will ensure that there is sufficient capacity in existing water and waste water services including capacity to treat hauled sewage from private communal or individual septic systems prior to granting a consent to create a new lot.
3. All lots created shall have frontage on a public road with at least one side of the lot which physically abuts the public road.
4. The proposed lot shall be compatible with adjacent land uses and shall not result in a traffic hazard as a result of limited sight lines on curves or grades.
5. All consents shall comply with the Minimum Distance Separation formulae developed by the Ontario Ministry of Agriculture, Food and Rural Affairs.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

6. A consent which has the effect of land locking another parcel is not permitted.
7. Access to interior land will be protected by ensuring that 20 metre wide openings for future road allowances are provided at strategic locations.
8. Consents will not be granted unless it can be demonstrated that each lot to be created contains sufficient area for development that is not affected by the development constraints described in 3.6 and 3.7 of this Plan. All new lots proposed must comply with the provisions of the Official Plan and Zoning By-laws.
9. The lot being severed and the lot being retained shall conform to the provisions of this Plan and the implementing Zoning By-law.
10. A maximum of one new lot may be created per consent application.
11. In considering a consent, regard shall be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act*, R.S.O. 1990 with necessary modifications.

5.4.3 Site Plan Control

5.4.3.1 General Intent

It is the intent of this plan that an appropriate policy framework be provided which will allow and encourage Council to use site plan control to enhance the quality of new development or redevelopment in conjunction with other applicable controls such as zoning, development permits and the Ontario Building Code.

The objective is to provide for the use of site plan control to ensure functional and aesthetically pleasing, safe development and redevelopment throughout the Town.

In order to achieve the goal, Councils may adopt a Site Plan Control By-law which provides for the following:

1. The submission of site plans for review;
2. The application of appropriate engineering and site development standards;
3. Reducing or eliminating land use incompatibility between new and existing development;
4. Ensuring that approved developments are built and maintained as set out in the site plan agreement;
5. Ensuring that the development occurs in accordance with any required environmental impact assessment study recommendations where required.

5.4.3.2 Site Plan Control Area

The entire geographical area of the Gananoque shall be considered a Site Plan Control Area pursuant to the provisions of Section 41(2) of the *Planning Act*, R.S.O. 1990. Should Council implement a Development Permit System, the area subject to Site Plan Control would be amended to reflect the regulatory requirements of the Development Permit By-law. Council recognizes that the adoption of a Development Permit By-law requires extensive public and agency consultation and as such there is no requirement to amend the Site Plan Control

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

policies of this Plan where development control is transferred from Site Plan Control to the Development Permit system.

5.4.3.3 Application of Site Plan Control

Site Plan Control shall apply to the following land uses:

1. All uses permitted within any commercial, industrial or institutional zone;
2. A residential structure consisting of three (3) or more dwelling units;
3. All development located within 100 metres of the high water mark of the St Lawrence or Gananoque Rivers;
4. Heritage properties designated under the *Ontario Heritage Act*.

5.4.3.4 Exemption

The following uses are exempt from site plan control:

1. One and two-unit dwellings and buildings, structures accessory thereto and additions or alterations thereto which are within zones which permit residential uses unless such dwellings are located in areas described in 5.4.2.3.3.

In imposing site plan control, Councils will seek to regulate the general site design of the property and, when appropriate, the conceptual design of all buildings and structures on the property. The Site Plan Control By-law shall stipulate when and what type of drawings are required. Floor plan, elevation and cross-section drawings of each proposed building may be required. In accordance with the provisions of Section 41(7) of the *Planning Act, R.S.O. 1990*, a local municipality may require the owner of land to provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Widening of highways that abut the land;
2. Access to and from the land;
3. Off-street vehicular loading and parking facilities;
4. Pedestrian and/or bicycle pathways or access;
5. Lighting facilities;
6. Landscaping and other facilities for the protection of adjoining lands;
7. Facilities and enclosures for the storage of garbage and other waste material;
8. Required municipal easements;
9. Grading of lands and disposal of storm water
10. Emergency and secondary accesses

Site plan control may be used to require the dedication of land for road widenings as indicated on Schedule F. Land for road widenings will be taken equally from either side and will not

exceed a width of 5 metres from either adjacent property. Additional lands for widening to provide corner triangles at all road intersections may also be required.

In the review of site plan applications the municipality may circulate to public bodies and/or qualified professional for their comments prior to the approval of any site plan or site plan agreement.

Councils shall have regard for the enabling authority of Section 41 of the *Planning Act* with respect to the matters which may be addressed under site plan control, the entering into one or more agreements for the provision of any or all of the facilities, works or matters as provided for by the Act and the maintenance thereof and for the registration of such agreements against title to the land. Council will also have regard to the requirements of the Public Works Department and the Ministry of Transportation with respect to road widenings, safe access and the provision of storm drainage facilities.

