

BY-LAW 02-22

THE ZONING BY-LAW OF THE

TOWN OF GREATER NAPANEE

OFFICE CONSOLIDATION MARCH 2020

NOTE: This in an office consolidation prepared solely for convenience. The original Zoning By-law, and Zoning By-law Amendments and any subsequent Ontario Municipal Board Orders should be consulted for accurate reference.

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(Project No. 8692-P/10758)

BY-LAW 02-22
THE ZONING BY-LAW
OF THE
CORPORATION OF THE
TOWN OF GREATER NAPANEE

Passed: April 8, 2002
Latest Update: By-law No. 2020-0016

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EXPLANATORY NOTE
TO
ZONING BY-LAW No. 02-22

The Council of a municipality may, under Section 34 of The Planning Act, R.S.O. 1990, as amended pass a Zoning By-law to govern the use of land, and implement the Official Plan. The purpose of the By-law is to:

- regulate the use of land and the character, location and use of buildings and structures;
- prohibit the juxtaposition of incompatible uses of land; and
- prohibit the erection and use of buildings and structures within various areas of The Corporation of the Town of Greater Napanee unless these are in compliance with the By-law.

The By-Law serves to:

- implement the policies of the Town of Greater Napanee Official Plan;
- regulate development within the Town in order to minimize adverse affects on existing uses and areas; and
- prohibit development which may be detrimental to the future orderly development of the Town.

The provisions of the By-Law will apply throughout all of the defined areas within the corporate limits of the Town of Greater Napanee. When the By-law is in force, no land shall be used and no building or structure shall be erected, altered or used in any manner except in conformity with the provisions of the By-law.

The By-law will not apply to prevent or hinder the continued use of any land, building or structure which, on the date of the passing of the By-law, was legally erected or used for any purpose prohibited by the By-law, so long as it continues to be used for that purpose.

**THE CORPORATION OF THE TOWN OF GREATER NAPANEE
BY-LAW NUMBER 02-22**

**BEING A BY-LAW TO REGULATE THE USE OF LANDS AND THE CHARACTER,
LOCATION AND USE OF BUILDINGS AND STRUCTURES IN THE TOWN OF GREATER
NAPANEE**

WHEREAS the Council of the Corporation of the Town of Greater Napanee considers it desirable to enact a Zoning By-law in accordance with the provisions of Section 34 of The Planning Act, (R.S.O. 1990 as amended), to regulate the use of lands and the character, location and use of buildings and structures throughout the Town;

AND WHEREAS the Council of the Corporation of the Town of Greater Napanee further considers it desirable to repeal By-law Nos. 17-1975, 922, 415-81, 81-88 and 9-90, together with all the amendments thereto;

AND WHEREAS the Council of the Corporation of the Town of Greater Napanee further considers it advisable to restrict, prohibit and regulate the use of lands, as are hereinafter zoned, in order to implement the policies of the Official Plan;

AND WHEREAS this By-law conforms with the Official Plan for the Town of Greater Napanee;

NOW THEREFORE the Council of the Corporation of the Town of Greater Napanee **ENACTS** as follows:

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1.1 TITLE OF BY-LAW

This By-Law may be cited as the "Town of Greater Napanee Zoning By-law".

1.2 DECLARATION

The Zoning Schedules contained herein are declared to form part of this By-law.

1.3 APPLICATION OF BY-LAW

The provisions of this By-Law shall apply and be enforceable with respect to all lands under the jurisdiction of the Town of Greater Napanee.

1.4 INTERPRETATION

The definitions and interpretations given herein shall govern unless the context requires otherwise. For the purposes of this By-law:

- a) words used in the present tense include the future;
- b) words in singular number include the plural and words in the plural include the singular number;
- c) the word "shall" is mandatory;
- d) the word "may" is permissive;
- e) the words "used" and "occupied" shall include the words "arranged" and "designed to be used or occupied";
- f) words in the masculine gender include the feminine gender and vice versa.

1.5 ZONE PROVISIONS

The Zone Provisions applicable to a use, a building, structure or excavation are to be provided within the Zone in which such use, or building, structure or excavation is located, unless a specific provision of this By-law provides otherwise.

(By-law No. 2016-0049)

1.6 HEADINGS

The headings of Parts, Sections, Subsections and Clauses of this By-law or on the Zoning Schedules to this By-law, together with the illustrations, examples and explanatory notes appearing at various places throughout this By-law, have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this By-law or any of its provisions.

2.1 REQUIREMENTS

The provisions of this By-law shall be held to be the minimum requirement EXCEPT where the word maximum is used, in which case the maximum requirement shall apply.

2.2 CONFORMITY WITH BY-LAW**a) Buildings, Structures, Excavations, and Uses**

No building, structure, or excavation shall hereafter be erected, altered, used, or made nor shall the use of any land, building, structure, or excavation hereafter be changed, in whole or in part, except in conformity with the provisions of this By-law.

b) Land Division (Lots)

No existing lot shall be changed in area, depth, or frontage if the effect of such action is to cause the original, adjoining, or new lot to be in contravention of this by-law. Further, an existing non-complying lot may be changed in lot area, lot depth, or lot frontage without the need to amend this by-law provided such alteration to the lot area, lot depth, or lot frontage does not further increase any existing non-compliance. (By-law No. 03-61)

c) Lot Additions

Existing lots not in compliance with zone provisions may be enlarged by way of a lot addition without the need for an amendment to this by-law so long as the use of the lot is for uses listed in the zone in which the lot is located.

2.3 OTHER BY-LAWS, REGULATIONS OR ACTS**a) Not to Affect Other By-Laws**

This By-law shall not be interpreted so as to reduce or mitigate any other by-law, regulation, or restriction lawfully imposed by this Corporation or any other governmental authority having jurisdiction to do so.

b) Compliance with Other By-laws

Nothing in this By-law shall serve to relieve any person from the obligation to comply with the requirements of any By-law of the Town in force from time to time or the obligation to obtain any licence, permit, or approval required under any by-law of the Town or any other governmental authority having jurisdiction to require a licence, permit, or approvals. (By-law No. 2016-0049)

c) Conflict

In the event of a conflict between this By-law and any general or special Town By-law, this By-law shall prevail.

d) Other Jurisdictions

No other By-law, regulation, or Act shall be interpreted so as to reduce or mitigate any requirement of this By-law, unless, the other by-law, regulation, or Act was specifically intended to affect zoning and the governmental authority responsible for the By-law, regulation, or Act has the jurisdiction to do so.

2.4 EXISTING USES CONTINUED

Nothing in the By-law shall prevent the use of any lot, building, or structure for any purpose prohibited by this By-law if such lot, building, or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

2.5 BUILDING PERMIT ISSUED

Nothing in this By-law shall prevent the erection or use of any building or structure for a purpose prohibited by this By-law if the plans for such building or structure were approved by the Chief Building Official and a building permit under the Building Code Act has been issued prior to the date of passing of this By-law, provided:

- a) when the building or structure is erected, it shall be used for the purpose for which the building permit was issued;
- b) the erection of such building or structure is commenced within six (6) months of the date of passing of this By-law and provided the erection of such building or structure is completed within a reasonable time after the erection thereof is commenced; and
- c) the building permit has not been revoked pursuant to the Building Code Act.

2.6 PUBLIC ACQUISITION

No person shall be deemed to have contravened any provision of this By-law by reason of the fact that any part or parts of any lot or lots has or have been conveyed to, or acquired by, any Public Authority for public use.

(By-law No. 2016-0049)

In this By-law, unless the context requires otherwise, the following definitions and interpretations apply:

“ABATTOIR” means a building or portion of a building where live animals are slaughtered and butchered and may include facilities for the packaging, treating and storage of meats and meat products but shall not include any establishment or facilities for the disposal or rendering of dead livestock.

“ACCESSORY BUILDING OR STRUCTURE” means a detached building or structure that is not used for human habitation and the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same lot therewith.

“ACCESSORY USE” means a use customarily incidental and subordinate to, and, exclusively devoted to the main use of the lot, building or structure and located on the same lot.

“ACCESSORY DWELLING HOUSE” – See “DWELLING HOUSE”.

“ACCESSORY DWELLING UNIT” – See “DWELLING UNIT”.

“AGRICULTURAL PRODUCE WAREHOUSE” means a building or part of a building used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail commercial outlet for the sale of agricultural products to the public.

“AGRICULTURAL USE” – See “FARM”

(By-law No. 2016-0049)

“ALTER” means:

- when used in reference to a building or part thereof, means to change any one or more of the internal or external dimensions of such building or to change the type of construction of the exterior walls or roof thereof;
- when used in reference to a lot, means to change the area, frontage or depth thereof; to change the width, depth or area of any required yard setback, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of such lot, or otherwise;
- when used in reference to a use, means the purpose for which the lot, building or structure is occupied.

The words “ALTERED” and “ALTERATION” shall have corresponding meanings.

“AMENITY AREA” means the area situated within the boundaries of any residential development site intended for recreational purposes, and may include landscaped open space, patios, private amenity areas, balconies, communal lounges, swimming pools, “children’s play areas”, and similar uses, but does not include any area occupied at grade by a building’s service areas, parking areas, parking aisles, or driveways.

“AMUSEMENT PARK” means an establishment for the commercial operation of a recreational, entertainment or amusement complex including facilities such as, miniature golf course, driving range, amusement rides, water sports, and an “arcade”.

“ANIMAL SHELTER” means the land and the buildings used for the care of lost, abandoned or neglected animals, operated by a public or semi-public authority, or non-profit organization.

“ANTIQUÉ SALES ESTABLISHMENT” means a building or part of a building or structure where antiques, arts and crafts are offered or kept for sale at retail, and may include a "craft shop".

“ARCADE” means a commercial establishment, used for the provision of three or more indoor entertainment and amusement activities such as coin-operated machines, devices, and games of skill or chance, exhibits and displays, including the sale of souvenirs, food and beverages, but shall not include premises licensed under the Liquor License Act. (By-law No.2016-0049)

“ARENA” means a building, or part of a building, in which the principal facilities provided are for such recreational activities as curling, skating, hockey, lacrosse, broomball, or similar athletic activity, which facilities may include dressing rooms, concession booths for the provision of food and refreshments to the general public, bleachers, plant equipment for the making of artificial ice and such other facilities as are normally considered incidental and subordinate thereto.

“ASPHALT PLANT, PORTABLE” means a facility:

- with equipment to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process;
- which is not of permanent construction but which is to be dismantled at the completion of the construction project; and
- which does not remain at one location for more than one year or for the duration of a specific road project, whichever is shorter.

“ASSEMBLY HALL AND/OR AUDITORIUM” means a building, or part of a building, where facilities are provided for such purposes as meetings, athletic, civic, educational, political, religious or social events and may include a gymnasium, banquet hall, private club, fraternal organization, or similar use but shall not include an arena.

“ATTACHED” means a building or structure otherwise complete in itself which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent building(s).

“ATTIC”- See “STOREY”.

“AUCTION OUTLET” means a building or part of a building or structure in which goods, wares, merchandise, substances, articles or things are offered for sale to the general public by an auctioneer and may include a livestock auction sales barn.

“BASEMENT” - see “STOREY”.

“BASEMENT, WALKOUT”- see “STOREY”.

“BED AND BREAKFAST ESTABLISHMENT” means a single unit dwelling house in which no more than three (3) guest rooms are made available for the overnight accommodation of the travelling or vacationing public, and in which the proprietor may offer lodging and breakfast for compensation. A Bed and Breakfast Establishment shall not include a boarding or rooming house, hotel, motel, group home, an eating establishment or any other establishment otherwise defined or classified herein.

“BLOCK” means the smallest unit of land, the boundaries of which consist entirely of public streets, rivers, railway lines, public parks or any combination thereof or a block of land as shown in a registered plan of

subdivision.

“BOARDING HOUSE” or **“LODGING HOUSE”** means a dwelling house containing not more than four (4) guest rooms, in which the owner or head lessee supplies, for hire or gain, lodgings with or without meals for three (3) to eight (8) persons. (By-law No. 2016-0049)

“BOAT HOUSE” means a detached accessory building or structure which is designed or used for the sheltering of a boat or other form of water transportation, *but does not include shipping containers.* (By-law No. 2016-0049)(By-law No. 2020-0016)

“BREWING AND/OR WINEMAKING ESTABLISHMENT” means a place that offers an individual member of the general public the location, the material and the equipment with which to make beer or wine for that individual’s own personal use. (By-law No. 2016-0049)

“BUILDING” means a structure, other than a wall or fence, having a roof, supported by columns or walls or supported directly on the foundation, and used for the shelter, accommodation or enclosure of persons, animals or goods.

“BUILDING BY-LAW” means any By-law of the Corporation passed pursuant to The Building Code Act and regulations passed thereunder.

“BUILDING INSPECTOR/CHIEF BUILDING OFFICIAL” means the officer or employee of the Corporation of the Town of Greater Napanee charged with the duty of:

- enforcing The Building Code Act, and regulations; and
- enforcing the provisions of the Building By-Law.

The definition shall include any inspector likewise appointed.

“BUILDING LINE” means a line within a lot drawn parallel to a lot line and establishes the minimum distance between the lot line and the nearest point of any building or structure which may be erected.

“BUILDING PERMIT” means a permit issued by the Chief Building Official or designate of the Town of Greater Napanee under the Building By-law and the Building Code Act.

“BUILDING SUPPLY OUTLET” means a building or structure in which building or construction and home improvement materials are offered or kept for sale, and may include the fabrication of certain materials related to home improvements.

“BULK STORAGE TANK” means a tank for the bulk storage of petroleum, gasoline, diesel, oil, gas, propane or flammable liquid or fluid, or other fuels, but does not include a container for flammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.

“BUSINESS, PROFESSIONAL OR ADMINISTRATIVE OFFICE” means a building or part thereof, designed, intended, or used for the practice of a profession, the carrying on of a business, the conduct of public administration, constituency offices, offices of non-profitable or charitable organizations, or, where not conducted on the site thereof the administration of an industry, but shall not include such uses as a retail or commercial use, industrial use, a clinic, or place of amusement or place of assembly.

“BY-LAW” means the Town of Greater Napanee Zoning By-law.

“BY-LAW ENFORCEMENT OFFICER” means any officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-law.

“CABIN” means a cabin for sleeping which is not a tourist cottage, which may or may not contain facilities for the cooking or preparation of food, and, which forms part of a tourist establishment as hereinafter defined in this By-law.

“CABIN ESTABLISHMENT” means a tourist establishment comprised of two or more cabins.

“CAMPGROUND” means a tourist establishment providing for the public temporary accommodation for tents, tent trailers, travel trailers, recreational vehicles and campers, but does not include a mobile home park.
(By-law No. 2016-0049)

“CAMPSITE” means that part of a campground that is occupied on a temporary basis only by a trailer; motorized home, truck camper, camper or tent.
(By-law No. 2016-0049)

“CAR WASH” means a building or structure containing facilities for washing automobiles, either by production line methods and mechanical devices, or by a self-service operation.

“CARPORT” means a structure which is a roofed enclosure attached to a dwelling house and which is designed for the storage or parking of a motor vehicle and with at least 40 per cent of the perimeter open and unobstructed and where the perimeter includes the main wall of the dwelling house to which the carport is attached.

“CASINO AND/OR GAMING ESTABLISHMENT” means a building or part of a building which is open to the public for the purposes of the playing of games of chance and which is owned and/or managed and/or regulated by the Ontario Casino Corporation on behalf of the Government of Ontario in accordance with the Gaming Control Act, as amended, and which may include entertainment, dining and liquor licensed premises.

“CELLAR”- see “STOREY”.

“CEMETERY” means a cemetery or columbarium within the meaning of The Cemeteries Act.

“CERTIFICATE OF OCCUPANCY” means a certificate issued by the Chief Building Official for the occupancy of any land, building, excavation or structure to the effect that the proposed use or activity complies with this By-law.

“CHILDREN’S PLAY AREA” means an area, at or above ground level, developed with play equipment and suitably surfaced and fenced or otherwise enclosed for play by children.

“CLINIC, MEDICAL” means a building or structure where members of the medical profession, dentists, chiropractors, osteopaths, optometrists, physicians, occupational therapists, drugless practitioners, either singularly or in union provide diagnosis and treatment to the general public, without overnight accommodation, and include such uses as reception areas, offices for consultation, coffee shop where accessory to the principal use, X-ray and minor operating rooms, and a pharmaceutical dispensary.

“CLUB, COMMERCIAL” means an athletic, recreational or social club operated for gain or profit.

“CLUB, PRIVATE” means an athletic, recreational or social club located on private lands and used for the

purposes of a non-profit, non-commercial organization. This definition may include the premises of a fraternal organization.

“COMMUNITY CENTRE” means any tract of land, or building or buildings, or any part of any building used for community activities, whether used for commercial purposes or not, the control of which is vested in the Town, a local board or agent thereof.

“CONSERVATION” means the preservation, protection and improvement of the natural environment through comprehensive management and maintenance programs for both the individual and society's uses.

“CONTRACTOR'S YARD” means the yard or depot of any construction company or contractor where equipment and material are stored or where a contractor performs shop or repair work and includes facilities for the administration and management of the business, but does not include the wholesale or retail sale of construction materials, supplies, or home improvement supplies.

“CONVENIENCE STORE” means an establishment where food, tobacco, non-prescription drugs, periodicals or similar items of household necessity are kept for retail sale to residents of the immediate neighborhood or surrounding area and may include accessory convenience services such as dry-cleaning and laundry depot, photo finishing, automated banking outlet, video rental.

“CORNER LOT” - See “LOT”.

“CORPORATION” means the Corporation of the Town of Greater Napanee.

“COTTAGE ESTABLISHMENT” means a tourist establishment comprised of two (2) or more cottages owned or leased by the same person.

“COTTAGE, TOURIST” means a building to accommodate one (1) or more guests, which contains at least two (2) rooms, that is at least partially furnished and in which the guest is permitted to prepare and cook food.

“COUNCIL” means the Municipal Council of the Corporation of the Town of Greater Napanee.

“COUNTY” means the Corporation of the County of Lennox and Addington.

“COUNTY ROAD” means a street or road under the jurisdiction of the County.

“COURIER ESTABLISHMENT” means a private commercial parcel and mail delivery service and shall include an office and warehouse where the parcels and mail are received and sorted for distribution.

“COURT” means an open and unoccupied space from ground to sky appurtenant to a building and bounded on two or more sides by the walls of the building.

“CRAFT SHOP” means a building or part of a building where crafts, souvenirs and other similar items are offered or kept for sale at retail to the general public.

“CUSTOM WORKSHOP” means a building or part of a building used by a trade, craft or guild for the manufacture in small quantities of made to measure clothing or articles and the sale of such products. This definition includes pottery, stained and blown glass arts, upholstery, weaving, woodworking or furniture manufacture employing not more than three (3) people.

“DAY NURSERY” or “DAY CARE” means a place providing temporary care for any individual for a continuous period not exceeding twenty-four hours, but does not include the service of a health care practitioner. (By-law No. 2016-0049)

“DENSITY” means the ratio of the number of residential units to one hectare of net land area.

“DEPARTMENT STORE” means a commercial establishment that sells several lines of merchandise, including apparel, jewellery, cosmetics and toiletries, furniture, home furnishings, appliances, electronics, sporting goods, toys, photo equipment, hardware, auto accessories, and other household goods and services. A department store shall not include a retail establishment, drugstore/pharmacy, convenience store, or supermarket as otherwise defined herein. (By-law No. 03-61)

“DETENTION CENTRE” means a correctional institution as defined under the Ministry of Correctional Services Act.

“DEVELOPMENT” means the creation of a new lot, a change in land use, or the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure where a building permit is required that has the effect of increasing the size or usability of such buildings or structures, or the laying out and establishment of a commercial parking lot. (By-law No. 2016-0049)

“DEVELOPMENT AGREEMENT” means any agreement entered into by an owner of land and the Corporation pursuant to the Planning Act.

“DRUGLESS PRACTITIONER” means a person who practices or advertises or holds himself out in any way as practicing the treatment of an ailment, disease, defect or disability of the human body by manipulation, adjustment, manual or electro-therapy, or by any similar method.

“DRY CLEANER’S DISTRIBUTION STATION” means a building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected elsewhere to the process of cleaning or dyeing. Such establishment may also be used for pressing and/or distributing any articles or goods which have been received therein.

“DRY CLEANING PLANT” means a building in which the business of dry cleaning, dry dyeing, cleaning, stain removal or pressing of articles or goods of fabric is carried on and in which non-combustible and non-flammable solvents are, or can be, used which are in compliance with the Environmental Protection Act.

“DWELLING HOUSE” means a building occupied or capable of being occupied as the home or residence of one or more persons, but shall not include a trailer, motor home, mobile home, or Sea-Can. (By-law No. 2016-0049)

- **“ACCESSORY DWELLING HOUSE”** means a single-unit dwelling house which is accessory to a permitted non-residential use and is designed for residential occupancy, and necessary to the maintenance and operation of the non-residential use to which it is related.
- **“APARTMENT DWELLING HOUSE”** means the whole of a dwelling house that contains five (5) or more dwelling units which have a common entrance from street level in which the occupants have

the right to use in common any corridors, stairs or elevators contained therein, and any yards appurtenant thereto.