5.4.4 Development Criteria

Councils shall consider the following development criteria when reviewing the compatibility and appropriateness of any new development or redevelopment, when considering amendments to the Zoning By-law and in considering, where applicable, the requirements for site plan control under Section 41 of the Planning Act:

1. The provision of safe access onto or from a local or Town road or provincial highway.
2. Adequate access to, and provision of, off-street parking.
3. Barrier-free access to public and commercial buildings and the designation of parking spaces for physically challenged persons.
4. Access and maneuvering of emergency vehicles in providing protection to public and private properties.
5. The availability of municipal services and the cost of upgrading such services including water, sewage treatment facilities, fire and police protection, street lighting, roads and winter maintenance, waste disposal, community facilities and recreation.
6. Adequate grade drainage or storm water management and erosion control.
7. The screening, buffering or fencing of aesthetically displeasing or dangerous land uses or open storage. A buffer may be open space, a berm, a wall, a fence, plantings, a land use different from the conflicting uses but compatible with both, or any combination of the aforementioned sufficient to accomplish the intended purpose.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

8. The provision of landscaping, the creation of privacy and/or open space areas around buildings and other uses, and the establishment of setbacks to maintain proper distance separation between new development and natural heritage sites, natural hazards and resource areas and development constraints such as noise and vibration.
9. Adequate exterior lighting for access and parking areas for public or private use such as in commercial, industrial, institutional and multiple residential development.
10. The control of signs and advertising such that they are in scale with the intended use and with surrounding uses.
11. Protection of the environment by avoiding air, soil or water pollution.
12. The preservation and protection, whenever possible, of street trees, street tree canopies and the urban forest.
13. The adequacy of school board facilities to accommodate new development or redevelopment and the provision or availability of school bussing.
14. Protection or enhancement of natural resource values.
15. Conserving cultural heritage resources.
16. The physical suitability of the land for the proposed use.
17. Safety and Security Criteria

When reviewing development applications, ensure that safety and security measures are considered through such means as:

1. sufficient lighting in spaces intended for public use after dark to support the kind of activities envisioned for that space;
2. signs and an overall pattern of development that supports users' sense of orientation and direction;
3. preservation of clear lines of sight for persons passing through the space;
4. attention to the proposed mix of uses and their proximity to each other to ensure they are complementary;
5. the routing and design of bicycle and pedestrian routes so that they are accessible to populated areas.

5.4.5 Cash-in-lieu

Cash-in-lieu of parkland may be used to acquire or develop public parks or public recreational uses. Cash-in-lieu may be required for residential severances or residential subdivisions at the rate of up to 5% or for commercial or industrial severances at the rate of up to 2% of the value of land as set out in Section 42 or 51 of the Planning Act.

Cash-in-lieu of Parking: Council may enter into an agreement to exempt an owner or occupant from the need to provide and maintain parking facilities as required under the zoning by-law. Such agreement shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated.

5.4.6 Holding Provisions

The use of Holding provisions in accordance with Section 36 of the Planning Act R.S.O. 1990 is permitted. A municipality may adopt holding provisions and when doing so shall clearly state the conditions which must be met prior to the removal of the "H" designation by Council. The use of Holding provisions shall conform to the policies of this Official Plan.

The following have been established as objectives for using holding provisions in a Zoning By-law:

1. To assist in the phasing of development and/or redevelopment;
2. To co-ordinate development and/or redevelopment with the provision of water, sanitary sewage, storm sewer and other services;
3. To control development and/or redevelopment which may necessitate special design considerations;
4. To forestall development and/or redevelopment until such time that stated planning related criteria can be satisfied.
5. To aid in the selection of sites or areas that may be subject to holding provisions, the following locational criteria are identified:
 - i) lands in a built-up area which are undeveloped;
 - ii) lands which are unserved;
 - iii) lands which do not have adequate access or frontage onto a public roadway;
 - iv) lands which are adjacent to hazardous, noxious, temporary or otherwise undesirable uses or activities; and

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

- v) lands which are near or fronting onto public roads which are subject to hazardous conditions or are inadequate to handle current traffic volumes.

Removal of the holding provisions shall be accomplished by the adoption of an amending By-law in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990 and related regulations.

Removal of the holding provisions shall occur only after Council is satisfied that all prescribed conditions or criteria have been satisfied.

It is intended that holding provisions shall be implemented by means of the implementing Zoning By-law. Land or lands shall be zoned for its/their intended use and the holding symbol (H) shall be added as a suffix, separated from the principal zone by a hyphen. The Zoning By-law shall specify the uses of land permitted and any regulations applying to the land during the time for which the holding provisions are in place. Conditions or criteria that are to be satisfied before the holding provisions can be removed shall be clearly stated in the Zoning By-law.

5.4.7 Temporary Use By-laws

A Temporary Use By-law is a By-law passed by Council for the purpose of allowing a use that is otherwise prohibited by the Zoning By law. A Temporary Use By-law must define the land or lands to which it applies and it shall prescribe the period of time during which it is in effect, which period of time shall not exceed three years from the day of passing of the By law except in the case of a "Garden Suite" where a Temporary Use By law cannot exceed a period of ten years. A local municipal Council may extend the period of time during which a temporary use is permitted by passing further By-laws, each of which shall not be in effect for more than three years.

The following criteria shall apply where a Temporary Use By-law, pursuant to the authority of Section 39 of the Planning Act, R.S.O. 1990, is used in the implementation of the Official Plan:

1. Temporary Use By-laws may be passed to permit uses which do not conform with the Official Plan provided that the temporary use will not affect the ability of the land in question to be used for the purposes intended in the Official Plan;
2. The proposed use shall be compatible or can be made compatible with the surrounding land uses;
3. Required services shall be adequate for the proposed use;
4. Access and parking shall be appropriate for the proposed use;
5. The proposed use is of a temporary nature and will not require any major construction or extensive capital investment on the part of the owner or that the

owner will not experience undue hardship in reverting the original use upon termination of the temporary provisions.

5.4.8 Interim Control By-laws

Interim Control By laws may be passed by Council in accordance with the provisions of Section 38 of the Planning Act for the purpose of controlling the use of land, buildings and structures within specifically identified areas for a specific period of time (i.e. not exceeding one year in length with provision for extending the time period for a total time period of not more than two years).

Prior to passing an Interim Control By law, it is first necessary for a local municipal Council to pass a resolution directing that a review or study be undertaken in respect to land use planning policies in the municipality or in any area or areas thereof. It is intended that any Interim Control By law be passed in order to adequately control development in a designated area while the review or study is being completed. Where an Interim Control By law ceases to be in effect, a local municipal Council may not for a period of three years pass a further Interim Control By law that applies to any lands to which the original Interim Control By law applied.

5.4.9 Complete Applications

The following chart identifies the type of study or report which could be required in order for the Town to proceed with the processing of an application. As every development proposal is considered on its own merit, a pre-submission consultation with municipal planning staff will be required in order to confirm the need for additional information, studies or reports. The following chart provides a summary of required studies or reports and is divided by type of planning application and further qualifies the study as Required (R) or Possibly Required (P).

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

COMPLETE APPLICATION INFORMATION REQUIREMENTS						
Information Type	Trigger	Planning Act Applications				
		Official Plan	Zoning By-law	Subdivision	Consent	Site Plan
Environmental impact Assessment	Where application provides for development in or adjacent to an environmentally sensitive area	P	R	R	R	R
Traffic Study	Where application provides for development which may result in increased traffic or the need to alter roads or intersections	P	R	R	R	R
Air, Noise or vibration study	When required by a provincial guideline	P	R	R	R	R
Heritage Study	Development in Lowertown or adjacent to existing heritage properties	P	P	P	P	P
Hydrogeology	Development on private services	P	R	R	R	R
Erosion Control	Development along shorelines or hazard areas.	P	R	R	R	R
Archeological Study	Development proposed on lands located within 300 metres of a shoreline	P	R	R	R	R
Tree Preservation Plan	Where development could result in the loss of street trees or wooded areas.	P	P	P	P	P

5.4.10 Development Permit By-laws

Council may allocate any lands within the Town of Gananoque as an area subject to a Development Permit By-law. The Development Permit approval framework combines existing systems of zoning, site plan control, tree cutting by-laws and site alteration by-laws into one approval or permitting system. Provisions for new development, infill and construction are outlined within the Development Permit By-law and are consistent with Official Plan designations and directions. It differs from traditional land use regulations by allowing discretionary uses, conditional approvals, and variations to standard requirements, control of exterior design elements and removal of vegetation. 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 the By-law. The Development Permit By-Law shall clearly articulate and establish development and design requirements, provisions and standards which must be demonstrated to the satisfaction of the Town prior to the granting of any approval. The Development Permit By-Law will generally provide for a streamlined approach to the review and approval of development applications and allow for flexibility within a clearly articulated context. The Development Permit By-law shall establish specific designations on the basis of consistency and compatibility of land uses, neighborhood characteristics and architectural and functional design and compatibility.

5.4.10.1 Area

A Development Permit By-law may be developed and adopted for a specific area of the Town or for the entire corporate limits of the Town. Where a Development Permit By-Law has been enacted and approved the Zoning By-Law and Site Plan Control By-Law will not apply.

5.4.10.2 Objectives

The objectives of the Town in implementing the development permit system include but are not limited to; the preservation of the existing small-town character, the improvement of Lowertown and the waterfront, preservation and enhancement of the residential neighbourhoods, promotion of rehabilitation of industrial properties, the expansion of greenspaces and park facilities and to provide for their interconnectivity, increasing the diversity of arts, cultural and recreational opportunities and the protection of the natural environment.

Except for those types of development for which the Development Permit By-law specifies that no development permit is required, a development permit will be required prior to undertaking any development.