- **“CONVERTED DWELLING HOUSE”** means an existing single unit dwelling house which has been converted to provide therein not more than three (3) dwelling units.
- **“DUPLEX DWELLING HOUSE”** means the whole of a dwelling house above finished grade which is divided horizontally into two (2) separate dwelling units, each such dwelling unit having an independent entrance either directly from outside the building or through a common vestibule.
- **“FOURPLEX DWELLING HOUSE”** means the whole of a dwelling house that is divided vertically and/or horizontally by common walls above finished grade into four (4) separate dwelling units each of which has at least one wall in common with another unit, and each dwelling unit has an independent entrance either from the outside or through a common vestibule, but this definition does not include a Row or Cluster Dwelling House or a Street Front Dwelling House. (By-law 03-61)
- **“ROW OR CLUSTER DWELLING HOUSE”** means one of a group of three or more attached single unit dwelling houses, separated vertically by a common wall, having at least two independent entrances directly from the outside and situated on a parcel of land in such a way that individual units may not have legal frontage on an improved public street or road.
- **“SEASONAL DWELLING HOUSE”** means a dwelling house used essentially for vacation, recreation, rest and relaxation purposes by a person or persons, but which is not used or intended to be used continuously as a year round residence or permanent dwelling house.
- **“SEMI-DETACHED DWELLING HOUSE”** means the whole of a dwelling house which is divided vertically by a common wall above finished grade into 2 separate dwelling units with each such dwelling unit having an independent entrance either directly from outside the building or through a common vestibule, or where two dwelling units are connected at some point below ground level.
- **“SENIOR CITIZEN DWELLING HOUSE”** means one or more rooms and/or units with private lavatory facilities, with sleeping accommodations, with or without kitchen facilities designed and used for the exclusive occupancy of one or more senior citizens.
- **“SINGLE-DETACHED DWELLING HOUSE”** means a dwelling house containing only one dwelling unit. This definition shall not include a mobile home but shall include a modular home.
(By-law No. 2016-0049)
- **“STACKED DWELLING HOUSE”** means a dwelling house containing four or more principal dwelling units where the units in each pair are divided horizontally, and the pairs are divided vertically, and in which each dwelling unit has an independent entrance to the interior.
(By-law No. 2016-0049)
- **“STREETFRONT DWELLING HOUSE”** means one of a group of three or more attached single unit dwelling houses, separated vertically by a common wall, having independent entrances at ground level directly from the outside, having a yard abutting at least the front and rear walls of each dwelling unit, and each unit having separate and distinct frontage on an improved street or road.
- **“TRIPLEX DWELLING HOUSE”** means the whole of a dwelling house that is divided horizontally into three separate dwelling units each of which has an independent entrance either

directly from the outside or through a common vestibule.

“DWELLING UNIT” means a suite of two or more rooms, which are part of a building designed or intended for use as a single housekeeping unit, in which sanitary conveniences are provided, in which only one kitchen facility is provided for cooking, in which a heating system is provided, and, which has a private entrance from outside the building or from a common hallway or stairway inside. For the purposes of this By-law, a dwelling unit does not include a tent, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house, motel, motor hotel or tourist home. (By-law No. 2016-0049)

- **“ACCESSORY DWELLING UNIT”** means a dwelling unit which is part of and accessory to a permitted non-residential use other than an automobile service station or commercial garage, and which is designed for residential occupancy necessary to the maintenance and operation of the non-residential use to which it is related. Such unit shall be occupied either by the family of the owner or by the family of a person employed on the lot where such a dwelling unit is located.
- **“BACHELOR DWELLING UNIT”** means a dwelling unit consisting of one bathroom and not more than two habitable rooms providing therein living, dining, sleeping and kitchen accommodation in appropriate individual or combination room or rooms.
- **“SECONDARY UNIT” or “SECONDARY SUITE”** means a dwelling unit that is also known as an accessory unit or basement apartment, a secondary suite or in-law suite. Such units are self-contained residential units with kitchen and bathroom facilities. (By-law No. 2016-0049)

“DWELLING UNIT AREA” means the habitable area contained within the inside walls of a dwelling unit, including a loft, a finished basement, but excluding any private garage, carport, porch, veranda, unfinished attic, unfinished basement, cellar or sun room (unless such sun room is habitable in all seasons of the year), and excluding public or common halls, stairways, and the thickness of outside walls.

“DYNAMIC BEACH” means an area of inherently unstable accumulations of shoreline sediments along the shoreline of Lake Ontario.

“EASEMENT” means the right of a person, municipality, government agency, or public utility company to use land owned by another person for a specific purpose, or the grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation or another person.

“EATING ESTABLISHMENT” means a building or part of a building where food is offered for sale or sold to the public for immediate consumption or for take-out and includes such uses as a restaurant, dining room, café, outdoor commercial patio, cafeteria, ice cream parlor, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand; but does not include a boarding or lodging home. (By-law No. 2016-0049)

“EATING ESTABLISHMENT, DRIVE-THROUGH” means an eating establishment or part of an eating establishment where facilities are available for the sale of food to the general public at a drive through window.

“EATING ESTABLISHMENT, MOBILE” means a vehicle, trailer, cart or other structure not placed on a permanent foundation which is equipped for cartage, storage and the preparation of food stuffs, beverages,

confections and such items are offered directly for consumption to the general public, and includes a chip wagon, a mobile canteen and other refreshment vehicles which may be licensed by the Corporation.

(By-law No.03-61)

“EATING ESTABLISHMENT, TAKE-OUT” means a building or part of a building designed, intended or used for the sale of food and refreshments to the general public but which does not include provision for consumption of the food by the customer while in his vehicle, but may include provisions for consumption of food within the building or elsewhere on the site.

“EAVE” means a roof overhang, free of enclosing walls, without supporting columns.

“EQUESTRIAN CENTRE” means the use of land, buildings or structures for the boarding of horses, training of horses and riders, staging of equestrian events, operation of a riding academy, but does not include the racing of horses.

“EQUIPMENT SALES AND RENTAL” means a building or part of a building or structure in which light and/or heavy machinery and equipment are offered for sale or kept for rent, lease or hire under agreement for compensation.

“EQUIPMENT SALES AND RENTAL, RECREATIONAL” - See “VEHICLE”

“ERECT” means to set-up, build, construct, reconstruct and relocate and, without limiting the generality of the word, also includes:

- any preliminary physical operation, such as excavating, filling or draining;
- altering any existing building or structure by an addition, enlargement, extension movement or other structural change; and
- any work which requires a building permit under The Building Code Act and regulations passed thereunder and/or the building By-law of the Corporation.

“ESTABLISHED BUILDING LINE, RURAL” means the average setback from the street centreline of existing buildings when at least five (5) buildings have been erected on any one side of a continuous two hundred (200) metres of land with frontage on an improved public street.

“ESTABLISHED BUILDING LINE, URBAN” means the average setback from the street centreline of existing buildings on one side of one block where more than one-half of the frontage of the said side of the block has been built upon.

“EXISTING” means existing as of the date of passing of this By-Law.

“EXTERIOR SIDE LOT LINE” - See “LOT LINE”.

“EXTERIOR SIDE YARD” - See “YARD”.

“FARM” or **“AGRICULTURAL USE”** means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur, or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment but does not include the growing of medical marihuana. (By-law No. 2016-0049)

“FARM IMPLEMENT AND EQUIPMENT SALES AND SERVICE ESTABLISHMENT”

means a building, structure or area where farm implements, equipment and farm supplies are kept for sale at retail and may include facilities for the servicing of such implements or equipment.

“FARM PRODUCE SALES OUTLET” means a use accessory to a farm which consists of the sale of agricultural products exclusive of meat or poultry, produced on the farm where such outlet is located.

“FILL” means earth, sand, gravel, rubble or any other material whether originating on the site or elsewhere, used or capable of being used to raise or in any way affect the contours of the ground.

“FILL LINE” means a line plotted on floodplain and/or fill line mapping, denoting dynamic beaches, steep slopes and/or erosive slopes, flooding, or the extent of a pond, swamp, marsh, or other wetland and delineating limits within which the placement of buildings or structures and the placement or removal of fill may either affect the control of flooding or the conservation of land, or result in the pollution of a watercourse.

“FILL REGULATED AREA” means the area adjacent to the floodplain which is defined by the Fill Line. In this area the placement of buildings and/or structures and/or the placement or removal of fill is controlled by the conservation authority and/or the municipality.

“FINISHED GRADE” means the average elevation of the finished surface of the ground where the ground meets the foundation of a structure or building exclusive of any embankment in lieu of steps.

“FLEA MARKET” means a building or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique and may include the selling of goods at retail by a business or individuals who are generally engaged in retail trade.

“FLOODLINE” means:

- the area, usually low lands adjoining a watercourse or a waterbody, which may be subject to the 1:100 year flood, plus an allowance for water-related hazards; or
- along the Lake Ontario shoreline, the 1:100 year water elevation plus an allowance for wave uprush and other water related hazards.

“FLOODPLAIN” means the area, usually low lands, adjoining a waterbody or watercourse which has been or may be covered by flood water. These areas may be delineated by engineered floodlines.

“FLOOD PROOFED” means a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damages.

“FLOOR AREA, GROSS” means the total floor area, as defined herein, exclusive of:

- any part of the building or structure below finished grade which is used for heating, the storage or parking of motor vehicles, locker storage, storage of goods and personal effects, laundry facilities, children's play areas and other accessory uses, or used as living quarters by the caretaker, watchman or other supervisor of the building or structure; and
- in the case of an arena, any part of the building designed for use as an artificial ice surface (By-law No. 03-61); and

- in the case of a dwelling house, any private garage, carport, basement, walkout basement, cellar, porch or veranda, sun-room (unless such sun-room is habitable at all seasons of the year).

“FLOOR AREA, GROSS LEASABLE” means the total floor area designated for tenant occupancy and exclusive use, including individual basement and storage areas, mezzanines and upper floors, if any, from the centre lines of partitions and exterior of outside walls. This does not include walkways giving public access to a permitted use.

“FLOOR AREA, GROUND” means the total ground floor area of a building measured to the outside walls, excluding, in the case of a dwelling house, any private garage, carport, porch, veranda, sun-room (unless such sun-room is habitable at all seasons of the year).

“FLOOR AREA, TOTAL” means the aggregate of the horizontal areas of each floor, whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor.

“FLOOR SPACE INDEX” means the ratio of gross floor area permitted within a building or structure to the net land area of the lot on which the building or structure is situated.

“FORESTRY” means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection of water supplies, and preservation of the recreation resource and shall include reforestation areas owned or managed by the Ministry of Natural Resources and Rorestry or local Conservation Authority or under a plan approved by a Registered Professional Forester.

“FRATERNAL LODGE” means a building or part of a building used for the purposes of a club, society or association organized and operated on a non-profit basis exclusively for social welfare, civic improvement, pleasure or recreation or for any other similar purposes.

“FRONTAGE” - See “LOT FRONTAGE”.

“FRONT LOT LINE” - See “LOT LINE”.

“FRONT YARD” - See “YARD”.

“FUEL STORAGE TANK” means a tank for the bulk storage of petroleum, gasoline, fuel oil, gas or inflammable liquid or fluid but does not include a container for inflammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.

“FUNERAL HOME” means a building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities for the preparation of a dead human body for interment or cremation.

“GARAGE, COMMERCIAL” means a building, structure or lot where commercial vehicles are stored.

“GARAGE, PRIVATE” means an accessory building or portion of a dwelling house which is fully enclosed and roofed and designed or used for the sheltering of vehicles and storage of household equipment incidental to the residential occupancy and excludes a carport or other open shelter. *This shall not include shipping containers.*
(By-law No.2020-0016)

“GARDEN AND NURSERY SALES AND SUPPLY ESTABLISHMENT” means a building or part of a building and land adjacent thereto for growing or displaying of flowers, fruits, vegetables, plants, shrubs, trees, or similar vegetation which is sold to the public at retail and shall also include the sale of such goods, products and equipment as are normally associated with gardening or landscaping.

“GASOLINE PUMP ISLAND” means a pump island for the dispensing of vehicle fuels including gasoline, diesel, propane and natural gas but does not include a kiosk or any other accessory building.

“GASOLINE RETAIL FACILITY” means a lot on which the retail sale of gasoline or other petroleum products for motor vehicles constitutes either the sole use, such as a gas bar and accessory retail facility, or as an accessory use. This definition shall not include an automobile service station.

“GOLF COURSE” means a public or private area operated for the purpose of playing golf, inclusive of club house facilities, and may include a driving range, a miniature golf course, or similar use.

“GOLF COURSE, MINIATURE” means an area designed for the purposes of a novelty golf game played with a putter on a miniature golf course having tunnels, bridges, sharp corners, or other similar obstacles.

“GOLF, DRIVING RANGE” means a public or private area operated for the purpose of developing golfing techniques, including miniature golf courses, but excluding golf courses.

“GRADE” - See “FINISHED GRADE”.

“GREENHOUSE, COMMERCIAL” means a building or structure for the growing of flowers, fruits, vegetables, plants, shrubs, trees and similar vegetation, which are not necessarily planted outdoors on the same lot containing such greenhouse, and, which are sold directly from such lot at wholesale or retail.

“GROUP HOME” means a single housekeeping unit in a residential dwelling in which up to ten (10) persons (excluding supervisory staff or receiving household) live under responsible supervision consistent with the particular needs of its residents. The home is licensed or approved under Provincial statutes. See also Special Care Facilities. (By-law No. 2013-0040)

“GROUP HOME – CORRECTIONAL” means a group home which is primarily intended to house persons convicted under the Criminal Code or other Provincial or Federal statutes dealing with criminal offences, as may be amended from time-to-time. (By-law No. 2013-0040)

“GUEST” means a person, other than a boarder, who contracts for accommodation and includes all members of the person's party.

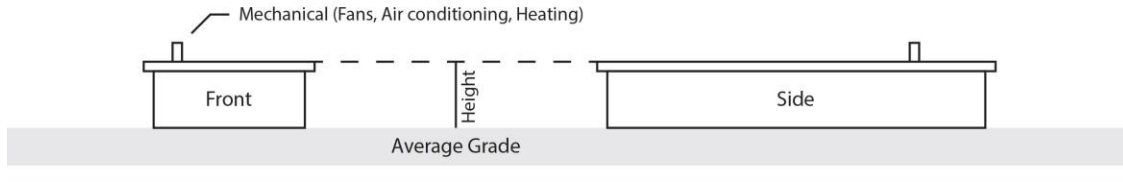
“GUEST ROOM” means a room or suite of rooms which contains no facilities for cooking, and which is maintained for the accommodation of individuals to whom hospitality is extended for compensation.

“HABITABLE ROOM” means a room designed for living, sleeping, eating or food preparation, and also includes a den, library, sewing room, loft, and/or enclosed sun-room where heated.

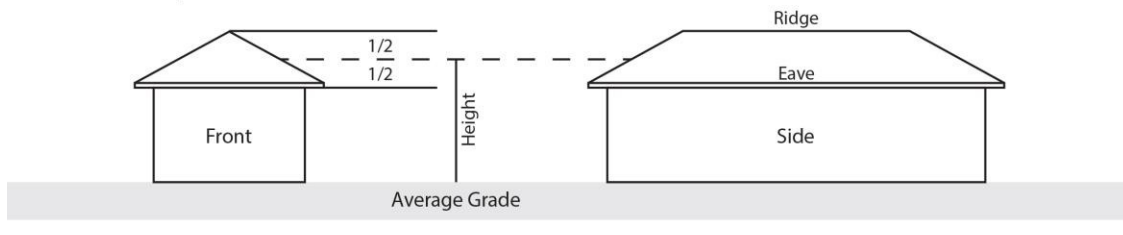
“HEIGHT AND HEIGHT OF BUILDING” means the vertical distance, measured between the average finished grade of the front or rear of the building, and

- in the case of a flat roof, the highest point of the roof surface;
- in the case of a mansard roof, the deck roof line; and
- in the case of a gable, hip or gambrel roof, the midpoint height between the eaves and the ridge.
(By-law No. 03-61)

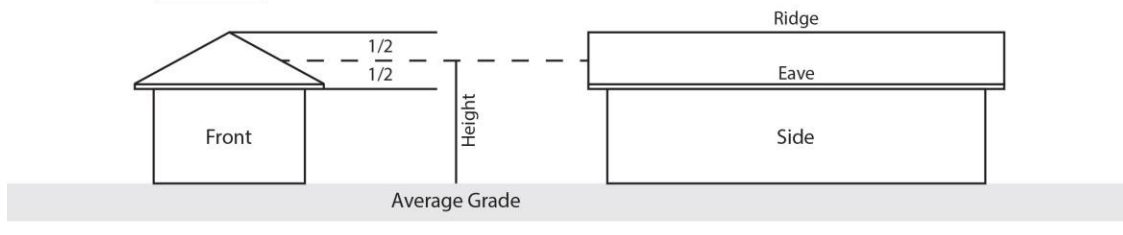
Flat Roof



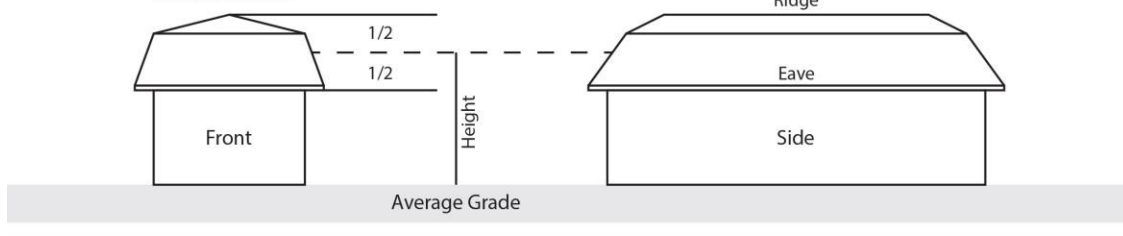
Hip Roof



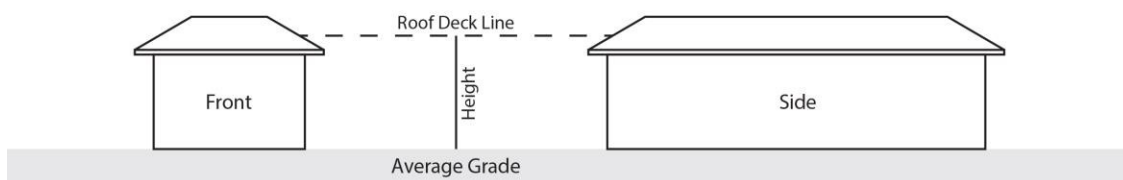
Gable Roof



Gambrel Roof



Mansard Roof



(By-law No. 2016-0049)

“**HIGH WATER MARK**” means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

“**HIGHWAY**” means a highway within the meaning of the Highway Traffic Act and the Municipal Act, as amended from time to time.

“**HOME INDUSTRY**” means an industry which is clearly incidental or secondary to the residential use of a single detached dwelling and is conducted either entirely within a single detached dwelling or in an accessory building to a single detached dwelling, primarily by an inhabitant thereof. Such industries include: woodworking; welding; plumbing; a machine shop or similar use.

“**HOME OCCUPATION**” means a use which is clearly incidental or secondary to the residential use of a dwelling and is conducted entirely within such a dwelling primarily by one or more inhabitants thereof. Such uses may among others include: an outlet or office for a real estate agent; hairdresser; dressmaker; dentist; doctor; chiropractor; physiotherapist; licensed masseur or masseuse or osteopath; foot care specialist or other professional; making or repairing of household items; instructing in music, arts or drawing; the distribution or storage of household or personal items such as cosmetics or kitchenware; limited retail sales associated with the home occupation; or a bed and breakfast establishment.

“**HOSPITAL**” means any institution, building or other premises established for the treatment of persons afflicted with or suffering from sickness, disease or injury, for the treatment of convalescent or chronically ill persons that is approved under the Public Hospitals Act as a public hospital.

“**HOTEL**” means an establishment consisting of one building or one of two or more connected buildings containing therein 5 or more guest rooms which cater to the needs of the travelling public and is served by a common entrance, generally from street level. Accessory uses may include accommodation for permanent staff, a beverage room, dining room, meeting room, banquet facilities, accessory recreational facilities, or similar use.

“**HOUSEHOLD/GARAGE SALE**” means the sale by an occupant of a dwelling unit, on his own premises, of household goods belonging to him.

“**IMPROVED STREET**” - See “**STREET**”.

“**INSTITUTE**” means a building, structure or lot used by an organized body, religious group or society for a non-profit, non-commercial purpose. This definition may include a hospital, nursing home, library, college, university, convent, monastery or similar use.

“**INTERIOR LOT**” - See “**LOT**”.

“**INTERIOR SIDE LOT LINE**” - See “**LOT LINE**”.

“**INTERIOR SIDE YARD**” - See “**YARD**”.

“**KENNEL**” means a use where the predominant economic activity consists of the raising or boarding of dogs

or cats on a commercial basis, in accordance with a license issued by the Corporation. A kennel may include the grooming of such animals where this is carried out as an accessory use.

“LANDSCAPED OPEN SPACE” means the open unobstructed space, at finished grade on a lot, and which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping. This definition may include any surfaced walk, patio or similar area but shall not include any driveway or ramp, whether surfaced or not, nor any curb, retaining wall, parking area or any open space beneath or within a building or structure.

“LANE” means a public thoroughfare which affords only a secondary means of access for vehicular traffic to abutting lots and which is not intended for general traffic circulation.

“LAUNDRY, COIN OPERATED” means a building where the services of coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.

“LIBRARY” means a public library within the meaning of the Public Libraries Act.

“LIQUID WASTE TRANSFER AND PROCESSING FACILITY” means an operation having received a Provisional Certificate of Approval under the Environmental Protection Act for the management or preparation of liquid and solid waste for subsequent re-use or off-site disposal. This includes the transferring of waste from one vehicle to another for the transportation to another waste disposal site. This definition excludes: PCB Contaminated Waste; Flares/Explosives/Bullets; Asbestos; Radioactive Waste; and Pathological Waste.

“LIQUOR LICENSED PREMISES” means any building, structure or premises licensed under The Liquor License Board of Ontario.