5.4.10.3 Application Requirements

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

All applications for Development Permit are required to submit a full drawing and plan set which includes elevation and cross section drawings for any proposed building or structure. More specifically all applications for Development Permit must include;

1. The name, address, telephone number and, if applicable, the email address of the owner of the subject land, and of the agent if the applicant is an authorized agent and if known the date the land was acquired.
2. The current designation of the subject land in the official plan and the land uses the designation authorizes.
3. The current designation of the subject land in the Development Permit By-Law and the land uses the designation authorizes.
4. Whether the proposed use is,
 - a) A permitted use; or
 - b) A use that may be permitted subject to criteria as set of in the development permit by-law and how the applicable criteria have been addressed.
5. Whether a variation is requested within the provisions set out in the development permit by-law and how the proposed variation meets the criteria as set out in the development permit by-law.
6. A description of the subject land, including such information as the legal description of the subject land including lot and concession numbers, registered plan and lot numbers, reference plan and part numbers and street names ad numbers.
7. The frontage, depth and area of the subject land, in metric units.
8. How access to the subject land is achieved and the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right of way.
9. The location and nature of any easement or restrictive covenant affecting the subject land.
10. The existing uses of the subject land and the length of time such use has existed if known.
11. Whether there are any buildings or structures on the subject land and if so the following information for each building or structure must be provided;

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

- a) The type of building or structure;
 - b) The setbacks from the building or structure from all lot lines, the height of the building or structure and its dimensions or floor area;
 - c) The current use of the building or structure and the date of construction if known.
12. The proposed uses of the subject land.
 13. The current land uses adjacent to the subject land.
 14. The approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it.
 15. Whether any development is proposed for the subject land and if so the following information must be provided;
 - a) The type of development proposed including whether or not any buildings or structures are proposed and the setbacks from all lot lines, height and dimensions or floor area.
 16. Plans that show the location of all buildings and structures to be erected, the location of all facilities and works to be provided in conjunction with the buildings and structures, and the location of all facilities and works.
 17. Whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or other means.
 18. Whether sewage disposal is provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system.
 19. Whether storm drainage is provided by sewers, ditches, swales or other means.
 20. Drawings that show plan, elevation and cross-section views for each building or structure to be erected and are sufficient to display;
 - a) The massing and conceptual design of the proposed building,
 - b) The relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access,

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

- c) The provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;
 - d) Matters relating to exterior design and sustainable design including without limitation the character, scale, appearance and design features of the proposed building.
- 21. Design elements on any adjoining highway under the Town's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities and any facilities designed to have regard for accessibility for persons with disabilities.
- 22. Plans and drawings shall not include the following;
 - a) Interior design;
 - b) The layout of interior areas, other than interior walkways, stairs, elevators and escalators.
 - c) The manner of construction and standards for construction.
- 23. Additional required information, if known, should include;
 - a) Whether the subject land has ever been the subject of an application under the Act for approval of a plan of subdivision or a consent and if yes the file number and status of the application;
 - b) Whether the subject land has ever been the subject of an application under section 34, 41 or 45 of the Act and if yes the file number and the status of the application.

5.4.10.4 Pre-Consultation

Applicants are encouraged to consult with municipal staff prior to submitting a Development Permit application. Pre-consultation will provide important information including the identification of required studies and /or reports in support of an application. Failure to consult with municipal staff prior to submitting an application may result in delays related to incomplete applications.

5.4.10.5 Supporting Studies and Reports

Technical reports/plans or studies may be required to assist in the review process of a Development Permit application. Applications for a Development Permit may be required to submit the following studies or reports;

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

- 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) An MDS I or II calculation
- m) A minimum separation distance calculation for an industrial use or a waste management facility;
- n) Confirmation on sufficient reserve sewage system capacity and reserve water system capacity.
- o) Vegetation Inventory and /or Tree Preservation Plan.

5.4.10.6 Discretionary Uses

As may be provided in the Development Permit By-Law, a development permit may be issued to permit, as a discretionary use, any use not specifically listed as a permitted use in the Development Permit By-Law, provided that the proposed use is similar to and compatible with the listed permitted uses, would have no negative impact on adjoining properties, and would maintain the intent, principles and policies of this Plan.

In addition, the Development Permit By-law may provide that a development permit may be issued to permit, as a discretionary use, an extension to a legal non-conforming use or change in use of a legal non-conforming use, provided that the proposal is desirable in order to avoid hardship, that it would have no negative impact on adjoining properties, and that it would maintain the intent, objectives, principles and policies of this Plan.

5.4.10.7 Variations

The Development Permit may allow for defined variations to the standards and provisions outlined in the Development Permit By-Law. Such variations will only be permitted if they are consistent with the policies of this plan.

Any proposal for a use which is not listed as a permitted use or which does not qualify as a discretionary use in the Development Permit By-law and in accordance

with the relevant policies in the Official Plan will require an amendment to the Development Permit By-Law.

5.4.10.8 Delegation of Approval Authority

Council may delegate to staff the approval or issuance of development permits. Limits on and criteria for such delegation will be established in the Development Permit By-Law.

5.4.10.9 Development Permit Not Required

A Development Permit shall not be required for single dwelling units and semi-detached 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, 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 natural watercourse.
- b) No site alteration or vegetation removal is required or proposed within 30 metres of the St Lawrence or Gananoque Rivers.

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

- a) Any Development that has a Plan approved through prior 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.

5.4.10.10 Conditions

The Corporation may impose conditions and grant provisional approval prior to final approval in accordance with Official Plan policies, Development Permit By-law and Ontario Regulation 608/06.

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.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

Technical reports may be required to assist in the review process and any recommendations therein may be imposed as conditions of Development Permit Approval. 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.