“LOADING SPACE” means an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle for the purpose of loading or unloading merchandise or materials pertinent to a permitted use. (By-law No. 06-53)

“LOCALLY GROWN” means fruit or fruit juice used in the production of wine that consists primarily of fruit or juice in the first instance grown and harvested on the same farm as the winery, and secondarily within the municipal boundaries of the Town of Greater Napanee and/or the Designated Viticultural Area. Minor amounts of fruit or juice may consist of product from outside the Designated Viticulture Area. Notwithstanding the provisions of this clause, fruit or fruit juice from other sources not defined as “locally grown” may be used for the production of wine in the event of a crop failure or where Provincial regulations and/or policies permit. (By-law No. 03-74)

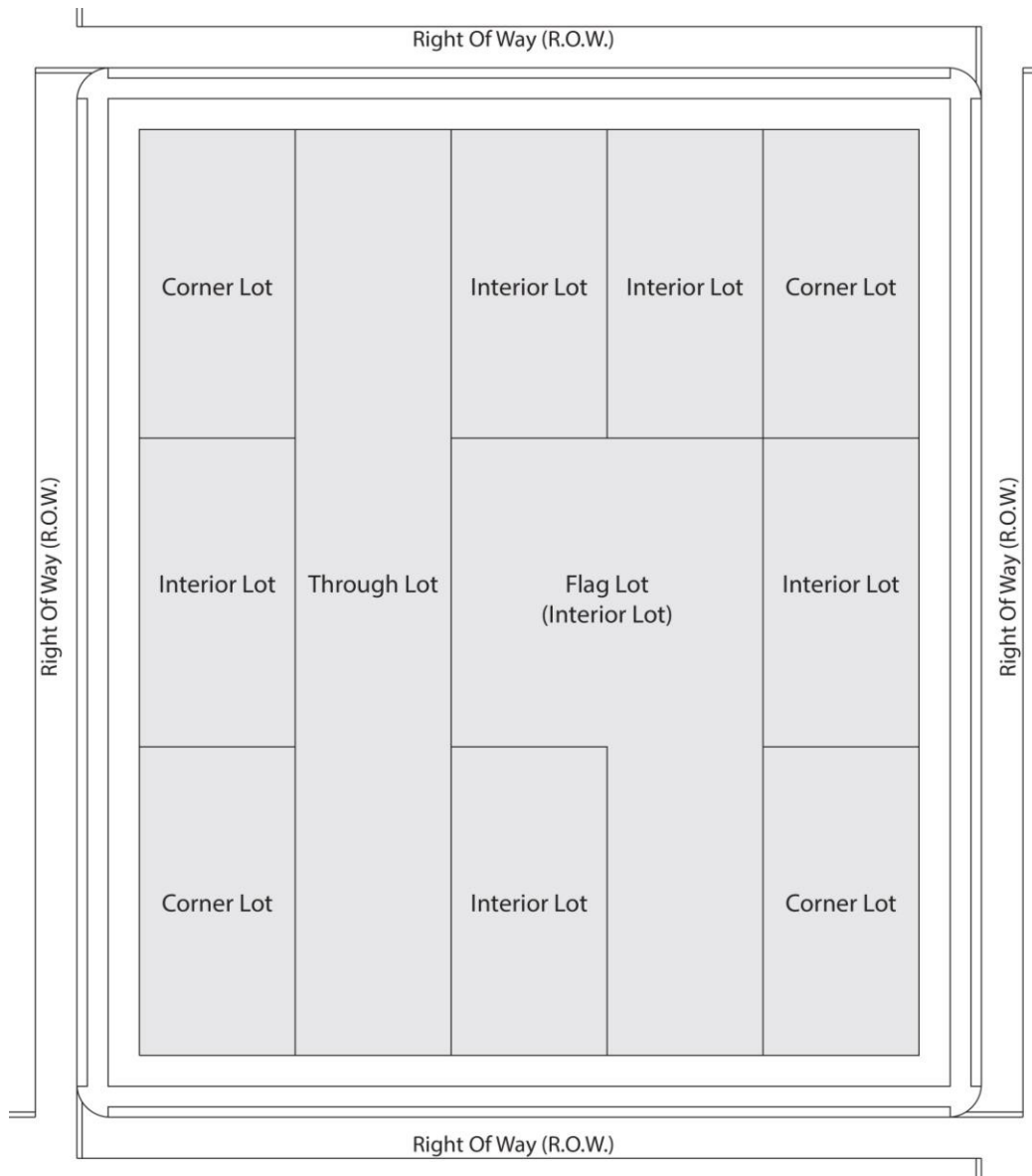
“LOFT” - See “STOREY”.

“LOT” means a parcel of land, the fee simple title to which is capable of being lawfully conveyed without contravening the provisions of the Planning Act. Despite the foregoing, two or more abutting lots under common ownership, title, and in the same zone, and being occupied by one main building, structure or use together with any permitted accessory buildings or uses shall, for the purpose of this By-law and for the duration of the common ownership and title, be deemed to be one lot.

- **“LOT, CORNER”** means a lot situated at the intersection of two streets of which two adjacent sides

that abut the intersecting streets contain an angle of not more than 135 degrees; where such adjacent sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines, provided that in the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents.

- **“LOT, INTERIOR”** means any lot which has street access, other than a corner lot.
- **“LOT, STANDARD WATERFRONT”** means a lot which has no street access, but has water access on one shoreline only or has both a water access and/or street or right-of-way access.
- **“LOT, THROUGH”** means any lot having street access frontage on two (2) or more street lines, other than a corner lot. (By-law No.2016-0049)

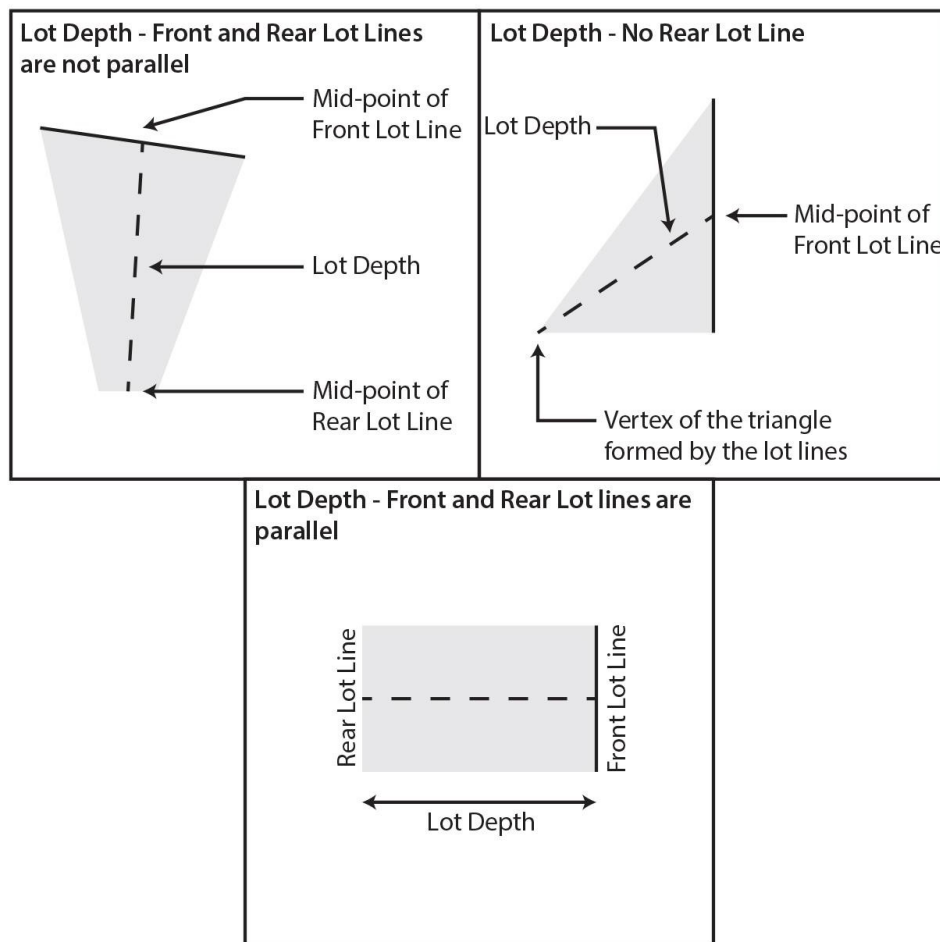


(By-law No. 2016-0049)

“**LOT, AREA**” means the total horizontal area within the lot lines of a lot, excluding the horizontal area of any water body or marsh, or any area within a zoned floodplain and the horizontal area between the top and toe of an embankment of 30 degrees or more from the horizontal.

“**LOT, COVERAGE**” means that percentage of the lot area covered by the perpendicular projections onto a horizontal plane of the area of all buildings and structures, exclusive of canopies, balconies and overhanging eaves which are not less than 2.5 metres above finished grade.

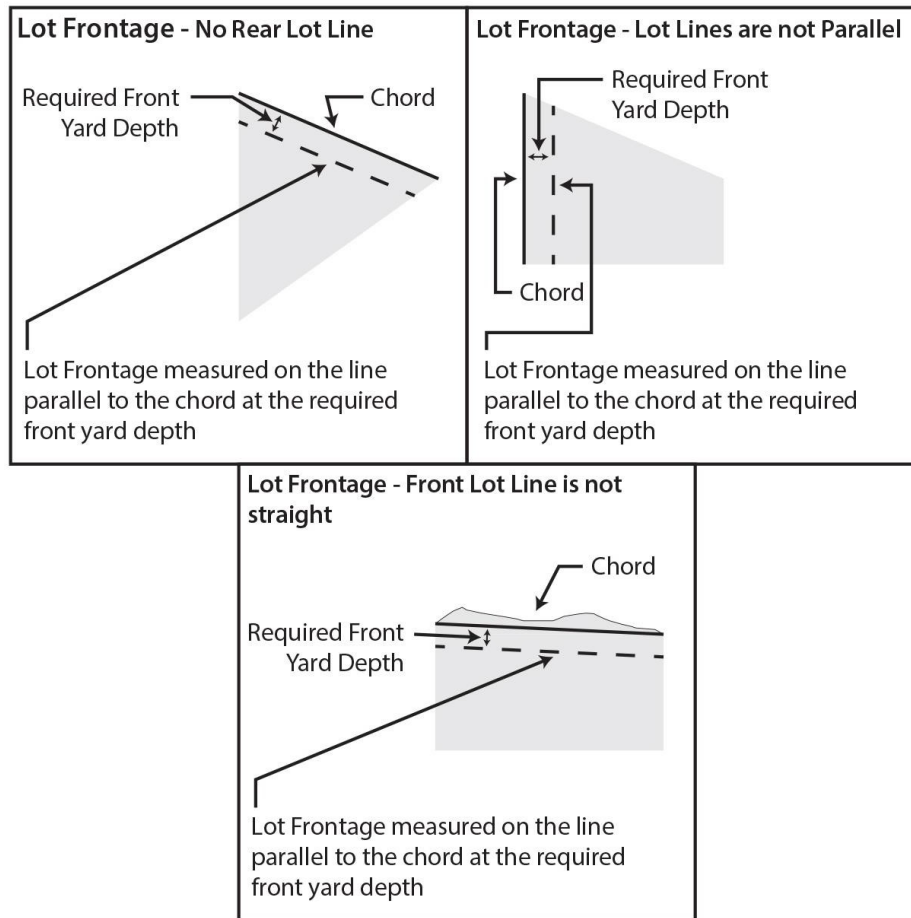
“**LOT, DEPTH**” means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.



(By-law No. 2016-0049)

“**LOT, FRONTAGE**” means the horizontal distance between the side lot lines measured along the front lot lines, where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line parallel to the chord of the lot frontage drawn through a point therein distant from the front lot line equal to the required depth of the front yard. For the purposes of this By-law the chord of

the lot frontage is a straight line joining the two points where the side lot line intersects the front lot line.



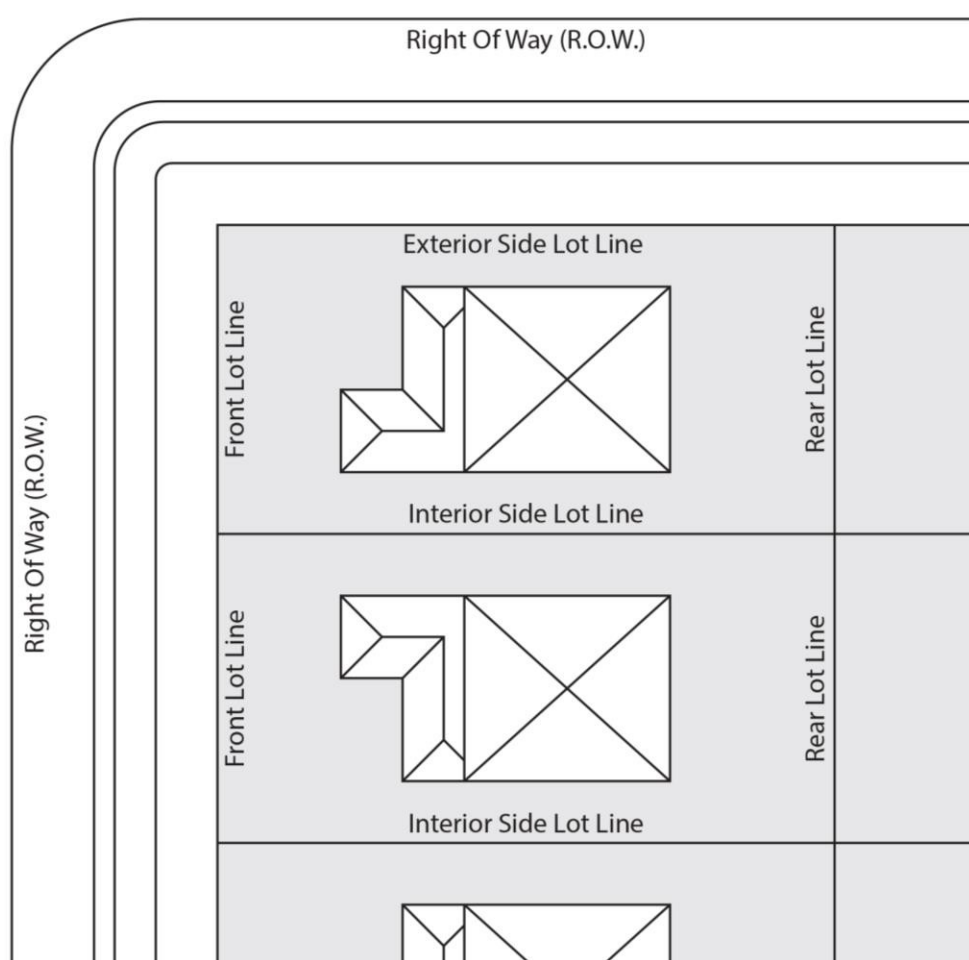
(By-law No. 2016-0049)

“**LOT, LINE**” means any boundary of a lot or the vertical projection thereof.

- “**FRONT LOT LINE**” means, in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street or private right-of-way shall be deemed the front lot line and the longer lot line abutting a street or private right-of-way shall be deemed an exterior side lot line. In the case of a through lot, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line. Where a lot abuts a navigable waterway, and abuts a street or private right-of-way providing access to the lot, the lot line farthest from the navigable waterway shall be deemed to be the front lot line. Where a lot abuts a navigable waterway, and does not abut a street or private right-of-way, the shoreline so abutting the navigable waterway, measured at the high water mark shall be deemed to be the front lot line. Where a lot abuts a private right-of-way, and does not abut a street or navigable waterway, the lot line abutting the private right-of-way shall be deemed to be the front lot line. (By-law No. 06-53)(By-law No. 2016-0049)

- “**REAR LOT LINE**” means, in the case of a lot having 4 or more lot lines, the lot line farthest from and opposite to the front lot line. If a lot has less than 4 lot lines, there shall be deemed to be no rear lot line.

- “**SIDE LOT LINE**” means a lot line other than a front or rear lot line.



(By-law No. 2016-0049)

“**MANUFACTURING, LIGHT**” means a plant which is wholly enclosed and the process of producing a product exhibits reasonably high performance standards and whose operations are not considered offensive because of heat, smoke, noise or dust.

“**MANUFACTURING, PROCESSING, ASSEMBLING OR FABRICATING PLANT**” means a plant in which the process of producing any product, by hand or mechanical power and machinery, is carried on systematically with division of labour.

“**MARINA**” means a building, structure or place, containing docking facilities and located on a navigable water body, where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale or rent and where facilities for the sale of marine fuels and lubricants may be provided and for the purposes of this By-law may include facilities for the operation of boat charters.

“**MARINE FACILITY**” means an accessory building or structure which is used to take a boat into or out of a water body, to moor, to berth or to store a boat. This definition may include a boat launching ramp, boat lift, dock, or boathouse, but shall not include any building used for human habitation or any boat service,

repair or sales facility or shipping containers.

“MARINE SALES AND SERVICE ESTABLISHMENT” means a building or part of a building and associated lands where a franchised dealer displays new and used boats and boat accessories for sale at retail or for rental, and where marine equipment is serviced or repaired and may include boat storage facilities.

“MEDICAL OR DENTAL CLINIC” - See “CLINIC, MEDICAL”.

“MEDICAL MARIHUANA PRODUCTION FACILITY” means a federally-licensed facility used for the cultivation, processing, testing, destruction, packaging or shipping of marihuana used for medical purposes as permitted under the federal government’s Marihuana for Medical Purposes Regulations or any subsequent legislation which may be enacted in substitution thereof. (By-law No. 2016-0049)

“MICROBREWERY OR CRAFT BREWERY” means a facility for the brewing of beer producing a limited amount of beer per year for sale. Accessory retail commercial, office space, and tasting areas shall be permitted provided they are limited to 35% of the total gross floor area. (By-law No. 2016-0049)

“MOBILE HOME” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons but does not include a modular home, travel trailer, motorized home, a tent trailer or trailer otherwise defined. (By-law No. 2016-0049)

“MOBILE HOME LOT” means a parcel of land for the placement of a mobile home in a mobile home park and for the exclusive use of its occupants.

“MOBILE HOME PARK” means land which has been provided and designed for the location thereon of two (2) or more mobile homes.

“MODEL HOMES” means a new uninhabited dwelling unit constructed to the requirements and the provisions of the zone category in which the lot upon which the model home is situated or as specified by by-law and is used only for the purpose of displaying the architectural design, materials and interior design or decorating of homes, the layout and features of a draft approved or registered plan of subdivision or condominium, with or without service connections, for the purpose of selling homes to the general public. The items displayed and homes offered for sale shall be restricted to those in the draft approved or registered plan of subdivision or condominium in which the model home is located.

“MODULAR HOME” means a single detached dwelling house that is constructed by assembling, on a permanent foundation, one or more manufactured modular units each of which comprises at least one room or living area and has been manufactured in a Canadian Standards Association (CSA) A277 certified factory. For the purposes of this By-law a modular home dwelling shall be considered as a single detached dwelling. (By-law No. 2016-0049)

“MOTEL, MOTOR HOTEL” means an establishment that consists of one or more buildings containing more than one rental unit accessible from either the interior or exterior, for the purpose of catering to the traveling public, to whom the motor vehicle is the principal means of transportation, by furnishing sleeping accommodation with or without meals, may include permanent staff accommodation and may or may not be licensed under the Liquor Licence Act.

SECTION 3

DEFINITIONS

“MOTOR HOME” means a self-propelled vehicle capable of being used for the temporary living, sleeping or eating accommodation of persons.

“MOTOR VEHICLE” means a motor vehicle within the meaning of The Highway Traffic Act.

“MOTOR VEHICLE BODY SHOP” means a building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be a towing service and motor vehicle rentals for customers while the motor vehicle is under repair.

“MOTOR VEHICLE COMMERCIAL” means a commercial vehicle within the meaning of the Highway Traffic Act.

“MOTOR VEHICLE DEALERSHIP” means a building or structure where a dealer displays new motor vehicles for sale or lease, or where used motor vehicles are kept for sale, and in conjunction with which there may be a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar, a motor vehicle body shop.

“MOTOR VEHICLE REPAIR GARAGE” means a building or structure where the services performed or executed on motor vehicles for compensation include the installation of exhaust systems, repair of the electrical systems, transmission repair, brake repair, radiator repair, tire repair and installation, rust proofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use and in conjunction with which there may be a towing service, a motor vehicle service station and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired.

“MOTOR VEHICLE SALES, USED” means an establishment, with or without a building, where used motor vehicles are displayed for sale.

“MOTOR VEHICLE SERVICE STATION” means a building or structure where gasoline, diesel fuel, propane, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, spark plugs, batteries and automotive accessories for motor vehicles, or similar automotive products are stored or kept for sale to the general public, and may or may not include the sale of confectionary products and beverages to be consumed elsewhere, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed.

“MOTOR VEHICLE WASH” means a building or structure containing facilities for washing motor vehicles for compensation either using production line methods and mechanical devices or by a self-service operation.

(By-law No. 03-61)

“MUNICIPAL ADMINISTRATIVE OFFICE” means a Town office used for the purposes of local government administration.

“MUNICIPAL, COUNTY, PROVINCIAL, MAINTENANCE DEPOT” shall mean any land, building or structure owned by the Corporation of the Town of Greater Napanee, the County of Lennox and Addington or the Province of Ontario used for the storage, maintenance or repair of equipment, machinery or motor vehicles used in connection with civic works and includes a public works yard. (By-laws No. 02-45 & 03-61)

“MUNICIPAL RECREATION COMPLEX” Such recreation complex may consist of indoor and/or

outdoor recreation facilities, administrative facilities, an arena, offices of non-profit or charitable organizations, swimming pool, day care facilities, accessory retail such as eating establishments, conference and seminar facilities, a pro-shop, and such other uses as considered incidental and subordinate thereto.

“NEIGHBOURHOOD COMMERCIAL SHOPPING CENTRE” means a group of non-residential establishments, predominantly of a retail commercial and personal service nature, which are designed, developed and managed as a unit, inclusive of offstreet parking and loading facilities, by a single owner or group of owners, and, where goods and services of a convenience nature are offered or kept for sale to the general public.

“NET LAND AREA” means the area of a lot owned by a proponent less:

- any lands which have been or which will be dedicated to the Town for public roads, public pathways, public open space, municipal parkland or public community facilities including, but not limited to libraries, fire stations, and recreation facilities;
- any lands which are zoned “environmental protection area”.

“NON-COMPLYING” means a use, building or structure which is listed as a permitted use in the zone where it is located but which contravenes one or more of the provisions of this By-law applicable to the zone in which such use, building or structure is located.

“NON-CONFORMING” means a use, building or structure which, on the date of passing of this By-law, was not listed as a permitted use for the zone in which such use, building or structure is located.

“NON-RESIDENTIAL” means a commercial or industrial business or public or institutional use, building or structure permitted by the By-law.

“NOXIOUS” means when used with reference to any use of land, building or structure, a use which, from its nature, or from the manner of carrying on same, creates or is liable to create, by reason of destructive gas or fumes, dust, objectionable odour, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other material, a condition which may become hazardous or injurious with regard to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of land, building or structure as identified in the Health Protection and Promotion Act.

“NURSERY FARM” means an agricultural area where plants, trees or shrubs are grown for transplanting or for use as stocks for budding and grafting for sale on a wholesale basis and, further, may include greenhouses or similar facilities or uses directly incidental to the growing of such plants, trees and shrubs but shall not include a garden and nursery sales and supply establishment or any other use or establishment as may otherwise be defined herein.