As a condition to the approval of the plans and drawings the Town of Gananoque may require the owner of the lands to,

- a) provide to the satisfaction of and at no expense to the Town of Gananoque any or all of the following;
 1. Widenings of highways that abut on the land.
 2. Subject to the Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs.
 3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
 4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
 5. Facilities designed to have regard for accessibility for persons with disabilities.
 6. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.
 7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
 8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.
 9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
- b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned paragraphs 2, 3, 4, 5, 6, 7,

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

8 and 9 of clause a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

- c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause a) or d) and the maintenance thereof as mentioned in clause b) or with the provision and approval of the submitted plans and drawings or,

enter into one or more agreements with the municipality ensuring that development proceeds in accordance with the approved plans and drawings.

- d) convey part of the land to the municipality to the satisfaction of and at no expense to the municipality for a public transit right of way.

Agreements

The Owner or Applicant may be required to enter into a Development Permit Agreement with the Town, to be registered against the lands affected, which shall include but not be limited to:

1. The responsibility of each party to execute and complete all works envisioned in the Development Permit Approval,
2. Detailed drawings and specifications of the work to be completed, including plans showing the physical relationship to the adjacent properties and public right-of-ways,
3. The timing of construction, including commencement and completion,
4. Any financial guarantees and/or fees required by the Town to ensure the completion of the works described on the Development Permit.
5. Cash in lieu of parking.
6. Cash in lieu of parkland.

5.5 Community Improvement Area

5.5.1 Policies

The entire Municipality is designated a Community Improvement Area.

Council may, by by-law, designate the lands within a Community Improvement Area as a Community Improvement Project Area whereupon Council shall undertake the preparation of a Community Improvement Plan for such area or areas. Prior to designating a Community Improvement Area, Council shall repeal all previous designating by-laws adopted under the

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

Planning Act for Community Improvement purposes in the area to be designated as a Community Improvement Project Area.

Subject to Section 28 of the Planning Act, in pursuing the objectives of the Official Plan's Community Improvement Policies Council may:

1. sell, lease or dispose of lands and buildings acquired or held by the municipality;
2. give loans and grants to owners, tenants and their assignees for rehabilitation purposes;
3. provide tax assistance by freezing or canceling the municipal portion of the property tax on eligible properties for remediation purposes; and
4. issue debentures with the approval of the Ontario Municipal Board.
5. Fostering the improvement of businesses and public spaces to remove barriers which may restrict their accessibility.

5.5.1.1 Policy Objectives

The policy objectives are as follows:

1. To upgrade and maintain all essential municipal services and community facilities.
2. To ensure that community improvement projects are carried out within the built up areas of the Town.
3. To ensure the maintenance of the existing building stock.
4. To preserve heritage buildings.
5. To facilitate the remediation, rehabilitation and \or redevelopment of existing Brownfield sites;
6. To encourage private sector investment and the strengthening of the economic base.
7. To enhance the visual appearance of Community Improvement Areas.
8. 8. To revitalize our downtown commercial district (General Commercial Policy Area) as a mixed use area and a vibrant shopping destination.

5.5.1.2 Preparation and Adoption of a Community Improvement Plan

Council shall have regard for the following matters in the preparation and adoption of a Community Improvement Plan, namely;

1. the basis for selection of the community improvement project areas with specific consideration of the following:

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

- i) That there is evidence of a need to improve municipal services such as roads, sidewalks, street lighting, parking, sanitary and storm sewers, water supply, parks and recreation, community facilities, the waterfront areas or streetscaping. Improvements may apply to some or all of the above services.
 - ii) That the phasing of improvements corresponds to the timing of improvements by the Town and/or senior governments and is within the financial capability of the municipality.
 - iii) That a significant number of buildings in an area show signs of deterioration and need of repair.
 - iv) That there is evidence that a site can be classified as a Brownfield and that the adoption of a community improvement plan would assist in the remediation, rehabilitation and/or redevelopment of a property or area.
 - v) That improvement to the visual appearance or aesthetics be required.
 - vi) That improvements will have a significant impact on strengthening the economic base of the community.
2. the boundary of the area and the land use designations contained in this Plan;
 3. properties proposed for acquisition and/or rehabilitation;
 4. the estimated costs, means of financing and the staging and administration of the project;
 5. the provision of sufficient flexibility, as circumstances warrant, where project and costing revisions are necessary;
 6. the phasing of improvements and the means of their implementation; and
 7. citizen involvement during the preparation of a Community Improvement Plan.

5.5.1.3 Implementation of a Community Improvement Plan Policies

Council shall implement the general principles and policies of this Section as follows:

1. through the identification of specific community improvement projects and the preparation of Community Improvement Plans;
2. through participation in programs with senior levels of government;
3. through enforcement of the Municipality's Property Standards Bylaw;
4. through the acquisition of land to implement adopted Community Improvement Plans;

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

5. through the encouragement of the orderly development of land as a logical and progressive extension of development which provides for the infilling of underutilized land;
6. Through the encouragement of the private sector to utilize available government programs and subsidies;
7. through the enactment of a comprehensive zoning by-law which provides for a range of appropriate uses, for the intensification and integration of land uses, and which stimulates the economic and/or functional role of the areas or alternatively through the adoption of an area specific Development Permit System which streamlines development approval and which ensures that architectural and urban design considerations are implemented; and
8. by encouraging the rehabilitation of existing buildings and structures which will be used for a purpose compatible with the surrounding area.