“NURSING HOME” means a building in which lodging with or without meals is supplied and, in addition, provides nursing, medical or similar care and treatment, if required, and which is licensed under The Long Term Care Homes Act. (By-Law No. 03-61)

“OCCASIONAL USE” means a use which is of a brief duration that is for four (4) consecutive days or less. Such use includes only the following types of operations: auction sales, bake sales, blood donor clinics, craft

sales, plant and produce sales, Christmas tree sales, bingo, car washes, benefit dances, shows, concerts, festivals, or banquets. (By-Law No.02-45)

“**OFF TRACK BETTING FACILITY**” means a building, or part thereof, used for the purpose of betting on animal races that are viewed from but not located on-site, and is accessory to a hotel use as defined in this by-law, and is licensed by the Province of Ontario. (By-Law No. 04-11)

“**OPEN SPACE**” means land owned by or leased from the Province of Ontario or the Conservation Authority or land owned by the County or Municipality and used for a purpose permitted by this By-law or land in private ownership and used as a private non-commercial park.

“**OPEN STORAGE AREA**” means an accessory storage area outside the principal or main building on the lot used for the storage of equipment, goods or materials on the same lot therewith. This definition shall not include a parking area, a loading space, a salvage yard, an outside area on a permitted farm used for storage of farm equipment nor a storage use located in a building.

“**OUTDOOR DISPLAY AND SALES AREA**” means an area set aside out of doors, covered or uncovered, which shall be used for the display or sale of fresh produce, goods or merchandise in conjunction with an established use or business located in adjacent permanent premises. (By-law No. 03-61)

“**PARK**” means an area, consisting largely of open space, which may include a recreational area, playground or play field, or similar use, and may also include accessory buildings or structures such as a maintenance building, tourism kiosk, washroom or canteen, but shall not include a mobile home park, trailer park or a campground *or shipping containers*. (By-law No. 2016-004) (By-law No. 2020-0016)

“**PARKING AREA**” means an area or structure provided for the parking of motor vehicles and includes any related aisles, parking spaces, ingress and egress lanes, but shall not include any part of a public street.

“**PARKING LOT**” means any parking area other than a parking area accessory to a permitted use on the same lot therewith.

“**PARKING SPACE**” means an area exclusive of any aisles or ingress and egress lanes, usable for the temporary parking or storage of a motor vehicle, and may include a private garage.

“**PERMITTED**” means allowed by this By-law.

“**PERSON**” means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

“**PERSONAL SERVICE SHOP**”- see “**SERVICE SHOP, PERSONAL**”.

“**PIT**” means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside pit.

“**PLACE OF AMUSEMENT**” see “**AMUSEMENT ARCADE**”.

“PLACE OF ENTERTAINMENT” means a motion picture or other theatre, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall or music hall, but does not include any place of entertainment or amusement otherwise defined or classified in this By-law.

“PLACE OF WORSHIP” means a building dedicated to religious worship, such as a church, synagogue, parish, mosque or any assembly hall associated with religious worship, and may include such accessory uses as a nursery school, a school of religious education, convent, monastery or parish hall.

“PUBLIC AUTHORITY” means Federal, Provincial, County or Municipal agencies, and includes any commission, board, authority, or department established by such agency.

“PROCESSING PLANT, AGGREGATE” means a building or structure and/or equipment for the crushing, screening or washing of sand, gravel and aggregate materials but does not include a concrete batching plant or an asphalt plant.

“PRINCIPAL OR MAIN BUILDING” means the building or buildings in which is carried on the principal purpose for which the building lot is used.

“PRINTING ESTABLISHMENT” means a building or part of a building used for printing regardless of the method, the publishing of newspapers, periodicals, books, documents, maps and similar items, the reproduction and duplication of printed material as a copying service to businesses or the public and includes the sale and servicing of printing and duplicating equipment and supplies.

“PUBLIC USE” means the use of any land, building or structure for the purpose of public services supplied to or available for use or consumption by the public such as roads, water reservoir and/or tower, water mains, water pumping stations, sewers, sewage pumping stations, storm drainage facilities, any power lines, hydro substations, transformer or distribution station, any telephone, cable television or telegraph company lines, exchanges, towers, any natural gas or oil pipeline distribution system operated by a Company which possess all the necessary powers, rights, licenses and franchises.

“QUARRY” means any open excavation made for the removal of any consolidated rock or mineral including limestone, sandstone or shale, in order to supply material for construction, industrial or manufacturing purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.

“REAR LOT LINE” - See “LOT LINE”.

“RECREATIONAL VEHICLE” means any vehicle so constructed that it is no wider than 2.5 metres and is suitable for being attached to a motor vehicle for the purposes of being drawn or is self-propelled, and is capable of being used on a short-term recreational basis for living, sleeping or eating accommodation of persons and includes a motor home, travel trailer, tent trailer or camper.

“RECREATIONAL VEHICLE & TRAVEL TRAILER SALES & SERVICE ESTABLISHMENT” means the sale and repair of self-propelled recreation vehicle and travel trailers which are designed, intended and used for travel recreation or vacation and in addition, used for living and sleeping and eating on a temporary occasional basis.

“RECYCLING DEPOT” means a building or part of a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. This definition does not include a salvage yard.

“REDEVELOPMENT” means the removal of buildings or structures from a lot and the construction of new buildings or structures on the said lot or the rehabilitation and renewal of an existing building or structure.

“RENOVATION” means the repair, strengthening, or restoration of a building or structure to a safe condition but shall not include its replacement.

“REQUIRED YARD” - See “YARD”.

“RESORT ESTABLISHMENT” shall mean a tourist establishment that operates throughout all or part of the year, that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or other similar recreational activity.

“RESIDENTIAL CARE FACILITY” means a group living arrangement for individuals who live under responsible supervision consistent with their particular needs. The facility is licensed or approved under Provincial statutes. (By-law No.2014-0035)

“RESTAURANT” - See “EATING ESTABLISHMENT”.

“RETAIL ESTABLISHMENT” means a building or part of a building in which goods; wares, merchandise, substances, articles or things are offered or kept for sale at retail, or on a rental basis. This includes a secondhand shop, pawnshop or similar use but does not include a supermarket or a department store. (By-law No. 03-61)

“RETIREMENT HOME” means a multiple dwelling house containing accommodation intended for elderly persons and containing dwelling rooms with a common dining area. The dining area is for the residents of the retirement home and shall not function as a public dining facility. The accommodations shall be used as the principal residence of the occupants and shall not be provided on a transient basis.

“ROW DWELLING HOUSE” – See “DWELLING HOUSE”.

“SALVAGE YARD” means an establishment where goods, wares, merchandise, articles or things are processed for further use and where such goods, wares, merchandise, articles or things are stored wholly or partly in the open and includes a junk yard, a scrap metal yard and a motor vehicle wrecking yard or premises.

“SAW AND/OR PLANING MILL” means a building, structure, or area where timber is cut, sawed or planed, either to finished lumber, or as an intermediary step and may include facilities for the kiln drying of lumber and may or may not include the distribution of such products on a wholesale or retail basis.

“SCHOOL, COMMERCIAL” means a school such as the studio of a dancing teacher or a music teacher, an art school, a golf school, a school of calisthenics, a business or trade school and any other specialized school providing for training or retraining of people.

“SCHOOL, PRIVATE” means a school other than a public school or a commercial school as otherwise

defined or classified in this By-law.

“SCHOOL, PUBLIC” means a school under the jurisdiction of a Board, as defined by the Ministry of Education.

“SECOND HAND SHOP” means a building or part of a building in which used goods, wares, merchandise, and articles are offered or kept for sale at retail and may include such uses as a flea market, a pawn shop, an antique store, an opportunity shop or similar use but shall not include a salvage yard as defined herein.

“SELF STORAGE UNITS” means a building, or part of a building or a structure, in which individual units are provided on a rental basis for the storage of business and/or personal goods and household effects, and may include administrative offices.

“SENIOR CITIZENS’ HOUSING COMPLEX” means any home for senior citizens sponsored and administered by any person, public agency or service club, church or other non-profit organization, which may obtain its financing from Federal, Provincial, County or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof, and such homes may include auxiliary uses such as club and lounge facilities usually associated with senior citizens development.

“SENSITIVE LAND USE” means any building or structure where people sleep, or an institutional use, or certain recreational uses, and may include, but is not limited to, a residence, motel, hotel, retirement home, hospital, school, place of worship, day care or any lands used for campground, mobile home park, or picnic area.
(By-law No. 2016-0049)

“SEPTAGE FACILITY” means works, installations, equipment, operations and land used in connection with the collection, handling, treatment, transportation, storage, processing and disposal of hauled sewage, as defined in the regulations under the Building Code Act, and as regulated under the Environmental Protection Act.

“SEPTIC SYSTEM” means a septic tank and leaching bed as defined in the regulations under the Ontario Building Code Act.
(By-law No. 03-61)

“SERVICE SHOP, MERCHANDISE” means an establishment wherein articles or goods such as appliances; furniture or similar items may be repaired or serviced. This definition shall not include any manufacturing operation or establishment used for the service or repair of vehicles or boats.

“SERVICE SHOP, PERSONAL” means an establishment wherein persons are employed in furnishing services and otherwise administering to the personal needs of persons. This definition may include a barber shop, a beauty salon, a dressmaking shop, a shoe repair shop, a tailor shop, a photographic studio or similar use but excludes a massage parlour or other similar services.

“SETBACK” means the least horizontal dimension between the centreline of a street allowance, measured at right angles to such centreline, and the nearest part of any building, structure, or excavation on the lot, or the nearest open storage use on the lot.

“SEWAGE TREATMENT FACILITY” means a building, structure, or lagoon, approved by the Ministry of the Environment and Climate Change, designed to treat water borne domestic, commercial, and industrial wastes collected via a system of sanitary sewers, which sewage is in accordance with a Town of Greater Napanee Water supply and Pollution Control Board Sewer Use By-law.

“**SEWER, SANITARY**” means a system of underground conduits which carries sewage to a suitable place for treatment and which is operated and maintained in accordance with the standards of the Town and/or Ministry of Environment and Climate Change.

“**SEWER, STORM**” means a sewer which carries storm surface run-off but excludes any sanitary sewer or any combination of sanitary and storm sewers.

“**SHIPPING CONTAINER**” means a prefabricated metal container or cargo box designed for transportation and/or shopping of goods, which includes seacans or similar containers.

(By-law No. 2020-0016)

“**SHOPPING CENTRE**” means a group of commercial uses and/or buildings, which have been designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants, as distinguished from a business area comprising unrelated individual areas.

“**SHORELINE**” means any lot line or portion thereof which abuts a waterbody or watercourse.

“**SIDE LOT LINE**” – See “**LOT LINE**”.

“**SIDE YARD**” - See “**YARD**”.

“**SIGHT TRIANGLE**” means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

“**SIGN**” means a structure or advertising device having illustrations affixed thereto or displayed thereon in any manner, which is used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, profession, enterprise, industry or business, or which displays or includes any letter, work, model number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which complies with any Regulation of the Corporation or the Government of Ontario or Canada.

“**SITE ALTERATION**” means activities such as fill, grading, and excavation that would change the landform and natural vegetative characteristics of a site.

“**SMALL ENGINE SALES AND SERVICE ESTABLISHMENT**” means a building or part of a building and land adjacent thereto, where snowmobile, motorcycles, lawn mowers and small engines or parts are displayed, for sale at retail, or rental and where mechanical repairs are completed.

“**SOIL TREATMENT FACILITY**” means works, installations, equipment, land, buildings and structures having Environmental Compliance Approval (ECA) from the Ministry of Environment and Climate Change for the transportation, collection, storage, handling, and treatment of non-hazardous soils. Non-hazardous soils are those which may be impacted with hydrocarbons, salts and/or metals. (By-lawNo.2013-0041)

“**SOLAR PLANT**” means the photovoltaic solar modules, inverters, transformers, and other related

appurtenances used for the conversion of solar energy into electricity and sold under contract as approved by Ontario Legislation, regulation and policies. (By-law No. 2008-62, By-law No. 2008-64)

“**SPECIAL CARE FACILITIES**” means a community-based care facility including the following:

- “**CRISIS CARE SHELTER**” means a single housekeeping unit for persons in a crisis situation requiring shelter, protection, assistance, counselling or support, and short term accommodation of a transient nature.
- “**DETOXIFICATION CENTRE**” means a facility to house persons addicted to chemical substances and/or alcohol who are admitted for withdrawal, treatment and/or rehabilitation, and who live together under responsible twenty-four (24) hour supervision consistent with their requirements.
- “**RECOVERY HOME**” means a single housekeeping unit offering a group living arrangement, treatment and education for persons with alcohol or drug related problems and/or dependencies, under responsible twenty-four (24) hour supervision.
- “**CORRECTIONS RESIDENCE**” means a group living arrangement in a secure facility for individuals who have been placed on probation, who have been released on parole, who are admitted to the facility for correctional or rehabilitation purposes, or who are awaiting trial and live together under responsible twenty-four (24) hour secure supervision and accepted standard for secure detention.
- “**RESIDENTIAL CARE FACILITY**” means a group living arrangement in a single housekeeping unit for eight (8) or more individuals (exclusive of staff and/or receiving family), who live under responsible supervision consistent with their particular needs. The facility is licensed or approved under Provincial statutes.

(By-law No. 2016-0049)

“**STOREY**” means the portion of a building, other than an attic or a cellar, included between any floor level and the floor, ceiling or roof next above it.

- “**ATTIC**” means that portion of a building situated wholly or partly within the roof, which is not used as a habitable room, and which is not a loft, a partial storey or a one-half storey.
- “**BASEMENT**” means the portion of a building between the two floor levels which is partly underground and which has at least one-half of its height, from floor to finished ceiling, or underside of the floor joists of the next above storey, above the average finished grade level adjacent to the exterior walls of the building.
- “**BASEMENT, WALKOUT**” means a basement which has more than 50% of the floor area not greater than two (2) feet below grade, and which has an entrance and exit at grade level.
- “**CELLAR**” means that portion of a building which is partly or wholly underground and has more than one-half of its height, measured from finished floor to finished ceiling or the underside of the floor joists next above storey, below the average finished grade level adjacent to exterior walls of the building.
- “**FIRST STOREY**” means the lowest storey of a building closest to finished grade level having its ceiling 1.8 metres or more above average finished grade.

- **“LOFT”** means the portion of a building situated wholly within the roof, which may be used as a habitable room, where the floor level is at the line where the roof and outer wall meet, and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.4 metres over a floor area equal to less than 50 percent of the area of the floor next below.
- **“ONE-HALF STOREY”** means that portion of a building situated wholly or in part within the roof and having its floor level not lower than 1.2 metres below the line where roof and outer wall meet and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.4 metres over a floor area equal to at least 50 percent of the area of the floor next below.
- **“PARTIAL STOREY”** means the portion of a building situated wholly or partly within the roof (exclusive of a loft), which may be used as a habitable room, having its floor level not lower than 1.2 metres below the line where the roof and outer wall meet, in which there is sufficient space to provide height between finished floor and finished ceiling of at least 2.4 metres over a floor area of less than 50 percent of the area of the floor next below.

“STREET” means a road or highway which affords the principal means of access to abutting lots but does not include a lane, private right of way, private road, or unopened road allowance. (By-law No. 03-61)

“STREET OR ROAD, IMPROVED PUBLIC” means a road assumed for public use, under the jurisdiction of the Province of Ontario, the County of Lennox and Addington or the Town of Greater Napanee and which is maintained so as to allow normal vehicular access to adjacent properties throughout all seasons of the year.

“STREET OR ROAD, LIMITED SERVICE” means a road under the jurisdiction of the Province of Ontario, the County of Lennox and Addington or the Town of Greater Napanee, not maintained year round and where no road related services are supplied on a year-round basis and where there is no guarantee of access for emergency vehicles.

“STREET ACCESS” means, when referring to a lot, that such lot has a lot line or portion thereof which is also a street line.

“STREET LINE” means the limit of the street allowance and is the dividing line between a lot and a street.

“STRUCTURE” means anything constructed or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground.

“SUMMER CAMP” means a camp operated by a charitable corporation or a camp within the meaning of the regulations made under the Health Promotion and Protection Act, or a camp operated by, or affiliated with the municipality, the Conservation Authority, or religious group. (By-law No. 2016-0049)

“SUPERMARKET” means a building or part of a building wherein various kinds of foodstuffs are kept for retail sale to the general public; and as an accessory use, goods or merchandise may also be kept for retail sale, including such items as hardware, patent medicines, toilet preparations, personal hygiene products, household supplies and magazines.

“SWIMMING POOL” means any body of water, whether located outdoors or inside a building or structure, contained by artificial means, and used and maintained for the purpose of swimming, wading, diving or

bathing. For purposes of this By-law, this includes a whirlpool or hot tub.

“**TAVERN**” means an establishment within the meaning of and licensed under the Liquor Licence Act.

“**TAXI ESTABLISHMENT**” means a commercial establishment used as a dispatch office and/or for the parking of taxis not engaged in transporting persons or goods.

“**TELECOMMUNICATION TOWER**” means any structure used for transmitting or receiving radio, television, telegraph, or micro wave signals.

“**THROUGH LOT**”- See “**LOT**”.

“**TOP OF BANK**” or “**SLOPE**” means the upslope edge or the highest part of a continuous slope or cliff measured from the edge of a waterbody.

“**TOURIST ESTABLISHMENT**” means any premises operated to provide sleeping accommodation for the traveling public or sleeping accommodation for the use of public engaging in recreational activities and includes the services and facilities in connection with which sleeping accommodation is provided, and without limiting the generality of the term, also includes a cabin establishment, a tourist cottage but does not include:

- a camp operated by a charitable corporation;
- a summer camp within the meaning of the regulations made under the Health Protection and Promotion Act; or
- a club owned by its own members and operated for profit or gain.

(By-law No. 2016-0049)

“**TOWN**” means the Corporation of the Town of Greater Napanee.

“**TOWN ROAD**” means a street or road under the jurisdiction of the Corporation of the Town of Greater Napanee.

“**TRAILER**” means a vehicle that is at any time drawn upon a highway by a motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway and capable of being used for the temporary living, sleeping or eating accommodation of persons, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn notwithstanding that such vehicle is jacked up or that its running gear is removed, and for the purposes of this By-law shall not include a mobile home as defined herein.

“**TRAILER, MOBILE CAMPER**” means a trailer designed or used for living, shelter and sleeping accommodation, or any vehicle in which the assembly can be erected, while stationary, using the trailer body and related components for support and utilized for living, shelter and sleeping accommodation, without cooking facilities, which is collapsible and compact while being drawn by a motor vehicle, with or without cooking facilities, but shall not include a mobile home dwelling house.

“**TRAILER PARK**” means a parcel of land which is developed and managed as a unit for recreational or vacation use and designed and used for seasonal occupancy only, where camping lots are made available on a rental or lease basis for the placing of recreational trailers or motor homes, where the ownership and responsibility for the maintenance of private internal roads, services, communal areas and buildings, and garbage collection, together with general park management, rests with the owner, but where such parcel is not the subject of a Registered Plan of Subdivision defining individual lots legally capable of conveying title and

shall not include a mobile home park.

“TRANSITIONAL HOUSING UNIT” means a short term group living arrangement in a single housekeeping unit of up to eight (8) persons with access to on-site support services, consistent with the particular needs of the residents. Support services are for the use of the residents only and include services like life-skills training, counseling, health and well-being advice, etc.). Such facility shall only occupy the whole of a single detached dwelling house or one half of a semi-detached dwelling house. (By-law No. 2016-0049)

“TRUCK OR TRANSPORT DEPOT” means a building, structure or place where trucks or tractor trailers are rented, leased, kept for hire, or stored or parked for remuneration, or, from which truck or transports, stored or parked on the property, are dispatched for hire as common carriers, and, for the purposes of this By-law, may include a bonded or sufferance warehouse.

“USE”, when used as a noun, means the purpose for which a lot, building or structure, or any combination thereof is designed, arranged, occupied or maintained.

- “USE and USES” shall have a corresponding meaning.
- “USE” (when used as a verb) or “TO USE” shall also have corresponding meanings.

“VEHICLE” means an automobile, a motorcycle, motor assisted bicycle, traction engine, farm tractor, road-building machine, self-propelled implement of husbandry, recreational vehicle, and any other vehicle propelled or driven other than by muscular power, but not including railroad car or other motor vehicle running only upon rails.

“VEHICLE SALES OR RENTAL ESTABLISHMENT” means an establishment having as its main use the storage of vehicles for sale or the storage of automobiles for rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.

“VETERINARY CLINIC” means a building or part of a building in which facilities are provided for the prevention, cure and alleviation of disease and/or injury to animals, and the care of animals and birds, and in conjunction with which there may be facilities provided for the sheltering of animals during the treatment period.

“WAREHOUSE” means a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances, articles or things, and may include facilities for a wholesale or retail commercial outlet, but shall not include a truck/cartage or transport depot.

“WARMING/COOLING CENTRE” shall mean a building or portion thereof used by a minimum of four persons in a crisis situation and a maximum number of persons in a crisis situation, as may be prescribed, which provides an immediate safe indoor space for people during both extreme cold and heat weather alerts. (By-law No. 2020-0016)

“WASTE MANAGEMENT FACILITY” means an area where solid, non-hazardous waste, exclusive of liquid industrial waste, is transferred to, transferred out or deposited, for handling, separation, storage, treatment, recycling, recovery, composting and disposal, and may include landfill operations, together with such other ancillary uses and activities normally incidental thereto inclusive of administrative offices, equipment maintenance, and storage buildings, but shall not include a salvage yard and/or a sewage lagoon. The facility shall have a current Environmental Compliance Approval issued under the Environmental Protection Act for use of the site as a waste management facility.

“WASTE WATER TREATMENT FACILITY” means works, installations, equipment, land, buildings and structures having Environmental Compliance Approval from the Ministry of Environment and Climate Change for the transportation, collection, storage, handling, treatment and transfer of waste waters which, upon remediation, may be reused or discharged or transferred off-site. This excludes treatment of the following:

- Asbestos
- Combustible liquids
- Hauled sewage
- Human or animal waste
- Pathological waste
- PCB contaminated waste
- Radioactive waste.

(By-law No. 2013-0041)

“WATER ACCESS” means any lot having a lot line or portion thereof which is also a shoreline of a navigable waterway.

“WATER FRONTAGE” means the straight line horizontal distance between the two most widely separated points on any one shoreline of a lot.

“WATERBODY” means any bay, lake, wetland, surface stream, or river where there is an identifiable depression in the ground in which a flow or ponding of water is regular or continuous and includes a channel for an intermittent stream and a municipal drain as defined by The Drainage Act, as amended.

“WATERCOURSE” means a natural drainage channel that contains water either permanently or intermittently, including creeks and streams. (By-law No. 2018-0005)

“WATER TREATMENT PLANT” means a building or structure, operated and maintained by the Town or Greater Napanee Water Supply and Pollution Control Board or the Ministry of Environment and Climate Change or any public utilities commission or private company where water is treated for human consumption.

“WAVE UPRUSH” means the rush of water up onto a shoreline or structure following the breaking of a wave, and the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.

“WAYSIDE PIT OR QUARRY” means a temporary pit or quarry opened and used by a public authority, or their agents, for the purpose of road construction or an associated road project or contract and which is not located on the road right-of-way.

“WELL” means an underground source of water which has been rendered accessible by the drilling or digging of a hole from ground level to the water table and may include a private piped system from a surface water source.

“WETLANDS” means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs, and fens. Lands being used for agricultural purposes, that are periodically "soaked" or "wet", are not considered to be wetlands in this definition.

“WHOLESALE ESTABLISHMENT” means a building or structure used for the purpose of selling or offering for sale goods, wares or merchandise on a wholesale basis and includes the storage or warehouse of those goods, wares or merchandise.

“WINERY, ESTATE” means the use of land, buildings or structures for the processing of fruit, fermentation, production, bottling, aging and storage of wine and wine related products as a secondary agricultural use to a vineyard and/or fruit farm. Fruit used in the production of the wine shall be predominantly from the vineyard and secondly locally grown. An estate winery may also include a retail outlet, hospitality room, winery office and a laboratory. (By-law No. 03-74)

“WINERY, FARM” means the use of land, buildings or structures for the processing of locally grown fruit, fermentation, production, bottling, aging and storage of wine and wine related products as a secondary agricultural use to a vineyard and/or fruit farm. The fruit used in the production of the wine shall be predominantly from the vineyard and/or fruit farm located on the same land as the farm winery, or as part of the farmer’s own farm operation. A farm winery may also include a retail outlet, hospitality room, winery office and a laboratory. (By-law No. 03-74)

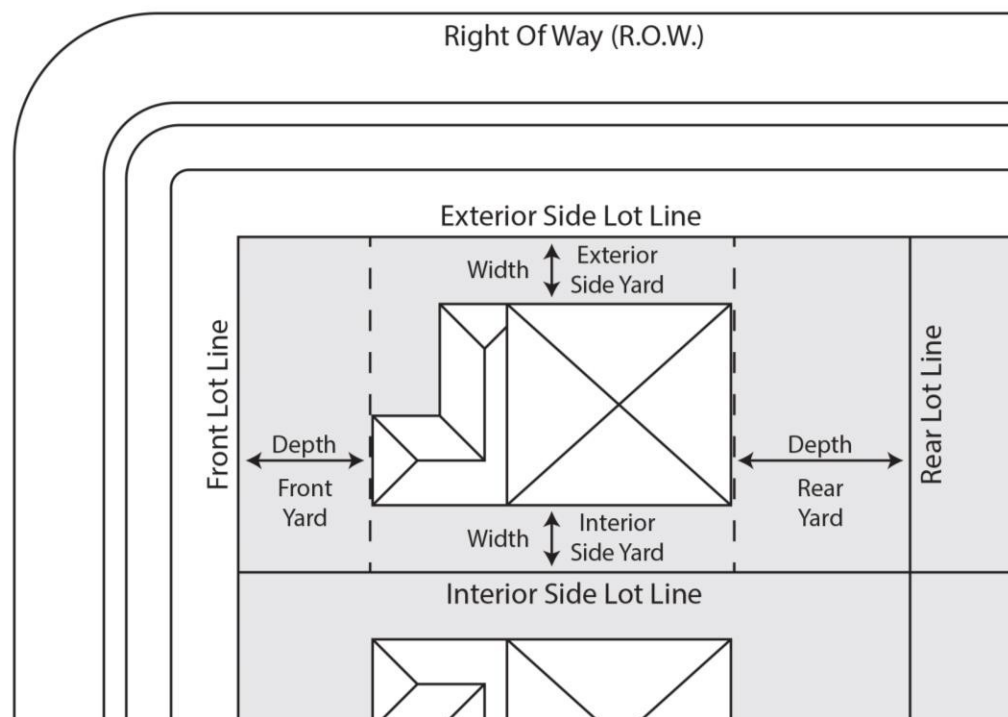
“WORKSHOP” means a building or part of a building where fabrication or manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter’s shop, an upholsterer’s shop, a locksmith’s shop, a gunsmith’s shop, a machine shop, a tinsmith’s shop, a commercial welder’s shop, or other similar uses and activities.

“YARD” means a space, appurtenant to a building, structure or excavation, located on the same lot as the building, structure or excavation and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in this By-law.

- **“FRONT YARD”** means a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any excavation or main building on the lot.
- **“FRONT YARD DEPTH”** means the least horizontal dimension between the front lot line of the lot and the nearest part of any building, structure or excavation on the lot, or the nearest open storage use on the lot.
- **“EXTERIOR SIDE YARD”** means a side yard immediately adjoining a street or a reserve which restricts access to a street.
- **“INTERIOR SIDE YARD”** means a side yard other than an exterior side yard.
- **“REAR YARD”** means a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any excavation or main building on the lot. If there is no rear lot line, there shall be deemed to be no rear yard.
- **“REAR YARD DEPTH”** means the least horizontal dimension between the rear lot line of the lot and the nearest part of any building, structure or excavation on the lot, or the nearest open storage use on the lot.
- **“REQUIRED YARD”** means a yard with the minimum front yard depth, rear yard depth, or side yard

width required by the provisions of this By-law. A required side yard shall extend from the required front yard to the required rear yard or, in the case of a lot which has no rear lot line, the required side yard shall extend from the required front yard to the opposite required side yard.

- **“SIDE YARD”** means a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of any excavation or main building on the lot. In the case of a lot which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard.
- **“SIDE YARD WIDTH”** means the least horizontal dimension between the side lot line of the lot and the nearest part of any building, structure or excavation on the lot, or the nearest open storage use on the lot.



(By-law No. 2016-0049)

“ZONE” means a designated area of land use shown on the Zone Schedules attached hereto and forming part of this By-law.

“ZONE PROVISIONS” means the permissible uses or activities, the minimum area and dimensions of lots, the minimum dimensions of yards, the maximum lot coverage, the minimum setback, the minimum gross floor area, the minimum landscaped open space, the maximum height of buildings, minimum parking area requirements, and all other standards and regulations of the respective Zones as are set out within the By-law.

“ZONING ADMINISTRATOR” - See **“CHIEF BUILDING OFFICIAL”**.

4.1 ACCESSORY USES**4.1.1 Uses Permitted**

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building, structure or use, but shall not include any of the following uses unless specifically permitted herein;

- a) Any occupation for gain or profit conducted within or accessory to a dwelling unit or on such lot associated therewith; or
- b) Any building or portion thereof used for a habitable room; or
- c) Any open storage area.
- d) Shipping Containers

Accessory buildings, structures and uses shall only be permitted once the principal use has been established.

(By-law No. 2016-0049)(By-law No. 2020-0016)

4.1.2 Accessory Buildings and Structures**a) Relation to Street - Residential Zones**

Within the ER, RR, SR, HR, MH, R1, R2, R3, R4, R5 and R6 zones, any accessory building or structure which is not attached to the main building shall not be erected closer to the front lot line than the principal or main building on the lot and shall be erected in conformity with the yard and setback provisions of the respective Residential Zone.

Notwithstanding the above, an accessory building may be permitted closer to the street line than the principal or main building provided:

- i) the lot has frontage on an improved street or road; and
- ii) the lot abuts a navigable waterbody.

In such cases, the accessory building shall not be located in the required front yard and shall be located no closer than 1.2 metres to the interior side lot line.

(By-law No. 2016-0049)(By-law No. 2018-0005)

b) Relation to Interior, Exterior, and Rear Yard

Within the ER, RR, SR, HR, MH, R1, R2, R3, R4, R5 and R6 zones, an accessory building or structure shall comply with the following provisions.

(By-law No. 03-61)

- i) When such accessory building or structure is located in an interior side yard, it shall be no closer than 1.2 metres to the interior side lot line except where a mutual private garage is erected on the common lot line between

two lots, in which case no interior side yard is required.

- ii) When such accessory building or structure is located in the rear yard it shall be located no closer than 1.2 metres from the interior side lot line or 1.2 metres from the rear lot line except in the case where the rear lot line is the side lot line of the adjoining lot, in which case the accessory building or structure shall be no closer than 1.2 metres to the portion of the rear lot line which adjoins the interior side lot line of the adjoining lot.

(By-Law No. 02-45)

- iii) When an accessory building or structure is located in a front or exterior side yard such accessory building or structure shall not be located closer to the lot line than the required front or exterior side yard.

(By-Law No. 02-45) (By-law No. 2018-0005)

c) All other Zones

No accessory building or structure shall be erected closer to the street line than the minimum required zone setback.

(By-law No. 03-61)

d) Storage Tanks

Except as otherwise provided herein, no above ground storage tank shall be erected in any yard other than the interior side yard or rear yard.

4.1.3 Relation to Principal or Main Building

Any accessory building or structure, which is not part of the principal or main building, shall not be erected closer than 2.0 metres to the principal or main building.

4.1.4 Lot Coverage and Height

The lot coverage of all accessory buildings or structures, exclusive of swimming pools, shall not exceed ten percent (10 %) of the lot area.

The height of any accessory building or structure for residential or commercial uses shall not exceed 6.5 metres, measured from the average finished grade of the front or rear of the building, to the highest point of the roof for a sloped roof (not including ornamental features) and 5.0 metres for a flat roof.

The height of an accessory building in an industrial zone shall not exceed the maximum height restriction of the respective Industrial Zone.

(By-law No. 03-61)(By-law No. 2016-0049)

4.1.5 Accessory Structure Encroachments

Drop awnings, clothes poles, flagpoles, garden trellises, fences, retaining walls, marine facilities, or similar accessory uses shall be permitted in any yard.

Signs are permitted in any yard subject to regulation in the Town's sign by-law.

4.1.6 Boat House, Pump House and Docking Facilities

- a) A boathouse, pump house or dock may be erected and used in the required setback and required yard of a lot abutting a waterbody.
- b) A boathouse or pumphouse shall not be located closer than 1.2 metre to the interior side lot line, except where a mutual boathouse or pumphouse are erected on the common lot line between two lots, in which case no interior side yard is required.
- c) No dock shall be located within 2.0 metres of the side lot line or projection thereof, except where a mutual dock is erected on the common lot line between two lots, in which case no interior side yard is required.

For the purposes of this section, the projection of the lot lines shall be made at 90 degrees to the point at which the lot line intersects the shoreline.

4.1.7 Railway Spur in Industrial Zone

Within an Industrial Zone a railway spur shall be permitted within any required side or rear yard, but not within a required planting strip area except as may be required for ingress and egress. Where such side or rear yard abuts a Residential Zone, then such railway spur shall conform with the yard and setback requirements of the zone in which it is located.

4.2 AMENITY AREA

a) Requirements (minimum)

The minimum amenity area requirements for each residential unit for an apartment dwelling house are as follows:

- i) Bachelor and One Bedroom Unit..... 10 square metres
- ii) Two Bedroom Unit..... 35 square metres
- iii) Three Bedroom Unit.....60 square metres
- iv) Four Bedroom and Over..... 85 square metres

b) Design of Amenity Area

Amenity areas shall be designed and located so that the length does not exceed four (4) times the width.

c) Children's Play Area

Except for a senior citizen apartment dwelling or where otherwise provided herein, for an

apartment dwelling house containing 25 or more apartment dwellings, an equipped children's play area shall be provided at a rate of 2.5 square metres per residential unit. The minimum size of such children's play area shall be 46 square metres, while the maximum size of such children's play area shall be 140 square metres.

(By-law No. 2016-0049)

4.3 **CONSTRUCTION USES**

A building or structure incidental to construction on the lot is permitted where such building or structure is situated, but only for as long as it is necessary for the work in progress and until the work is completed or abandoned. "Abandoned" in this subsection means the failure to proceed expeditiously with the construction work. This includes Shipping Containers.

(By-law No. 2020-0016)

4.4 **DISTANCE SEPARATION REQUIREMENTS**

a) **Non-Agricultural Uses**

The expansion or establishment of any non-agricultural use within the Prime Agriculture (PA), Rural (RU), Rural Residential (RR), and Shoreline Residential (SR) Zones shall comply with the requirements of the Minimum Distance Separation Criteria (MDS I) calculation.

b) **Livestock Facilities**

No livestock facility shall be erected or expanded unless it complies with the Minimum Distance Separation Criteria (MDS II) calculation.

c) **Portable Asphalt Plants**

The minimum separation distance between a portable asphalt plant and a sensitive land use shall be that distance established by an approved, and current, Environmental Compliance Approval under the Environmental Protection Act.

d) **Sensitive Land Uses and Industrial Facilities**

The expansion or establishment of new industrial facilities outside areas zoned within an industrial category (zones M1 to M4 and exceptions thereto) shall comply with the applicable separation distance guidelines, as established by the Ministry of Environment and Climate Change, governing the compatibility between industrial facilities and sensitive land uses.

e) **Waste Management Facilities and Sensitive Land Uses**

The establishment of new waste management facilities, or expansion of existing waste management facilities, shall comply with the applicable Ministry of Environment and Climate Change Guidelines regarding Land Use On or Near Landfills and Dumps.

f) **Residential Uses Adjacent Waste Management Zones**

- i) No new dwelling house shall be permitted within 300 metres of lands zoned for a septage lagoon, or within 150 metres of a sewage treatment plant.
- ii) No new dwelling house shall be permitted within 500 metres of lands zoned for an existing or closed waste management facility.

g) Residential Use Adjacent to an Extractive Industrial Zone

- i) No new dwelling house shall be located within 150 metres of an area zoned Extractive Industrial Zone in which only removal and processing of sand and gravel are involved.
- ii) No new dwelling house shall be located within 500 metres of an area zoned Extractive Industrial Zone in which the removal and processing of rock is involved.

(By-law No. 06-53)

h) Existing Lots of Record

The minimum distance separation requirements do not apply in the case of (a) (d) (f) or (g) of this subsection where a legal lot of record existed as of the date of passing of this By-law, and for which the proposed use is listed as a permitted use in the zone in which the existing lot is located, in which case the provisions of this section shall not serve to preclude the issuance of a building permit for the permitted use.

i) Location of a Feedlot, Livestock Barn Or Structure, Grain Elevator Or Grain Drying Facility to a Farm Winery Or Estate Winery

A livestock facility establishing in proximity to a farm winery or an estate winery shall be located in compliance with the Minimum Distance Separation II Formula requirements. A grain drying facility shall be located 300 metres from an existing farm winery or estate winery.

(By-law No. 03-74)

j) Location of a Farm Winery or Estate Winery

No building or structure, or part thereof, shall be erected or used for the purpose of a farm winery and an estate winery, nearer than 300 metres to any grain drying facility located on a separate lot of record. Farm and estate wineries shall be sited in compliance with the Minimum Distance Separation I Formula.

(By-law No. 03-74)

4.5 DWELLING UNIT LOCATION

a) Non-Residential Yard Provisions

Where a dwelling unit is located in a Non-Residential building, such dwelling unit shall comply with the yard provisions of this by-law which apply to the said Non-Residential building.

(By-law No. 2016-0049)

4.6 ENCLOSED OPERATIONS

All of the operations of every commercial establishment, unless otherwise permitted by this By-law, shall be conducted within an enclosed building or premises, except for the following:

- Parking and loading areas for vehicles;
- Outdoor café;
- Marina;
- Vehicle Sales Establishment;
- Seasonal garden and nursery sales or sidewalk sales.

4.7 ESTABLISHED BUILDING LINE

Where a principal building is to be erected on a lot, and where there is an established building line extending on both sides of the lot, such permitted principal building may be erected closer to the street line or the centreline of the street, or farther back than the minimum setback requirements, as the case may be, than permitted by this By-law such that the yard or setback is equal to the average setback of buildings on the same side of the street, provided further that such building is not erected closer than or farther back from the street line or the centreline of the street than the established building line existing on the date of passing of this By-law, but in no case shall the front yard be less than 3.0 metres in depth and provided all other by-law requirements are complied with.

4.8 EXISTING BUILDINGS, STRUCTURES AND USES**a) Continuation of Existing Uses**

The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

b) Strengthening to Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of a non-conforming or non-complying building or structure legally existing at the date of adoption of this By-law provided that strengthening or repair does not increase the height, size or volume of any portion of such building or structure or change the use of such building or structure.

c) Interior Alteration

The interior of any building or structure, legally existing at the date of adoption of this By-law, may be reconstructed or structurally altered in order to render the same more convenient or commodious provided it continues to be used for the same use as existed at the date of passing of this By-law or is used for a use permitted in this By-law.

d) Rebuilding or Repair

Nothing in this By-law shall prevent the rebuilding or repair of any building or structure used for a lawful non-conforming use, existing as of the date of passing of this By-law, which is damaged or destroyed by causes beyond the control of the owner or demolished willfully, provided that the non-conforming use has been continuous and provided the reconstruction or repair does not increase the height, size or volume of any portion of such building or structure or change the use of such building or structure.

(By-law No. 2016-0049)(By-law No. 2018-0005)(By-law No. 2020-0016)

e) Alterations to Non-Complying Buildings and Structures

Nothing in this By-law shall prevent the alteration or enlargement of an existing non-complying building or structure provided such alteration or enlargement does not further reduce any By-law provision with which the building or structure is not in compliance.

(By-law No. 02-45)

4.9 EASEMENTS AND RIGHTS-OF-WAY

Where there is an easement or right-of-way registered on the title of a property such as an easement for

gas or oil transmission pipelines, hydroelectric power lines, construction of a building or structure shall be prohibited on the area of the easement or right-of-way unless authorized by an encroachment permit or written agreement by the party with rights to the easement or right-of-way.

(By-law No. 02-45)

4.10 EXISTING UNDERSIZED LOTS AND REDUCED FRONTAGE

Where a lot, having a lesser lot area and/or frontage than required herein, is held under distinct and separate ownership from an abutting lot or lots as shown by a conveyance of title in the records of the Registry or Land Titles Office on the date of passing of this By-law, or, where such a lot is created as a result of expropriation, or acquisition of land for public use, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that:

- a) All other applicable provisions of this By-law are complied with;
- b) Existing lots to be developed on private services (wells and septics) shall have a minimum lot area of 1,390 square metres and 20 metres frontage;
- c) Approval is obtained from the appropriate regulatory agency for proposed sewage disposal systems; and
- d) Potable water is available.

(By-law No. 02-45)

4.11 FLOODPLAINS, WATERBODIES AND ENVIRONMENTAL PROTECTION ZONES**a) Floodplain**

- i) No person shall use any land within a floodplain except for one or more of the following uses:
 - Conservation use;
 - Landscaped open space;
 - Marina use;
 - Marine facility;
 - Marine sales and service establishment;
 - Outdoor recreation;
 - Park;
 - Public use;
 - Agricultural use exclusive of buildings;
 - Flood control facilities.
- ii) No building or structure shall be erected or altered within a floodplain or within 6 metres of the floodplain except for those buildings or structures requiring direct access to the water as an operational necessity such as a marina, marine facility, or other similar structure.
- iii) Parking facilities incidental to a primary permitted use on the lot, not including parking structures or underground parking are permitted within the 6 metre floodplain setback.
- iv) No building used for human habitation is permitted in the floodplain.

(By-law No. 2016-0049)(By-law No. 2018-0005)

b) **Waterbody and Wetland**

- i) Unless otherwise specifically permitted within this by-law, no buildings or structures, including all sewage disposal systems, shall be erected or altered within 30 metres of the high water mark of a waterbody or watercourse, or within 30 metres of any class of wetland except for the following:
 - Decks, gazebos and other similar structures such as hot tubs, which are unattached to a main building and which have a combined horizontal surface area of less than 10 m², and provided that they are no closer than 15 m;
 - Fences, marinas, pump houses, marine facilities and stairs.
- ii) Attached, uncovered and unenclosed decks and balconies may project from the main building into the required setback from the high water mark by a maximum of:
 - i) 1.2 m where the setback of the main building is located less than 8 m from the high water mark. This deck shall be limited to 1.2 m² of horizontal surface area;
 - ii) 2 m where the setback of the main building is equal to or greater than 8 m but less than 15 m from the high water mark. This deck shall not be limited in horizontal surface area; or

- iii) 4 m where the setback of the main building is equal to or greater than 15 m.

This deck shall not be limited in horizontal surface area.

(By-law No. 2016-0049)(By-law No. 2018-0005)

c) **Environmental Protection**

- i) Development within an Environmental Protection (EP) Zone shall be in accordance with the Environmental Protection (EP) Zone Provisions outlined in Section 5 of this by-law.

- ii) Appendix 1 to this By-law identifies the lands within the Environmental Protection (EP) Zone and the respective adjacent lands of those features that form the EP Zone.

Adjacent lands associated with the respective features of the EP Zone are as follows:

-30 metres from all locally significant wetlands;

-50 metres from all Significant Areas of Natural and Scientific Interest (ANSI) – Earth Science; and

-120 metres from all Provincially Significant Wetlands (PSW) and Significant Areas of Natural and Scientific Interest (ANSI) – Life Science.

Development within adjacent lands of the EP Zone will require a supportive Environmental Impact Study, to the satisfaction of the Town and the Conservation Authority.

The Town, in consultation with the Conservation Authority and/or other agencies or Ministries, may scope the requirements for the EIS depending on the nature of the development, existing conditions, and the natural heritage feature(s) in question. In cases where the Town, in consultation with the Conservation Authority, determines that an EIS is not warranted to support development in such areas, such requirement will be waived.

(By-law No. 2016-0049)(By-law No. 2018-0005)

d) **Calculation of Zone Provisions**

No part of land zoned Environmental Protection, any floodplain or land between the top of the bank and a water body or a watercourse shall be used to calculate any of the zone provisions required by this By-law.