5.5.1.4 Phasing

Council shall have regard for the phasing of improvements in order to permit a logical sequence of events to occur without unnecessary hardship to area residents and the business community. The improvements should be prioritized having regard for available municipal funding.

5.6 Maintenance And Occupancy Standards

It is the policy of Council to maintain the physical condition of the existing building stock by adopting and enforcing a Municipal Property Standards By-law as enacted under Section 15.1 of the *Building Code Act*, R.S.O. 1990, as amended.

Council may further support property maintenance and safe occupancy by:

1. Utilizing available government programs, where applicable, to provide financial and administrative support to individuals seeking to improve their properties.
2. Maintaining municipally owned buildings, properties and community facilities and providing or maintaining municipal services in good repair.
3. Using or encouraging the use of associated legislation such as the Ontario Fire Code for the retrofit of buildings and Part 11 of the Ontario Building Code also respecting the retrofit of buildings.
4. Appointing a Property Standards Officer to enforce the By-law and by the appointment of a Property Standards Committee under the provisions of Section 15.6 of the *Building Code Act*, R.S.O. 1992, as amended.

5.7 Building Permits

In accordance with the provisions of Section 8 of the *Ontario Building Code Act, R.S.O. 1992*, as amended, it is a policy of this Plan that building permits will not be issued where the proposed construction does not conform to the provisions of the Zoning By-law.

5.8 Zoning By-Law

It is a policy of this Plan that the Zoning By-law shall conform to the policies of this Official Plan. Following adoption of this Plan and its subsequent approval by the Ministry of Municipal Affairs and Housing, the Zoning By-law shall be brought into conformity with the policies of this Plan. This may be accomplished through the Zoning By-law Amendment process or through a comprehensive update of the municipality's existing Zoning By-law.

5.9 Economic Development

5.9.1 Introduction

Council recognizes that the economic base of the Town is dependent upon a mix of commercial, service industries, manufacturing activities and tourism. Council's intent is to establish a framework in which to encourage new economic growth and new employment generation while sustaining existing economic strengths.

5.9.2 Goals and Objectives

Goal: To sustain the strengths of the existing economic base and to broaden the Town's employment opportunities.

Objectives:

1. To sustain and to build on the existing strength of the commercial, industrial and tourism sectors of the economy.
2. To undertake initiatives to stimulate new employment generation.
3. To work cooperatively with senior governments and community groups in promoting and undertaking economic development activities.

5.9.3 General Policies

In addition to specific land use policies elsewhere in this Plan, Council will undertake several measures to sustain, strengthen and diversify the economic base including:

1. Providing a policy framework which facilitates the planning and delivery of municipal services necessary for the development or redevelopment of lands for commercial, industrial and other employment generating activities.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

2. Expediting planning and other approvals necessary at the Town level to permit the development of lands or construction of new buildings associated with economic development.
3. Supporting community improvement programs.
4. Encouraging and facilitating employment in the construction industry through expediting the approvals of plans of subdivision, encouraging the rehabilitation of heritage buildings, encouraging the retrofit of the existing building stock and by encouraging the recycling of funds in the Financial Help for Home Repairs program provided by the Canadian Mortgage and Housing Corporation or any subsequent, similar program.
5. Introducing a program of community promotion through better signage on Town roads.
6. Allocating funds for the development of promotional literature and multi-media promotional materials.
7. Encouraging an "Open for Business" philosophy towards economic opportunities in the design of municipal by-laws regulating and licensing businesses.
8. Encouraging the development of home based businesses.
9. Promoting the development of existing business parks.
10. Encouraging measures that will extend the length of the tourist season.

5.9.4 Home Based Business

Home based businesses are permitted in all areas where residential uses are permitted subject to the provisions of the implementing Zoning By-law and other by-laws established by Council as well as the principles set out herein. Permitted uses shall include, but are not limited to professional, administrative and consulting services, office uses, computer technology uses, instructional services, distribution sales offices and, arts and crafts. Home based businesses shall be:

1. clearly accessory, secondary, incidental and subordinate to the permitted residential use;
2. compatible with surrounding residential and/or non-residential uses;
3. regulated by Council through provisions contained within zoning by-laws.

Home based businesses of an industrial nature, such as a carpentry shop, tinsmith shop, welding shop etc., may be permitted as an accessory use to a principal residential use. Council may however restrict these types of home based businesses to specific sectors through the Zoning By-law.

5.9.5 Brownfield Redevelopment

Brownfield sites are undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

From an economic perspective, brownfields can result in reduced property values, economic activity and employment. Vacant and underutilized properties in serviced urban areas represent an opportunity to increase development densities. From an environmental perspective, brownfields can present a threat to ecological and human health and safety. From a social perspective, the existence of brownfields can lead to neighbourhood deterioration, threats to personal safety and security, and reduced quality of life.