(By-law No. 03-61)

e) **Minimum Floor and Exterior Opening Elevation**

Where a building or structure is erected or altered adjacent to a waterbody, the minimum elevation for any lowest floor and exterior opening for any building or structure shall be based on the applicable flood elevation and will be determined in consultation with the appropriate Conservation Authority.

(By-law No. 2018-0005)

4.12 FRONTAGE REQUIREMENTS**a) Access to Improved Public Street or Road**

No person shall erect any building or structure after the date of passing of this By-law unless the lot upon which such building or structure is to be erected fronts upon an improved public

street or road, has the required lot frontage specified in the respective zone along the improved public street or road, and is provided with access for vehicular traffic in the form of an unobstructed driveway. For the purpose of this By-law, an "Improved Public Street or Road" as defined herein, does not include an unopened road allowance or an unassumed road in a Registered Plan which has been deemed not to be a Registered Plan under Section 50 of the Planning Act. This provision shall not apply to a lot on a Registered Plan of Subdivision where an agreement between the owner of such subdivision and the Corporation, including provisions for the construction of the streets shown on such subdivision, is registered in the records of the Registry or Land Titles Office.

b) Access Via Private Right-of-Way

Where an existing lot created under the Planning Act is accessible by means of a private road or right-of-way, a limited service street or road providing ingress and egress to an improved public street or road, this By-law shall not apply to prevent the use of such lot for a single unit dwelling house.

4.13 GARBAGE AND REFUSE STORAGE

- a) No garbage or refuse shall be stored on any lot in any zone except within the principal building or an accessory building or structure on such lot or in a container in the side yard or rear yard of such lot.
- b) A dumpster or garbage container shall be regulated in the same manner as an accessory building or structure in the zone in which it is located.

4.14 GROUP HOMES

(Repealed by By-law No. 2013-0040)

4.15 HEIGHT EXCEPTIONS

Nothing in this By-law shall apply to prevent the erection, alteration or use of the following accessory buildings or structures provided the principal use is a use permitted within the zone in which it is located, namely:

- Air conditioner equipment;
- Barn or silo;
- Belfry;
- Chimney;

- Church spire, minaret or other similar religious structure;
- Clock tower;
- External equipment associated with internal building equipment;
- Flag pole;
- Grain elevator
- Hydro electric transmission tower and poles;
- Incidental equipment required for processing as part of an agricultural operation;
- Lightning rod;
- Lighting standard;
- Radio or television or communication tower or antenna/receiver;
- Water tank or tower;
- Windmill.

4.16 **HOLDING PROVISIONS**

Pursuant to the provisions of the Planning Act, Council may specify, by the use of a Holding Symbol '-H', in conjunction with the appropriate zone symbol, the eventual use to which lands, buildings and structures may be put at such time in the future as the '-H' Holding Symbol is removed pursuant to Section 36 of the Planning Act. The Holding Symbol '-H' may be used in conjunction with any zoning category in this By-law, in accordance with the following provisions:

- a) Lands shown to be subject to an '-H' Holding symbol may be used only for the following purposes while the '-H' Symbol is in place:
 - i) Existing uses; and
 - ii) Other uses as specified in the By-Law establishing the '-H' Holding Zone.
- b) This section shall not prevent the demolition, renovation or alteration of any building or structure provided that in the case of any alteration or renovation,
 - i) this will not increase the height, size or volume of such building or structure, and
 - ii) does not change the use of such building or structure.

(By-law No. 03-61)
- c) Once the '-H' Holding Symbol is removed the lands shall be used in accordance with the permitted uses and regulations of the associated zone.
- d) The '-H' Holding Symbol shall be removed once the following applicable requirements have been complied with:
 - i) All financial arrangements have been completed to the satisfaction of the Town;
 - ii) The required services are available or can be made available;
 - iii) The phasing and design of the proposed development is to the Town's satisfaction;
 - iv) Identified development constraints can be addressed to the satisfaction of the Town;
 - v) Agreements, such as the Subdivision Agreement or Site Plan Control Agreement, have been executed; and

- vi) The Town has given Notice pursuant to the requirements of Section 36 of the Planning Act of its intention to pass a By-Law to remove the '-H' Holding Symbol.

4.17 **HOME OCCUPATIONS**

A Home Occupation is permitted in a zone where listed as a permitted use. Such Home Occupation shall conform to the following provisions:

- a) Shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling house or dwelling unit, or create or become a public nuisance by reason of noise, dust, odour, traffic or parking of motor vehicles;
- b) Shall be undertaken by a person or persons occupying the dwelling house or dwelling unit. A Home Occupation shall immediately cease to exist if there is not at least one person resident in the dwelling house or dwelling unit who is engaged in the home occupation;
- c) Shall not have more than two (2) persons not resident in the dwelling employed by the Home Occupation;
(By-law 2016-0049)
- d) Shall not have external display or advertising, other than a legal sign, erected in conformity with the By-laws of the Municipality, to indicate to persons outside that any part of the dwelling house, dwelling unit or lot is being used for a purpose other than residential;
- e) Shall not have more than 30% of the dwelling unit area used for the purpose of the Home Occupation use where such home based business is conducted within the principal residence;
- f) May be conducted in an accessory building which is not greater than 60 square metres in area, but shall not be conducted in a boathouse;
- g) May be conducted in both the dwelling unit and one accessory building or combination thereof, but such home occupation shall not exceed a combined maximum square floor area of 60 square metres;
- h) May occur in an accessory building in a Rural, Agricultural, Restricted Agricultural, Rural Residential, Estate Residential, Shoreline Residential, or Hamlet Residential Zone;
- i) Shall have no goods, wares, or merchandise, other than arts, crafts, antiques, household or personal items such as cosmetics or kitchen wares and the limited production of baked goods and homemade preserves produced on the premises, for sale or rent on the premises. The limited sale of items related to a personal service shop and the sale of antique items whether or not originating on the property are permitted;
- j) Shall have no mechanical or other equipment used for a Home Occupation except that which is customarily used in a dwelling house for domestic or household purposes or for use by a professional person;
- k) Shall not include a medical clinic, a private hospital, a nursing home, a restaurant or a veterinary clinic but may include an office of not more than one medical practitioner;

- l) Shall not interfere with television or radio reception of others in adjacent buildings or structures;
- m) Bed and Breakfast operations shall not change the residential character of the dwelling house. Up to three (3) bedrooms may be used for Bed and Breakfast operations even though this may exceed 30% of the dwelling unit area;
- n) A "tea room" or similar facility offering limited refreshments as an accessory use to the principal residential use is permitted as a Home Occupation;
- o) Shall not have more than one Home Occupation on the property whether conducted in the dwelling or accessory building.
- p) A home-based daycare with accommodation for up to five (5) persons is permitted as a home-based business in any principal dwelling unit that is a permitted use in the zone in which it is located. A daycare with accommodation for more than five (5) persons is not permitted as a home-based occupation.

(By-law 2016-0049)

4.18 **HOME INDUSTRY**

A Home Industry is permitted in a zone where listed as a permitted use. Such Home Industry shall conform to the following provisions:

- a) Shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling house or dwelling unit, or create or become a public nuisance by reason of noise, dust, odor, traffic or parking of motor vehicles;
- b) Shall be undertaken by a person or persons occupying the dwelling house or dwelling unit. A Home Industry shall immediately cease to exist if there is not at least one person resident in the dwelling house or dwelling unit who is engaged in the home industry;
- c) Shall have no external display or advertising, other than a legal sign, erected in conformity with the By-laws of the Municipality, to indicate to persons outside that any part of the dwelling house, dwelling unit or lot is being used for a purpose other than residential;
- d) Shall not use more than 30% of the dwelling unit area for the purpose of the home industry where such Home Industry is conducted within the principal residence;
- e) May be conducted in whole or part in a permitted accessory building no greater than 92 square metres in area;
- f) Shall not interfere with television or radio reception of others in adjacent buildings or structures; and
- g) Shall not employ more than three (3) persons not resident in the dwelling.

4.19 HOUSEHOLD/GARAGE SALES

A household garage sale is permitted where the following provisions are met:

- a) The premises has a dwelling unit;
- b) The number of household/garage sales is restricted to not more than two (2) such sales per annum at any one location, and
- c) No such sale shall exceed two (2) days in duration.

4.20 LANDSCAPED OPEN SPACE

- a) In any zone, any portion of any front yard or exterior side yard which is not used for any other permitted purpose shall be devoted to landscaped open space.
- b) Any land used for landscaped open space shall be included in the calculations for lot area, yard requirements, etc.
- c) Planting strips are included as part of the landscaped open space requirement of this By-law.
- d) Where landscaped open space is required as buffering, such landscaping shall be continuous except for a lane, driveway, aisle, or walkway which provide access to the lot.

4.21 LOADING SPACE REGULATIONS**a) Requirements**

The owner or occupant of any commercial or industrial building or a lot, involving the receiving, shipping, loading or unloading of animals, goods, wares, merchandise or raw materials, exclusive of agricultural buildings and structures, shall provide and maintain at the

premises, facilities comprising one or more loading spaces 9.0 metres long, 3.5 metres wide, and having a vertical clearance of at least 4.0 metres. Loading spaces shall be provided in accordance with the following:

Gross Floor Area of Building or Structure	Loading Spaces Required
1,000 m ² or less	1
Exceeding 1,000 m ² but not 4,000 m ²	2
Exceeding 4,000 m ² but not 8,000 m ²	3
Exceeding 8,000 m ²	3 plus one (1) additional loading space for each additional 10,000 m ² of gross floor area or fractional part thereof in excess of 8,000 m ²

(By-law No. 06-53)

b) Access

Access to loading spaces shall be by means of a driveway at least 6.0 metres wide contained on the lot in which the spaces are located and leading to an improved street as defined herein.

c) Change in Use

The loading space requirements referred to herein shall not apply retroactively to any building or use in existence at the date of passing of this by-law so long as the gross floor area, as it existed at such a date, is not increased and so long as there is no change in use.

d) Loading Space Surface

Driveways, loading spaces, and related aisles and turning areas shall be maintained with a stable surface which is treated so as to prevent the raising of dust. Such loading facilities shall, before being used, be constructed of crushed stone, gravel, asphalt, concrete or similar material and shall include provisions for drainage facilities.

e) Location

The required loading space shall be located in the interior side yard or rear yard unless such space or spaces are removed from the streetline a minimum distance of 15 metres.

f) Addition to Existing Use

When a building or structure has insufficient loading spaces on the date of passing of this By-law to comply with the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition. However, no addition may be built and no change of use may occur, the effect of which would be to increase that deficiency. If an addition is made to the building or structure which increases the floor area, then additional loading space shall be provided as required by paragraph (a) of this Subsection.

4.22 MODEL HOMES

Model homes:

- a) are permitted on lands that have received draft plan approval or final approval and registration from the Town;
- b) shall be constructed or located in accordance with the zone provisions for the lot or proposed lots;
- c) shall not exceed two (2) dwelling units per individual phase of the development; and
- d) for the purposes of establishing the location of the lot lines, where a plan of subdivision is not yet registered, the model home shall be built within the proposed lot defined by the draft approved plan of subdivision within which it is located, and as if these lots were defined by a registered plan of subdivision.

4.23 MORE THAN ONE USE ON A LOT

Where any land, building or structure is used for more than one purpose, the applicable provisions of this By-law which serve to regulate each use shall be complied with.

4.24 MORE THAN ONE ZONE ON A LOT

When a lot is divided into more than one zone, each such zoned portion of the lot is deemed to be a separate lot for zoning purposes and is to be used in accordance with the provisions of this By-law for the applicable zone, but this provision shall not be construed to allow more than one dwelling house on a lot.

(By-law No. 02-45)

4.25 NOXIOUS USES

No use shall be permitted which from its nature or the materials used therein is declared by the Local Board of Health or Council of the Corporation to be a noxious trade, business or manufacture under the Health Protection and Promotion Act or Regulations thereunder.

4.26 OCCASIONAL USES AND SEASONAL USES**a) Occasional Uses**

The following zones and uses shall be permitted to have occasional uses as indicated:

- i) Where an auditorium, arena, or public hall exists in any zone, auction sales, bake sales, craft sales, bingo, blood donor clinics, benefit dances, shows, concerts and banquets shall be permitted as an occasional use.
- ii) Where a church or school exists in any zone, auction sales, bake sales, craft sales, plant and produce sales, Christmas tree sales, bingo, blood donor clinics, car washes, benefit dances, festivals, shows, concerts and banquets shall be permitted as an occasional use.
- iii) Despite subsection (i) and (ii) above, in the C2 and C3 Zones sidewalk sales shall be permitted in addition to auction sales, bake sales, craft sales, plant and produce sales, Christmas tree sales, car washes, festivals, shows, concerts and banquets.
- iv) An occasional use shall be located and designed to avoid interference with the normal use of the abutting streets or with internal on-site vehicle circulation and loading activities.
- v) Any occasional use shall not be offensive to area residents by way of the emission of light, heat, fumes, noise, vibration, gas, dust, odor or pollution.

(By-law No. 2016-0049)

- vi) All of the above mentioned occasional uses are also permitted out of doors.

(By-law No. 02-45)

b) Seasonal Use

- i) A seasonal use means a permitted Mobile Eating Establishment defined as:
- an establishment consisting of a cart, chip wagon, or other structure not placed on a permanent foundation and which is equipped for cartage, storage and the preparation of foodstuffs, beverages, confections and such items are offered directly for consumption to the general public. Such establishment shall not include vehicles capable of, or once capable of, being self propelled.
- ii) Such mobile eating establishment is permitted in the C2 Zone, and in the CF zone on lands owned by the Town of Greater Napanee, for a period not exceeding four (4) calendar months in any one year.
- iii) A mobile eating establishment is also permitted as an adjunct to occasional uses as permitted by subsections a), i) to iii) above and only for the duration of such occasional use.

(By-law No. 02-45)

4.27 PARKING AREA REGULATIONS

Parking spaces and areas required under this By-law shall be provided in accordance with the following provisions:

a) Requirements

The owner of every building or structure erected or used for any of the purposes set forth herein, except for non-residential uses within a C3 zone, shall provide and maintain for the sole use of the owner, occupant, or other persons entering upon or making use of the said premises from time to time, one or more parking spaces, each such parking space having a minimum area of 18 square metres and being not less than 3.0 metres in width and not less than 6.0 metres in length, in accordance with the following:

(By-law 2016-0049)

<u>Residential Uses</u>	<u>Minimum Off-Street Parking Requirement</u>
Apartment buildings, Fourplex, Triplex dwelling houses, and Stacked Townhouses (By-law 2016-0049)	1.5 parking spaces for each dwelling unit
Boarding or Lodging House	One (1) parking space per dwelling unit plus one (1) parking space per guest room
Single-Detached, Semi-Detached and Duplex dwelling houses, Townhouses, Rowhouses, Group Home, and Transitional Housing Unit	Two (2) spaces per dwelling unit

(By-law 2016-0049)	
Special Care Facilities (By-law 2016-0049)	Two (2) off-street parking spaces, plus one (1) additional space for each four (4) employees (By-law 2016-0049)
Other residential uses permitted by this By-law, including Secondary Dwelling Units, not otherwise listed above.	One (1) space per dwelling unit

<u>Non-residential Uses</u>	<u>Minimum Off-Street Parking Requirement</u>
Assembly Hall, Auditorium, Arena, community Centre, Place of Worship, Private club or other similar places of assembly not otherwise specified herein	The greater of: 1) 1 parking space per 5 fixed seats or 3 metres of bench seating or portion thereof; 2) 1 parking space per 9 square metres of gross floor area; or 3) 1 parking space for each 4 persons that may be legally accommodated at any one time
Bed and Breakfast Establishments	1 parking space per guest room plus 2 parking spaces for single housekeeping unit
Business and/or Professional Office including Home Occupations	1 parking space for each 28 square metres of gross floor area for the building
Curling Rink and/or Bowling Lanes	2 parking spaces for each curling sheet or bowling lane plus such additional parking as is required for a lounge and restaurant
Dry Cleaners Establishment	1 parking space for each 9 square metres or fraction thereof of gross floor area with a minimum requirement of 4 spaces
Eating Establishment, exclusive of a take out eating establishment	The greater of: 1) 1 parking space for each 9 m ² of gross floor area; or 2) 1 parking space for each 4 persons legally accommodated at any one time within the premises. The parking space requirements shall not apply to the area associated with an outdoor café or patio where such use is ancillary to and associated with an eating establishment or liquor licensed premises

Eating Establishment - Take Out	6 parking spaces for each 100 square metres of gross floor area or part thereof (By-law 2016-0049)
Golf Course	24 parking spaces for each 9 holes of golfing facilities
Nursing Home (By-law 2016-0049)	1 parking space for each 4 beds or fraction thereof
Hospital	1 parking space for every 2 beds or 38 square metres of gross floor area whichever is the greater
Hotel, Motel, Motor Hotel or Resort Establishment	1 parking space for each guest room, cottage or cabin plus such parking facilities as are required for an eating establishment or entertainment lounge licensed in accordance with the Liquor License Act
Marina	1 parking space for each 20 square metres of the total retail floor area plus one parking space for each boat slip provided
Premises licensed to serve liquor, exclusive of an eating establishment but including an Entertainment Lounge, Public House or Lounge licensed in accordance with the Liquor License Act (By-law 2016-0049)	1 parking space for each 4 persons that may be legally accommodated at any one time
Manufacturing, Processing, Assembly, Fabricating Plant, Wholesale Establishment, Warehouse or Medical Marihuana Facility (By-law 2018-0005)	1 parking space per 125 square metres of gross floor area or portion thereof
Medical or Dental clinic or Office of a Drugless Practitioner	1 parking space per 20 square metres of gross floor area (By-law 2016-0049)
Post Office, Museum, or Public Library	1 parking space for each 18.5 square metres of gross floor area
Personal Service Shop or Merchandise Shop	1 parking space per 18.5 m ² of gross floor area

Schools: Elementary and Secondary	The greater of: a) 1 parking space per classroom; or b) 1 parking space per 9 square metres of floor area in the gymnasium; or c) 1 parking space per 9 square metres of floor area in the auditorium.
Self-Storage Facility (By-law 2018-0005)	1 parking space per 20 square metres of gross floor area for the business office plus 1 per 100 square metres of the building used for storage, except where the driveway access to the storage unit has a minimum width of 7 metres, in which case no additional parking shall be required.
Shopping Centre	1 parking space for each 18.5 square metres of gross floor area
Funeral Home (By-law 2016-0049)	The greater of: a) 10 parking spaces; or b) 5.25 parking spaces per 100 square metres of gross floor area
Winery, Farm or Winery, Estate	1 space per 50 square metres of gross floor area
Workshop	1 parking space per 38 square metres of gross floor area
Non-residential uses permitted in this By-law other than those listed in this table.	1 parking space per 18.5 square metres of gross floor area

(By-law Number 03-74)

b) Bicycle Parking

In any zone, bicycle parking must be provided for the land uses and at the rate as specified below:

<u>Residential Uses</u>	<u>Minimum Bicycle Parking Requirement</u>
Multiple Family Dwellings including Apartment buildings, Fourplex and Triplex dwelling houses	0.25 bicycle parking spaces per dwelling unit

The following regulations shall also apply to bicycle parking spaces:

- i) A bicycle parking space shall not be less than 0.3 metres in width and 1.8 metres in

- length;
- ii) bicycle parking must be located on the same lot as the multiple family dwelling for which it is provided;
 - iii) bicycle parking shall be located in order to provide convenient access to main entrances or well-used areas; and
 - iii) bicycle parking may be located in any yard.

(By-law Number 2016-49)

c) **Accessible Parking**

In any zone, the required number of parking spaces shall include the provision of accessible parking spaces for the use of physically disabled persons as specified below:

<u>Use</u>	<u>Accessible Parking Requirement</u>
Industrial	Provided at a rate of 4% for the first 200 required parking spaces and 2% for the additional required parking spaces, space may be either type. Minimum of one required accessible space, rounded up to the nearest whole number.
Institutional	Provided at a rate of 10% of the required parking spaces. Minimum of one required accessible space, rounded up to the nearest whole number.
Commercial, Residential, and All Other Land Uses	Provided at a rate of 4% of the required parking spaces. Minimum of one required accessible space, rounded up to the nearest whole number. Accessible parking is not required for accessory dwelling houses, single detached and semi-detached dwelling houses, duplex dwelling houses, converted dwelling houses, triplex dwelling houses, fourplex dwelling house, streetfront dwelling houses, stacked dwelling houses, and row or cluster dwelling houses that do not have shared parking arrangements.

The following regulations shall also apply to accessible parking spaces:

- i) accessible parking spaces shall have minimum rectangular dimensions of 3.4 metres width by 6.0 metres length;
- ii) an access aisle with minimum rectangular dimensions of 1.5 metres width by 6.0 metres length and marked with high tonal contrast diagonal lines is required adjacent to accessible parking spaces. The access aisle may be shared between spaces;
- iii) all accessible parking spaces shall be painted blue and be marked by an identifying marker consisting of the International Symbol of Access;
- iv) all accessible parking spaces shall be appropriately signed in accordance with provincial regulations
- iv) a minimum vertical clearance of 2.9 metres shall be provided at accessible parking

- spaces, passenger loading zones, and along access routes;
- v) gradient for a accessible parking space shall not exceed five (5) percent;
 - vi) wheelstops shall be placed to provide a minimum 0.8 metres clear space for wheelchair access;
 - vii) accessible parking spaces shall be the spaces located closest to the nearest accessible entrance(s) of the building on an accessible route; and
 - viii) curb ramps, where required, shall be provided to permit access from the parking area to the sidewalk.

(By-law No. 06-53)(By-law 2018-0005)

d) Ingress and Egress Regulations

Unless otherwise provided, the following provisions shall govern:

- i) Access to the required parking spaces and parking areas shall be provided by means of an unobstructed driveway or passageway at least 3.0 metres, but not more than 9.0 metres in width;
- ii) The minimum distance between two separate driveways on one lot, measured along the street line, shall be 9.0 metres;
- iii) A mutual driveway is permitted for semi-detached dwellings; row and townhouse dwellings provided that the location of the driveway does not conflict with the location of the shut off valve for the underground water line;
- iv) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 9.0 metres for all residential uses and 15 metres for all other uses;
- v) The minimum distance between an interior side lot line and any driveway shall be 1.2 metres for residential uses, and 3.0 metres for all other uses;
- vi) The minimum angle of intersection between a driveway and a streetline shall be 60 degrees;
- vii) Every lot shall be limited to the following number of driveways:
 - a) Up to the first 15 metres of frontage not more than one (1) driveway;
 - b) Greater than 15 metres of frontage but less than 30 metres of frontage not more than two (2) driveways, with a combined width not exceeding 30% of the lot frontage; and
 - c) One (1) additional driveway for each additional 30 metres of lot frontage;
- viii) Where the ingress and egress requirement of the road authority having jurisdiction, such as the County of Lennox and Addington or the Province are more restrictive, those standards shall apply.

(By-law No. 03-61)(By-law No. 2016-0049)

e) Parking Area Design

The following parking area design requirements shall apply to all required parking areas in all zones:

- i) The minimum width of parking spaces shall be 3.0 metres and the minimum length shall be 6.0 metres;
- ii) The aisles between parking spaces within a parking area shall have a minimum width of 6.0 metres;
- iii) Where a parking space has a parking angle of 30 degrees or less, such parking space shall be at least 7.0 metres in length where the aisle width is at least 4.0 metres;
- iv) Where a parking angle is less than 50 degrees, the minimum aisle width shall be at least 4.0 metres;
- v) Where the parking angle is equal to or greater than 50 degrees, but less than 70 degrees, the minimum aisle width shall be at least 5.5 metres; and
- vi) Where the parking angle is equal to or greater than 70 degrees, the minimum aisle width shall be 6.0 metres.

(By-law No. 03-61) (By-law No. 06-53)(By-law No. 2018-0005)

f) Addition to Existing Use

When a building or structure has insufficient parking on the date of passing of this By-law to conform to the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition. However, no addition may be built and no change of use may occur, the effect of which would be to increase that deficiency.

g) More than One Use on a Lot

When a building, structure or lot accommodates more than one type of use as set out in paragraph (a) of this Subsection, the parking space requirement for such building, structure or lot shall be the sum of the requirements for the separate uses thereof.

h) Parking Area Surface

Parking spaces, areas and driveways connecting the parking space or area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust. Such

parking spaces or areas shall, before being used, be constructed of crushed stone, gravel, asphalt, concrete, paving stone or interlocking brick and shall include provisions for drainage facilities.

i) Parking Area Location on Lot

Uncovered surface parking areas are permitted in the required yards or in the area between the street line and the required setback in accordance with the following provisions:

<u>Zone</u>	<u>Yard in Which Required Parking Area is Permitted</u>
Residential Zones	Parking spaces and areas shall be permitted within a required front, interior side or rear yard provided that no part of any parking area, other than a driveway is located closer than 3.0 metres to any streetline or within a sight triangle. The maximum width of parking areas or driveways within the front yard shall be 7.5 metres.
Environmental Protection, Rural, Restricted Agricultural, Prime Agricultural, Open Space, Community Facility and all Commercial Zones	Parking spaces and areas shall be permitted in all yards provided that no part of a parking area, other than a driveway is located, closer than 2.0 metres to any street line and not less than 3.0 metres to a lot line abutting lots in a residential zone, or be within a sight triangle.
Industrial Zones	Parking spaces and areas shall be located in an interior side or rear yard, except for visitor parking areas which may be located within a front or exterior side yard, provided that no part of any parking area other than a driveway, is located closer than 3.0 metres to any streetline or lot line abutting lots in a residential or community facility zone, or within a sight triangle.
All Other Zones	No driveway or parking space shall be permitted within 3.0 metres of the boundary of a Residential Zone

j) Use of Residential Parking Areas and Parking Spaces

- i.) Parking spaces and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only, and for vehicles used in operations incidental to the permitted uses.
- ii.) In Residential Zones, the owner or occupant of a dwelling unit may use a parking space for the purposes of the parking or storage of one commercial motor vehicle, provided such motor vehicle does not exceed a rated capacity of one tonne.
- iii.) In the Rural or Agricultural Zone, a maximum of one school bus which is operative and currently licensed, may be parked or stored on any lot.

k) Abandoned Equipment

Unused and discarded motor vehicles or abandoned equipment shall not be located or stored, in any Zone, unless it is specifically listed as a permitted use.

l) Off Site Location

- i) Required parking in a Residential Zone shall be provided on the same lot as the dwelling unit or units.
- ii) No part of any parking area required for a use other than residential shall be permitted in a Residential Zone.
- iii) In Non-Residential Zones, parking shall be provided within 175 metres of the building or use it is intended to serve.
- iv) Where required non-residential parking is not provided on the same lot, the lot or part of the lot where the parking is located shall be in the same ownership or be leased by a long-term renewable agreement and the parking spaces shall be retained for the duration of the use unless an alternate location which complies with the provisions of this By-law is found.

(By-law No. 03-61)

4.28 PITS AND QUARRIES**a) Establishing Pits and Quarries**

No pit, quarry, wayside pit or wayside quarry shall be established in any area of the Corporation except in a zone where such use is included under the heading "Uses Permitted" in this By-law.

Within a Pit or Quarry no person shall use land or erect any building or structure for the purpose of processing, washing, sorting, screening, sand or gravel or operating a crushing plant or asphalt plant or concrete batching plant except as provided for in this By-law.

b) Wayside Pits and Quarries

Wayside pits and quarries may be established in the Rural, Agricultural or Extractive Industrial Zones provided:

- i) The wayside pit or quarry is opened and operated by the Ministry of Transportation, the County or the Town or their agents for the purpose of a specific road project;
- ii) Any portable crusher and/or asphalt plant used as part of a wayside pit or quarry has an applicable Environmental Compliance Approval under the Environmental Protection Act and such certificate is current; and
- iv) An agreement is signed with the Town that the wayside pit or quarry shall be rehabilitated upon completion of the public project

4.29 PLANTING STRIP**a) Requirements**

Where a lot is to be used for a non-residential purpose and such lot abuts a residential use or undeveloped land intended for residential use, then a strip of land adjoining such abutting lot

line, or portion thereof, shall be used for no purpose other than a planting strip in accordance with the provisions of this subsection.

b) **Contents**

Where a planting strip is required to be provided, such planting strip shall consist of a row of trees or a continuous uninterrupted hedgerow of evergreens or shrubs, not less than 1.5 metres in height, immediately adjacent to the lot line or portion thereof. The remainder of the strip shall be used for no other purpose than the planting of ornamental shrubs, flowering shrubs, flowerbeds or a combination thereof.

c) **Driveways or Walks**

Where ingress and egress driveways or walks extend through a planting strip, it is permissible to interrupt the strip within 3.0 metres of the edge of such driveway or within 1.5 metres of the edge of such walk.

d) **Landscaped Open Space**

A planting strip forms part of any landscaped open space required by this By-law.

e) **Vegetation Height in Site Triangle**

Vegetation within a sight triangle shall not exceed a height of 1.0 metre.

f) **Width**

Where a strip of land is required to be used for no purpose other than a planting strip, it shall have a minimum width of 3.0 metres measured perpendicularly to the lot line it adjoins.

4.30 **PUBLIC USES**

a) **Provisions**

(By-law No. 2020-0016)

Except as otherwise provided in paragraph (c) of this subsection, the following provisions apply:

- i) Public uses as defined, unless otherwise specified, are allowed in all zones;
- ii) No goods, materials or equipment shall be stored in the open, except as permitted in such zone;
- iii) Zone provisions of the zone within which the use is located shall be complied with except as otherwise provided in paragraph (b) hereof; and
- iv) Any above-ground non-recreational use carried on under the authority of this paragraph in any Residential Zone shall be enclosed in a building designed, located and maintained in general harmony with residential buildings of the type permitted in such zone.
- v) Notwithstanding any other provisions of this By-law, Shipping Containers are

permitted as an accessory use to any primary Public Use, in accordance with subsection 4.30 a) iii) above.

(By-law No. 2020-0016)

b) Streets and Installations

- i) Nothing in this By-law shall prevent the use of land for a street or prevent the installation of a water main, sanitary sewer (waste water) main, storm sewer main, water and/or waste water pumping station, stormwater management facilities, gas main, pipeline, lighting fixtures, overhead or underground electrical facility, television, telecommunication, telephone, or other supply line or communication line or tower, or structure clearly accessory to the foregoing; provided that the location of such street, main, line, fixture or structure has been approved by the Corporation.

(By-law No. 06-53)

- ii) Nothing in this By-law shall prevent the use of public land for a mailbox or utility box provided that the location of such box has been approved by the Corporation.

c) Polling Stations

Nothing in this By-law shall apply to prevent the use of a building, or part thereof, as a temporary polling station for a federal, provincial or municipal election or referendum.

d) Exceptions

The following public uses shall be permitted only in the zone where they are specifically listed:

- Arena;
- School;
- Open storage of goods and materials;
- Septage lagoon or sewage treatment plant;
- Water treatment plant; or
- Waste management facility.

e) Other Provisions

No telephone, telecommunication, cable television or telegraph tower shall exceed 120 metres in height.

(By-law No. 2016-0049)

f) Prohibitions

No building or structure erected in accordance with the provisions of this Section shall be used for the purpose of an office, maintenance or works depot, or human habitation.

4.31 GASOLINE RETAIL FACILITY

No person shall use any land or erect any building or structure for the purpose of a Gasoline Retail Facility except in accordance with the following requirements:

- a) **Lot Area** (minimum)..... 0.2 ha
- b) **Lot Frontage** (minimum).....45 metres
- c) **Yard Dimensions** (minimum):
 - i) Front Yard..... 12.0 metres
 - ii) Exterior Side Yard 12.0 metres
 - iii) Interior Side Yard6.0 metres
 - Except where the interior side lot line abuts a Residential Zone, in which case the minimum required interior side yard shall be 12 metres.
 - iv) Rear Yard6.0 metres
 - Except where the rear lot line abuts a Residential Zone, in which case the minimum required rear yard shall be 12 metres.
- d) **Lot Depth** (minimum).....30 metres
- e) **Lot Coverage** (maximum) 40 percent
- f) **Landscaped Open Space** (minimum)..... 10 percent
- g) **Height of Buildings** (maximum).....10 metres
- h) **Gasoline Pump Location**

A gasoline pump island or gasoline pumps, as part of or as accessory to a motor vehicle dealership, a motor vehicle gasoline bar, a motor vehicle repair garage, motor vehicle service centre, or motor vehicle station, may be located within any yard provided:

- i) The minimum distance between any portion of the pump island or gasoline pumps and any street line or any rear or interior side lot line is not less than 6 metres; and
 - ii) Where a lot is a corner lot, no portion of any pump island or gasoline pumps shall be located closer than 3 metres to a straight line between a point in the front lot line and a point in the exterior lot line, such point being distant 15 metres from the intersection of such lines.
- i) **Bulk Fuel and Propane Storage Tank Location**

Bulk fuel and propane storage tanks shall be installed in accordance with the provisions of the Gasoline Handling Act.

- j) **Entrance Regulations**

Ingress and egress driveways shall be in accordance with the provisions of this By-law.

4.32 SECONDARY SUITES OR SECONDARY UNITS**a) Urban Settlement Areas**

Within the R1, R2, R3, R4, R5 and R6 Zones, a secondary unit may be created provided the following provisions are met:

- i) the secondary unit is located within a single detached dwelling houses, semi-detached dwelling houses, or row dwelling house;
- ii) the secondary unit has a gross floor area not exceeding 45% of the single detached dwelling unit or 100 square metres, whichever is lesser;
- iii) a maximum of one secondary unit per dwelling house is permitted;
- iv) access for the secondary suite shall be from the side or rear of the dwelling house or through a common vestibule entrance shared with the principal dwelling unit. If the access is provided at the side or rear of the building, a 1.2 metre side walkway shall be provided from the front of the building to the side or rear entrance;
- v) secondary units are subject to the provisions of the Ontario Building Code;
- vi) a minimum of 1 parking space shall be provided for a secondary unit. The required parking for the secondary unit and primary unit is permitted in a tandem arrangement.
- vii) a secondary unit shall only be permitted where municipal services such as water, sewers, drainage, roads, etc. are adequate or can be made adequate.

b) Rural Development Areas

Within the PA, RA, RU, ER, RR, SR or HR Zones, a secondary unit may be created provided the following provisions are met:

- i) a secondary unit is located in a single detached dwelling,
- ii) the secondary unit has a gross floor area not exceeding 45% of the single detached dwelling unit or 100 square metres, whichever is lesser,
- iii) a maximum of 1 secondary suite per single detached dwelling house is permitted,
- iv) Access for the secondary suite shall be provided by an independent entrance or through a common entrance shared with the principal dwelling unit. If the access is provided at the side or rear of the building, a 1.2 metre wide walkway shall be provided from the front of the building to the side or rear entrance.
- v) secondary units are subject to the provisions of the Ontario Building Code.
- vi) a minimum of one (1) parking space shall be provided for each secondary unit. The required parking for the secondary unit and primary unit is permitted in a tandem arrangement.
- vi) a secondary unit shall only be permitted if it can be demonstrated that there is an adequate supply of potable water, and adequate capacity for the disposal of waste within the subsurface sewage disposal system

4.33 SERVICING REQUIREMENTS

No person shall use any lot or erect any building or structures for any use unless:

a) Development on Private Services

- i) Within the PA, RA, RU, ER, RR, SR, HR, C1, C4 and C5 zones, approval is received for a class 4 subsurface sewage disposal (septic) system under the Ontario Building Code Act and regulation; or
- ii) Where approval is required under other than the Ontario Building Code Act, proof of such approval is provided; and
- iii) There is an adequate supply of potable water.

b) Septic Systems Location

- i) A septic system shall not be located on lands zoned Environmental Protection (EP), or lands prone to flooding where such lands are outside an EP zone.
- ii) For purposes of this By-law, in all other respects septic systems shall be located in accordance with the regulations under the Building Code Act.

(By-law No. 03-61)

c) Development on Municipal Water and Sanitary Sewage Collection Systems

- i) Within the MH, R1, R2, R3, R4, R5, R6, I, C2, C3, C6, or BP zones lots must be serviced by municipal water and municipal sewers.
- ii) For uses permitted on private services or municipal water and sanitary sewer collection, or on municipal water only, or on municipal sanitary sewer collection system only, the uses shall be subject to the provision of the respective zone and the servicing requirement of the Town or other agency having jurisdiction.

(By-law No. 03-61)(By-law No. 2016-0049)

d) Zones Covering Both Serviced and Unserviced Areas

For uses permitted on private services or municipal water and sanitary sewer collection, or on municipal water only, or on municipal sanitary sewer collection system only, the uses shall be subject to the provision of the respective zone and the servicing requirement of the Town or other agency having jurisdiction.

e) Change to Residential Use

No person shall increase the number of dwelling units or change to residential the use of any building, structure, or lot within an R1, R2, R3, R4, R5, or R6 Zone unless a public water

system and sanitary sewer system are available and of sufficient capacity to service such lot, building, or structure.

4.34 **SETBACKS ALONG ROADS AND PIPELINES**

a) **Roads**

The minimum setback along a road shall be determined by measuring, at right angle from the centreline of the public street abutting a yard, in the direction of the lot or parcel, a distance equal to the sum of:

- i) The minimum front yard, rear yard or exterior side yard requirement in the relevant regulations; plus
- ii) The centreline distance to the edge of the road right-of-way in metres as specified in the Table (below):

CENTRELINE DISTANCE REQUIREMENTS	
Highway 33	18.0 metres
County Roads 1, 2, 8, 18, 21, 41, and County Road 10 from Highway 401 south to County Road 2	18.0 metres
All other County Roads	13.0 metres
Town Roads	10.0 metres

Where the County of Lennox and Addington By-law 2057/82, as amended from time to time, or Ministry of Transportation requirements are more restrictive, than the requirements of the County or Ministry prevail.

- iii) Notwithstanding subsections (i) and (ii) above, within the C3 Zone, minimum setback shall be as specified in subsection 5.22.3(c) of this By-law.

b) **Pipelines**

The minimum setback along lands used for gas and/or oil transmission pipelines, and/or subject to an easement for such use, shall be 10 metres for any permanent structures and excavations.

4.35 **SIGHT TRIANGLES**

a) **Uses Prohibited**

Within any area defined as a sight triangle, the following uses shall be prohibited:

- i) building, structure, sign or use which would obstruct the vision of drivers of motor vehicles;
- ii) fence, tree, hedge, bush, or other vegetation, the top of which exceeds 1.0 metre in height above the elevation of the street line measured at the top of the nearest curb or at the edge of pavement location in the absence of a curb;
- iii) finished grade which exceeds the elevation of the street line by more than 0.5 metres;
- iv) covered surface parking area; and
- v) entranceway.

4.36 **SIGNS**

The provisions of this By-law shall not apply to prevent the erection, alteration, or use of any legal sign provided such sign complies with the By-laws of the Corporation or the County regulating signs.

4.37 **SPECIAL CARE FACILITIES**

a) **General**

- i) A special care facility shall comply with the provisions of the zone in which it is located.
- ii) A special care facility shall be registered with the Town of Greater Napanee in accordance with a by-law passed by Council.

b) **Dwelling Type**

Special care facilities shall occupy the whole of:

- i) a single detached dwelling house,
- ii) a converted single detached dwelling house,
- iii) a semi-detached dwelling house (only one of the dwelling units), or
- iii) a building constructed specifically to accommodate such a facility.

(By-law Number 2016-49)

4.38 **STORAGE OF SPECIAL VEHICLES IN RESIDENTIAL ZONES**

On a developed lot in any Residential Zone the parking or storing of a boat, motor home, snowmobile or trailer is not permitted except as specified below:

a) **Vehicles Permitted**

- i) One (1) boat which shall not exceed 10 metres in length;
- ii) One (1) motor home which shall not exceed 10 metres in length;
- iii) Two (2) snowmobiles; and
- iv) One (1) travel trailer or travel camper which shall not exceed 10 metres in length, exclusive of hitch or tongue.

b) Yards Where Permitted

The parking or storage of a boat, motor home, snowmobile, travel trailer or truck camper shall only be permitted in a garage, carport or other building and not in any required parking space or sight triangle. On residential lands not used for an apartment dwelling house, such boat, motor home, snowmobile, travel trailer or truck camper may be parked or stored in an interior side yard or rear yard but no closer than 1.0 metre to any lot line.

c) Undeveloped Lots

The parking of vehicles listed in (a) above is not permitted unless otherwise specified in this By-law.

4.39 SWIMMING POOLS

A swimming pool is a permitted structure in association with a permitted residential use. Such swimming pool, and structures required in conjunction with a swimming pool, may be erected and used in the required interior side yard, the required rear yard, but not the required exterior side yard provided:

- a) No part of such swimming pool is located closer than 1.2 metres to any rear or interior side lot line;
- b) Is not located closer to the front lot line than the dwelling house;
- c) No water circulating or treatment equipment such as pumps or filters shall be located closer than 2 metres to any interior side or rear lot line; and
- d) No equipment used for the heating of water, such as a gas heater, shall be located within 2.0 metres of the interior side or rear lot line.

A swimming pool shall not be considered as part of the lot coverage provided no part of the pool, excluding its railing, protrudes more than 1.5 metres above the ground level surrounding the swimming pool.

4.40 THROUGH LOTS

In the case of a through lot, the front yard requirements of the zone or zones in which such lot is located shall apply to each yard which abuts a street.

4.41 TRUCK, BUS AND COACH BODIES

No truck, bus, coach or streetcar body, or structure of any kind, other than a dwelling unit erected and used in accordance with this By-law, The Building Code Act, and the regulations passed thereunder shall be used for human habitation.

4.42 WINERIES**a) Farm Wineries**

Where a farm winery is permitted within the PA Zone or RU Zone, it shall be subject to the requirements of that Zone and the following provisions:

- a) Wines produced shall be from locally grown fruit or fruit juice;
- b) The retail sale of wine produced on site is permitted where a license has been obtained from the licensing authority;

(By-law No. 03-74)

b) Estate Wineries

Where an Estate Winery is permitted within the PA Zone or RU Zone, it shall be subject to the requirements of that zone and following provisions:

- a) All wines produced shall be from locally grown fruit or juice.
- b) The retail sale of wine is permitted where a license has been obtained from the licensing authority.

(By-law No. 03-74)

4.43 YARD SETBACK AND HEIGHT ENCROACHMENTS PERMITTED**a) Ornamental Structures**

Sills, belt course, chimneys, cornices, bay windows, eaves, gutters, parapets, pilasters or similar ornamental structures may project into any required yard a maximum distance of 0.6 metres.

b) Unenclosed Porches, Balconies and Steps

Unenclosed porches, balconies, steps and ramps, decks and patios whether covered or uncovered, may project into any required yard a maximum distance of 1.5 metres, provided they are no closer than 1.2 metres to any lot line and comply with the setback General Provisions regarding floodplains and highwater marks.

The provisions of this section do not apply to reduce or infringe upon the Sight Triangle provisions of section 4.34 of this By-law.

(By-law No. 02-45)

c) Patios

(Repealed by By-law No. 02-45)

d) Fire Escapes

Unenclosed fire escapes, as permitted by the Building Code Act and regulations passed thereunder, may project into any required side yard or required rear yard a maximum of 1.2 metres.

e) Gatehouse

In an Industrial Zone a gatehouse or information kiosk or similar accessory structure shall be permitted in a front yard or side yard or in the area between the street line and the required setback.

f) **Barrier-Free Access Ramps**

Unenclosed Barrier-Free ramps shall be permitted within any yard or in the area between the streetline and the required setback.