The benefits that result from brownfield redevelopment are also environmental, economic and social. The economic benefits of brownfield redevelopment can include increased employment in urban areas and increased property values. Environmental benefits can include the removal of threats to the health of residents and workers, the protection of groundwater resources and wildlife habitats and a reduction in unplanned growth. The social benefits of brownfield redevelopment can include neighbourhood revitalization, improved safety and security, the provision of additional housing opportunities through intensification and infill, and an increased sense of community pride. Financial incentive programs that result in an increase in brownfield development will translate into economic, environmental and social benefits.

Accordingly the Town shall identify and promote opportunities for intensification and redevelopment of Brownfield industrial sites. Private sector investment in the re-use and/or redevelopment of underutilized and/or abandoned Brownfield industrial lands will be encouraged through the use of Community Improvement as described in section 5.5 and the related financial tools including property tax and building permit fee incentives.

5.10 SOCIAL AND CULTURAL POLICIES

5.10.1 Affordable Housing

Council will provide for affordable housing by enabling a full range of housing types and densities to meet projected demographic and market requirements of current and future residents of the Town by:

1. Monitoring the need for social assisted housing for households and seniors. Where specific needs are identified, Council will work with the Ministry of Municipal Affairs and Housing and the Social Services Department of the United Counties of Leeds and Grenville to meet identified needs.
2. Encouraging infill and housing intensification. This may be achieved through the conversion of single detached dwellings to multiple units, through re-development at higher densities, through land severances on large under-utilized lots which create opportunities for development on the severed lot (subject to the relevant policies elsewhere in this plan) and through infill on vacant lands.
3. Ensuring a minimum 10-year supply of residential land at all times.
4. Working with the development industry to ensure that a 3-year minimum supply of registered or draft approved lots and blocks for new residential development is available at all times.

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

5. Monitoring population projections and the residential development targets.
6. Making provision for alternative housing types such as accessory dwelling units.
7. Encouraging cost-effective development standards and densities for new residential development to reduce the cost of housing.

5.10.2 Group Homes

A group home is defined as a single housekeeping unit in a residential dwelling, which is registered with the municipality, in which 3 to 10 residents (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under provincial statute and is in compliance with municipal by-laws.

A group home shall be permitted in all land use designations which permit residential uses.

A group home shall be permitted in a single detached dwelling or a semi-detached or duplex dwelling provided that both units are occupied by one group home operation and that the total number of residents does not exceed ten (10).

An accessory dwelling unit or a garden suite shall not be permitted on the same lot as a licensed group home.

5.10.3 Heritage Conservation

The municipality will maintain a cultural heritage resource database resulting in inventories of significant heritage buildings, heritage districts, cultural heritage landscapes, archaeological sites, and archaeological potential areas located within the Town. The heritage resources policies of this plan shall apply when:

1. conserving heritage buildings, cultural heritage landscapes and archaeological resources that are under municipal ownership and/or stewardship;
2. conserving and mitigating impacts to all significant cultural heritage resources, when undertaking public works;
3. respecting the heritage resources identified, recognized or designated by federal and provincial agencies;

Council may permit development and site alteration on adjacent lands located to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated through a Heritage Impact Assessment that the heritage attributes of the protected heritage property will be conserved. A heritage impact assessment may be required if there are any adverse impacts to any significant cultural heritage resources resulting from development proposals. Mitigative measures and/or alternative development approaches may be required for the conservation of heritage attributes of a protected heritage property. The Ontario Heritage Act may be utilized to conserve, protect and enhance any significant cultural heritage resources located within the Town. Examples of tools utilized under the Ontario

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

Heritage Act include appointing a Municipal Heritage Committee to review applications, identifying a Municipal Heritage District, as well as designating buildings of cultural significance within the Town.

Council shall obtain updated archaeological site mapping from the Ministry of Culture under the provisions of a municipal-provincial data sharing agreement, and update this database as new archaeological sites are identified from land development and on the Provincial archaeological sites database. Council may undertake the preparation of an Archaeological or Cultural Heritage Master Plan with the assistance of the Ministry of Culture.

Areas of archaeological potential are determined through the use of provincial screening criteria, or criteria developed based on the known archaeological record within the Town. Such criteria include features such as proximity to water such as current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement. All lands as an area of archeological potential are subject to a Phase I Archeological Review. Subject to the review of the Phase I study the applicant may be requested to undertake further investigations if it is recommended in the Phase 1 report.

Council may consider archaeological preservation in-situ, to ensure that the integrity of the resource is maintained. The heritage integrity of archaeological resources can be preserved by adopting Archaeological Zoning by-laws under section 34 of the Planning Act, to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.

Council shall consult appropriate government agencies, including the Ministry of Culture and the Ministry of Consumer and Business Services (MCBS), when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Heritage Act and the Cemeteries Act shall apply.

6.0 ADMINISTRATION OF THE OFFICIAL PLAN

6.1 AMENDMENTS TO THIS OFFICIAL PLAN

Amendments to this Plan shall be considered in accordance with related policies elsewhere in this Plan. In general, amendments will only be considered when they are justified and when the required supportive information is provided as stated in the policy sector proposed for revision. Proposed amendments to this Plan shall be accompanied by sufficient information to allow Council to fully understand and consider the following:

1. the impact of the proposed change on the achievement of the stated goals, objectives and policies expressed in this Plan;
2. the need for the proposed change;
3. the effect of the proposed change on the need for public services and facilities.

In addition when considering amendments which affect the use of a specific site or sites, Council shall consider:

1. whether there is a need to add the site or sites to the lands already designated for the proposed use;
2. the physical suitability of the land for the proposed use.

6.2 CONSULTATION

Council shall undertake a community consultation program for all amendments to and reviews of the Plan. The consultation process shall include timely provision of adequate information as well as opportunities for members of the public to discuss this information with Town' staff and to present views to Council.

6.3 REVIEW AND MONITORING OF THE OFFICIAL PLAN

Council shall at regular intervals of not more than five years, undertake a review of this Plan, or parts thereof, to ensure that:

1. the Plan's goals and objectives remain valid and realistic in light of prevailing circumstances;
2. the Plan's policies are adequate for the achievement of its goals and objectives.
3. The Plan continues to be consistent with the Provincial Policy Statement.

In order to facilitate the review of this Plan, Council will monitor the achievement of its objectives and the effectiveness of its policies.

6.4 LAND USE DESIGNATION BOUNDARIES

The boundaries of the land use designations established by this Plan and as shown on the attached Schedules are intended to be approximate and shall be considered as absolute only where they coincide with roads, railway lines, rivers, lot lines shown in an implementing Zoning By-law, or other clearly defined physical feature.

Where land use designation boundaries are considered as approximate, amendments to this Plan will not be required in order to make minor adjustments to the boundaries provided that the general intent and purpose of the Plan are maintained. Such minor adjustments shall be determined by Council and will not need to be incorporated into the land use schedules.

Where the land use boundaries are considered as absolute, the location of the boundaries is not open to interpretation and an amendment to this Plan will be required in order to deviate from or change these boundaries.

6.5 REFERENCES TO STATUTES

Where any Act or portion of any Act is referred to in this Plan, such references shall be interpreted as referring to the stated Act or portion of the Act and any subsequent changes to or renumbering of these sections of such Act.

6.5.1 References To Ministries And Review Agencies

Throughout this Official Plan, references are made to various Provincial Ministries and agencies in regard to the review of and/or input on various types of planning issues and development proposals. While such references are considered to be current at the date of adoption of this Official Plan, it is acknowledged that changes may occur as a result of ongoing changes in the planning and application review processes in the Province of Ontario. No amendment to this Plan is required in order to acknowledge such changes; however, it is the intent to update such Ministry and agency references at the time that general reviews and updates of the Official Plan are undertaken.

6.6 INTERPRETATION OF FIGURES, QUANTITIES AND USES

It is intended that all figures and quantities herein shall be considered as approximate unless stated otherwise. Amendments to the Official Plan will not be required where Council is satisfied that the variance from the figure or quantity is minor and that the intent of the policy in question is met.

Where examples of permitted uses are provided for in the land use polices of the Plan, it is intended that these be recognized as representative examples as opposed to a definitive and/or restrictive list of uses. The implementing zoning by-laws shall ensure that all permitted uses are consistent with the intent of this Official Plan.

7.0 INDEX

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

A

access · 15
accessory use · 51
affordable housing · 80
alternate energy sources · 49
amendments · 83
archeological review · 81
arterial roads · 44

B

boundaries · 84
brownfield · 79
building permits · 78

C

cash-in-lieu · 63
community improvement area · 74
complete application · 65
comprehensive review · 24
contaminated sites · 39
conversion of private roads to public roads · 46
cultural heritage · 81

D

decommissioning and clean-up · 40
development criteria · 61
development permit by-law · 67

E

economic development · 78
energy efficiency · 16
environmental impact assessment, · 34
exempt from site plan control: · 60
existing uses · 54
extensions to existing roads · 45

F

fish habitat · 32
floodplain · 38

G

group home · 81

H

holding provisions · 63
home based businesses · 79

I

incompatible land uses · 41
infrastructure · 43
innovative technologies · 47
interim control by laws · 65

L

lanes or alleyways · 45
local collectors · 45
local streets · 45
lot creation · 58
lots of record · 56

N

natural heritage · 29
new roads · 46
noise and vibration · 40
non-conforming use · 54

O

Our Vision · 6

P

Phasing · 77
plan of subdivision · 57
private roads · 45
property standards · 77
provincial highway · 44

R

river corridors · 33
road widenings · 45

S

servicing options study · 16
site plan control · 59

**OUR HERITAGE - OUR TOWN - OUR FUTURE
THE TOWN OF GANANOQUE OFFICIAL PLAN**

solar energy · **49**
solid waste disposal · **48**

T

temporary use by-law · **64**

U

unstable slopes, · **39**
utility and communications facilities · **49**

W

water management plans · **48**
Waterfront minimum setback · **15**
watershed planning · **47**
wildlife crossings · **34**
wind energy · **49**
woodlands · **30**

Z

zoning by-law · **76**