5.1 ZONE CLASSIFICATION

All lands within The Corporation are divided into zones and classified as follows:

<u>Section</u>	<u>Zone</u>	<u>Symbol</u>
5.2	Environmental Protection	EP
5.3	Open Space	OS
5.4	Prime Agriculture	PA
5.5	Restricted Agriculture	RA
5.6	Rural	RU
5.7	Estate Residential	ER
5.8	Rural Residential	RR
5.9	Shoreline Residential	SR
5.10	Hamlet Residential	HR
5.11	Mobile Home Residential	MH
5.12	Residential Type 1	R1
5.13	Residential Type 2	R2
5.14	Residential Type 3	R3
5.15	Residential Type 4	R4
5.16	Residential Type 5	R5
5.17	Residential Type 6	R6
5.18	Community Facility	CF
5.19	Institutional	I
5.20	Hamlet Commercial	C1
5.21	Arterial Commercial	C2
5.22	General Commercial	C3
5.23	Rural Commercial	C4
5.24	Recreation Commercial	C5
5.25	Neighborhood Commercial	C6
5.26	Business Park	BP
5.27	Light Industrial	M1
5.28	General Industrial	M2
5.29	Rural Industrial	M3
5.30	Extractive Industrial	M4
5.31	Waste Management Industrial	M5
5.32	Future Development	D

5.2 ENVIRONMENTAL PROTECTION (EP) ZONE

No person shall within any Environmental Protection (EP) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

The Environmental Protection Zone includes: Provincially Significant Wetlands, significant Areas of Natural and Scientific Interest (life and earth sciences), waterbodies and watercourses (fish habitat), locally significant and unevaluated wetlands, and lands within the Floodplain.

(By-law No. 2016-0049)

5.2.1 Uses Permitted

a) Residential Uses

- Prohibited.

b) Non-Residential Uses

- Existing farm, exclusive of any permanent building;
- Conservation use;
- Forestry use;
- Park, exclusive of any permanent building;
- Public use in accordance with the General Provisions of this By-law but exclusive of any permanent buildings;
- Structures for flood or erosion control.

(By-law Number 2016-0049)

c) Accessory Uses:

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law.

5.2.2 Zone Provisions

a) Yards (minimum):

- i) Front Yard N/A
- ii) Exterior Side Yard N/A
- iii) Interior Side Yard N/A
- iv) Rear Yard N/A

b) Lot Coverage (Maximum)..... N/A

c) Height of Building (Maximum)..... N/A

5.2.3 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.2.4 Exception Provisions - Environmental Protection (EP) Zone

5.2.4.1 Environmental Protection Exception One (EP-1) Zone

(Part of Lot 15, Concession 5, in the Geographic Township of North Fredericksburgh)

Within the EP-1 Zone, the following provisions apply:

Uses Permitted

The following additional uses are permitted:

a) Residential Uses

- Single detached dwelling house.

b) Non-Residential Uses

- Existing farm buildings and structures.

c) Provisions

- Lot Area (minimum) 0.65 ha
 - Lot Frontage (minimum)..... 100 metres
 - Front Yard (minimum)..... 11 metres
 - Rear Yard (minimum)..... 24 metres
 - Setback from High Water Mark (minimum)..... 24 metres
 - Interior Side Yard (minimum) 10 metres
 - Landscaped Open Space (minimum) 30 %
 - Setback from Street Centreline In accordance with the General Provisions
 - Number of Dwelling Houses per Lot (maximum) 1
 - Height of building (maximum) 10 metres
- (By-law No. 03-23)

5.2.4.2 Environmental Protection Exception Two (EP-2) Zone

(Part of Lot 30, Concession 3, in the Geographic Township of Adophustown)

Within the EP-2 Zone the following provisions apply:

a) Permitted Uses

Residential Uses are restricted to:

- A single detached dwelling house

b) Provisions

- Lot Area (minimum) 0.2 ha
- Lot Frontage (minimum)..... 65 metres
- Setback from High Water Mark..... no new dwelling house building or structure is to be closer to the high water mark than the existing dwelling house, building or structure existing at the date of adoption of this by-law.
- Front Yard (minimum)..... 2.8 metres

- Interior Side Yard (minimum)5 metres
- Landscaped Open Space (minimum) 30 %
- Setback from Street CentrelineIn accordance with the General Provisions

- Dwelling Houses Per Lot (maximum) 1
- Height of Building (maximum)..... 10 metres
- Footprint of replaced single detached dwelling house not to exceed the footprint of the existing seasonal dwelling house.
- Basement or Crawl Spaceprohibited
- Elevation of lowest floor, and of exterior openings such as doors, vents, and windows..... 76.4 metres GSC
(By-law No. 07-41)

5.3 OPEN SPACE (OS) ZONE

No person shall within any Open Space (OS) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.3.1 Uses Permitted**a) Residential Uses**

- Accessory single detached dwelling house.

b) Non-Residential Uses

- Conservation or other similar use that provides for the preservation of the natural environment;
- Eating establishment, mobile;
- Forestry use;
- Golf course or driving range;
- Library;
- Park;
- Public use in accordance with the General Provisions of this By-law;
- Water tower;
- Water treatment control plant.

(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law.

5.3.2 Zone Provisions for Residential Uses**a) Lot Area (minimum):**

- i) Where served by municipal water and sewer 37 square metres
- ii) Where served by drilled well and septic system 0.8 ha

(By-law No.2018-0005)

b) Lot Frontage (minimum):

- i) Where served by municipal water and sewer..... 12 metres
- ii) Where served by drilled well and septic system60 metres

c) Yards (minimum):

- i) Front Yard7.5 metres
- ii) Exterior Side Yard.....7.5 metres
- iii) Interior Side Yard.....3 metres
- iv) Rear Yard7.5 metres

(By-law No. 03-61)

d) Dwelling Unit Area (minimum) 90 square metres**e) Landscaped Open Space (minimum) 30 percent**

- f) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- g) Number of Dwelling Houses per Lot (maximum)..... 1
- h) Height of Building (maximum) 10 metres

5.3.3 Zone Provisions for Non-Residential Uses

- a) Yards (minimum):
 - i) Front Yard 10 metres
 - ii) Exterior Side Yard..... 10 metres
 - iii) Interior Side Yard..... 7.5 metres
 - iv) Rear Yard 10 metres
- b) Lot Coverage (maximum) 10 percent
- c) Landscaped Open Space (minimum) 40 percent
- d) Setback from Street Centreline
 - In accordance with the General Provisions of this By-law.
- e) Height of Building (maximum)..... 12 metres

5.3.4 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.3.5 Exception Provisions - Open Space (OS) Zone

5.3.5.1 Open Space Exception One (OS-1) Zone

(Part of Lot 9, Concession 4, in the Geographic Township of Richmond)

Within the OS-1 Zone, the uses permitted are restricted to skeet shooting and/or firing range and uses considered incidental and subordinate thereto.

5.3.5.2 Open Space Exception Two (OS-2) Zone

(Block 104-107 on the lands located west of Heritage Park Drive and East of Camden Road)

Notwithstanding the provisions of Sections 4 and 5 to the contrary, the lands located on the west side of Heritage Park Drive and East of Camden Road in the Town of Greater Napanee and Zoned OS-2 on Schedule 10 the following provisions shall apply:

- a) Permitted Uses Restricted to
 - Park
 - Conservation Use
 - Stormwater Management Facility
- b) Watercourse Setback (min)
 - 6.0 metres to the north
 - 15.0 metres to the south

5.4 PRIME AGRICULTURE (PA) ZONE

No person shall within any Prime Agriculture (PA) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.4.1 Uses Permitted**a) Residential Uses**

- Single detached dwelling house;
- Existing converted dwelling house;
- Group Home;
- Special Care Facilities, excluding the use of Warming/Cooling Centres;
- Transitional Housing Unit; and
- Home Occupation or Home Industry.

(By-law Number 2016-0049)(By-law Number 2020-0016)

b) Non-Residential Uses

- Cemetery, existing;
- Conservation;
- Equestrian centre;
- Estate Winery accessory to an agricultural use;
- Farm Winery accessory to an agricultural use;
- Farm;
- Farm produce sales outlet;
- Forestry;
- Kennel;
- Nursery farm;
- Park;
- Public use in accordance with the General Provisions of this By-law; and
- Wayside pit or quarry, and a portable asphalt plant as an accessory use to a permitted wayside pit or quarry.

(By-law No. 03-74)(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law No. 2020-0016)

5.4.2 Provisions for Residential Uses

- a) Lot Area (minimum)..... 0.8 ha
(By-law Number 2016-0049)
- b) Lot Frontage (minimum)60 metres
- c) Yards (minimum):
- i) Front Yard15 metres
 - ii) Exterior Side Yard..... 10 metres
 - iii) Interior Side Yard5 metres

- iv) Rear Yard..... 10 metres
- d) Dwelling Unit Area (minimum) 90 square metres
- e) Landscaped Open Space (minimum) 30 percent
- f) Lot Coverage (maximum) 10 percent
 - On existing lots of record with an area of less than 0.2 ha., the maximum lot coverage may be increased to 15 percent.
- g) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- h) Number of Dwelling Houses per Lot (maximum)..... 1
- i) Height of Building (maximum) 10 metres
- j) Separation Requirements:
 - In accordance with the General Provisions of this By-law.

5.4.3 **Provisions for Non-Residential Uses**

- a) Lot Area (minimum) 40 ha
(By-law No. 2018-0005)
- b) Lot Frontage (minimum) 200 metres
- c) Yards (minimum):
 - i) Front Yard 30 metres
 - ii) Exterior Side Yard 30 metres
 - iii) Interior Side Yard 15 metres
 - iv) Rear Yard 30 metres
- d) Lot Coverage (maximum)..... 5 percent
- e) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- f) Height of Building (maximum)..... 12 metres
- g) Separation Requirements:
 - In accordance with the General Provisions of this By-law.

5.4.4 **Provisions for Kennels**

No Kennel shall be erected within 50 metres of the lot line of adjacent lands which are held under distinct and separate ownership. Where a kennel existed as of the date of passing of this By-law which does not comply with the 50 metre setback, such kennel shall not be extended, enlarged, reconstructed or altered if the effect is to reduce or encroach on the setback.

5.4.5 Farm Wineries

- a) Lot Frontage (Minimum)..... 100 metres
- b) Lot Area (Minimum)..... 8 hectares
- c) Yard Requirements (Minimum)
- i) Front Yard 15 metres
 - ii) Exterior Side Yard..... 15 metres
 - iii) Interior Side Yard..... 10 metres
 - iv) Rear Yard 15 metres
- d) Building Height (Maximum)..... 10.5 metres
- e) Outside Storage
- Outside operations and storage of goods and materials, including refuse containers, shall only be permitted to the rear of the building and must be located outside of the required exterior side yard, required interior side yard and required rear yard.
 - outside operations and storage of goods and materials are to be screened from view of adjacent properties by means of fencing and/or landscaping features.
- f) Gross Floor Area (Maximum)
- 300 square metres, which may include a maximum combined retail and hospitality room floor area of 150 square metres but excludes an underground wine storage facility for wines produced on same farm winery where the underground storage facility is located.
- g) Parking...In accordance with the General Provisions
- h) Separation Requirements.....n accordance with the provisions of Section 4.4
- i) A lot of record existing on the date of adoption of this by-law may be used for a farm winery provided the minimum lot area is 3.2 hectares.

(By-law No. 03-74)

5.4.6 Estate Wineries

- a) Lot Frontage (Minimum)..... 175 metres
- b) Lot Area (Minimum)..... 10 hectares
- c) Yard Requirements (Minimum)
- i) Front Yard..... 20 metres
 - ii) Exterior Side Yard..... 20 metres
 - iii) Interior Side Yard..... 15 metres
 - iv) Rear Yard..... 20 metres
- d) Building Height (Maximum)..... 10.5 metres

- e) Outside Storage
 - Outside operations and storage of goods and materials, including refuse containers, shall only be permitted to the rear of the building and must be located outside of the required exterior side yard, required interior side yard and required rear yard.
 - Outside operations and storage of goods and materials are to be screened from view of adjacent properties by means of fencing and/or landscaping features.
- f) Gross Floor Area (Maximum)
 - 500 square metres, which may include a maximum combined retail and hospitality room floor area of 200 square metres but excludes an underground wine storage facility for wines produced on same Estate winery where the underground storage facility is located.
- g) ParkingIn accordance with the General Provisions.
- h) Separation Requirements.....n accordance with the provisions of Section 4.4.
(By-law No. 03-74)

5.4.7 **General Provisions**

In accordance with Section 4, General Provisions, of this By-law.

5.4.8 **Exception Provisions - Prime Agriculture (PA) Zone**

5.4.8.1 **Prime Agriculture Exception One (PA-1) Zone**

(Part of Lot 17, Concession 3, in the Geographic Township of South Fredericksburgh)

Within the PA-1 Zone, the following provisions apply:

- a) Lot Area (minimum)..... 1.7 hectares
- b) Lot Frontage (minimum)270 metres
- c) Interior Side Yard located east of the existing dwelling (minimum)178 metres

5.4.8.2 **Prime Agriculture Exception Two (PA-2) Zone**

(Part of Lot 7, Concession 1 Additional, in the Geographic Township of South Fredericksburgh)

Within the PA-2 Zone, the following provisions apply:

- a) Lot Area (minimum)..... 6 hectares
- b) Dwelling Unit Area for Caboose (minimum)..... 33 square metres
- c) Caboose is recognized as a year round dwelling house.
- d) Yard Setback for Caboose (minimum) ...as per provisions for residential use in the PA Zone.
(By-law No. 06-53)
- e) Yard Setback for Non-Residential Uses (minimum):
 - i) Interior Side Yard.....8 metres
 - ii) Rear Yard23 metres

5.4.8.3 **Prime Agriculture Exception Three (PA-3) Zone**

(Part of Lots 20 and 21, Concession 5, in the Geographic Township of North Fredericksburgh)

Within the PA-3 Zone, the following provisions apply:

- a) Front Lot Line in the unopened road allowance between Concessions 4 and 5.
- b) Lot Frontage (minimum)0 metres

5.4.8.4 Prime Agriculture Exception Four (PA-4) Zone

(Part of Lots 12 & 13, Con1, Geographic Township of South Fredericksburgh)

Repealed (By-law 06-31)

5.4.8.5 Prime Agriculture Exception Five (PA-5) Zone

(Part of Lot 5, Concession 4, in the Geographic Township of Richmond)

Within the PA-5 zone the following provisions apply:

- a) Residential uses – Prohibited
- b) Lot area (minimum) 10 hectares
- c) Lot Frontage (minimum).....0 metres

(By-law No. 02-75)

5.4.8.6 Prime Agriculture Exception Six (PA-6) Zone

(Part of Lot 20, Concession 5, in the Geographic Township of North Fredericksburgh)

Within the PA-6 Zone, the following provisions apply:

- a) The front lot line shall be the lot line at unopened road allowance between Concessions 4 and 5.
- b) Frontage Upon an Improved Public Street.....0 metres

5.4.8.7 Prime Agriculture Exception Seven (PA-7) Zone

(Part of Lot 25 & 26, Concession 5, in the Geographic Township of North Fredericksburgh)

Within the PA-7 Zone the following provisions apply:

a) Residential Uses Permitted

Uses permitted include:

- Single detached dwelling house;
- Existing converted dwelling house;
- Group Home;
- Home Occupation or Home Industry

b) Non-Residential Uses Permitted are restricted to:

- Conservation;
- Equestrian Centre;
- Estate winery accessory to an agricultural use;
- Farm winery accessory to an agricultural use;
- Forestry;
- Kennel;
- Nursery Farm;
- Private or public park;
- Public use in accordance with General Provisions of By- law

- c) Lot area (minimum) 4.0 hectares
- d) Lot Frontage (minimum) 190 metres
(By-law No. 05-54)

5.4.8.8 Prime Agriculture Exception Eight (PA-8) Zone

(Part of Lot 23, Concession 4, in the Geographic Township of North Fredericksburgh)

Within the PA-8 Zone the following provisions apply:

- a) Lot area (minimum) 3.0 hectares
- b) Residential Uses Permitted
 - Single detached dwelling house;
 - Existing converted dwelling house;
 - Group Home;
 - Home Occupation or Home Industry
- c) Non-Residential Uses Permitted
 - Conservation;
 - Equestrian Centre;
 - Estate winery accessory to an agricultural use;
 - Farm winery accessory to an agricultural use;
 - Forestry;
 - Kennel;
 - Nursery Farm;
 - Private or public park;
 - Public use in accordance with General Provisions of the By- law
(By-law No. 05-63)

5.4.8.9 Prime Agriculture Exception Nine (PA-9) Zone

(Part of Lot 23, Concession 4, in the Geographic Township of North Fredericksburgh)

Within the PA-9 Zone the following provisions apply:

- a) Lot area (minimum) 14 hectares
- a) Residential Uses Prohibited
(By-law No.05-63)

5.4.8.10 Prime Agriculture Exception Ten (PA-10) Zone

(Part of Lot 26, Concession 4, in the Geographic Township of North Fredericksburgh)

Within the PA-10 Zone the following provisions apply:

- a) Uses Permitted
Uses permitted include:
 - Two (2) dwelling units per dwelling house
(By-law No. 06-20)

5.4.8.11 Prime Agriculture Exception Eleven (PA-11) Zone

(Part of Lots 25 & 26, Concession 2, in the Geographic Township of South Fredericksburgh)

(By-law No. 06-32)
(Repealed by By-law No. 2016-0049)

5.4.8.12 Prime Agriculture Exception Twelve (PA-12) Zone

(Part of Lots 25 & 26, Concession 2, in the Geographic Township of South Fredericksburgh)

Within the PA-12 Zone the following provisions apply:

- a) Residential usesProhibited
- b) Lot Frontage (minimum)92 metres
- c) Lot Area (minimum)..... 16 hectares
(By-law 06-32)

5.4.8.13 Prime Agriculture Exception Thirteen (PA-13) Zone

(Part of Lot 15, Concession 1, in the Geographic Township of Adolphustown)

(By-law No. 07-52)
(Repealed 2016-0049)**5.4.8.14 Prime Agriculture Exception Fourteen (PA-14) Zone**

(Part of Lot 8, Concession 1, in the Geographic Township of South Fredericksburgh)

Within the PA-14-H Zone the following provisions apply:

- a) The following additional use is permitted:
 - Solar Plant
- b) Front lot line is that portion of the lot line abutting Bathurst Street from Highway 33 to King Street
- c) Lot Coverage (maximum)..... 90 percent
- d) Setbacks:
 - From Environmental Protection Zone.....0 metres
 - From Highway 33 110 metres
 - From Bathurst Street from Highway 33 to King Street as shown on Registered Plan No. 6930 metres
 - From northerly lot line abutting the Second Concession 150 metres
 - From all other lot lines 15 metres
- e) Planting Strip in accordance with the provisions of Section 4.29, and:
 - Along the full width of the lands at the southern limit of the solar plant, and
 - Along the full frontage of Bathurst Street from Highway 33 to King Street.
- f) “H” removal
 - in accordance with the general provisions and when confirmation is received from the Ministry of Environment and Climate Change as to approved site remediation.
(By-law No. 2008-64)

5.4.8.15 Prime Agriculture Exception Fifteen (PA-15) Zone

(Part of Lot 12, Concession 1, in the Geographic Township of South Fredericksburgh)

Within the PA-15-H Zone the following provisions apply:

- a) The following additional use is permitted:
 - Solar Plant
- b) Lot Coverage (maximum)..... 90 percent

- c) Setbacks:
 - From Environmental Protection Zone.....0 metres
 - From Provincially Significant Wetland120 metres
 - From Highway 33300 metres
- d) Planting Strip in accordance with the provisions of Section 4.29, and:
 - Along the full width of the lands at the southern limit of the solar plant
- e) “H” removal
 - May be removed, in whole or in part in accordance with Section 36 of the Planning Act when the holding provision requirements contained in the General Provisions of the By-law have been satisfied, and plans for agricultural rehabilitation have been approved by the Town.
- f) Uses permitted without the need to remove the “H” provision are those in the Prime Agriculture (PA) Zone.

(By-law No. 2008-62)

5.4.8.16 Prime Agriculture Exception Sixteen (PA-16) Zone

(Part of Lot 7, Concession 2, in the Geographic Township of Richmond)

Within the PA-16 Zone the following provisions apply:

- a) Uses Permitted
 - Additional uses permitted include:
 - Grain drying and storage facility
 - Office use accessory to grain drying and storage facility use
- b) Provisions
 - i. Yards:
 - Front.....15 metres
 - Exterior Side15 metres
 - Interior Side.....6 metres
 - Rear15 metres
 - ii. Lot Coverage (maximum)
 - With grain drying and storage facility and an office use accessory thereto 30 percent
 - Without grain drying facility and storage facility and an office use accessory thereto 5 percent
 - iii. Building Height (maximum)
 - For grain drying and storage facility15 metres

(By-law No. 2012-23)

5.4.8.17 Prime Agriculture Exception Seventeen (PA-17) Zone

(Part of Lot 20, Concession 3, in the Geographic Township of Adolphustown)

Within the PA-17 Zone the following provisions apply:

- a) Uses Permitted
 - Additional uses permitted include:
 - Cemetery;
 - Park;
 - Public use in accordance with the General Provisions of this By-law.

- b) Provisions
- i. Lot Area (minimum) 0.35 hectares
 - ii. Lot Frontage (minimum) 30 metres
 - iii. Yards (minimum)
 - Front..... 10 metres
 - Interior Side..... 6 metres
 - Rear 10 metres
 - iv. Lot Coverage (maximum) 30 percent
- (By-law No. 2012-27)

5.4.8.18 Prime Agriculture Exception Nineteen (PA-18) Zone

(Parts of Lot 24, Concession 5, Part 2, Part 3 North of Spring Creek, and Part 4, Plan of Survey 29R-8049)

Within the PA-18 Zone the following provisions apply:

- The keeping of livestock is a prohibited use within the barn.
- (By-law No. 2014-21)

5.4.8.19 Prime Agriculture Exception Nineteen (PA-19) Zone

7243 County Road 9; Part of Lots 15 & 16, Concession 4, Town of Greater Napanee

Notwithstanding the provisions of Sections 4 and 5 hereof to the contrary, within the PA-19 Zone the following provisions apply:

- Residential uses are prohibited.
- The keeping of livestock is a prohibited use within the existing barn.
- The minimum interior east side yard for the existing barn shall be 13 metres.

(By-law No. 2020-0008)

5.4.8.20 Prime Agriculture Exception Twenty (PA-20) Zone

3256 County Road 11; Part of Lots 8 & 9, Concession 4, Town of Greater Napanee

Within the PA-20 Zone the following provisions apply:

- a) Residential uses are prohibited;

5.4.8.21 Prime Agriculture Exception Twenty One (PA-21) Zone

1951 Storey Street; Part of Lot 11, Concession 4, Town of Greater Napanee

Within the PA-21 Zone, the following provisions apply:

- a) Residential uses are prohibited;

5.4.8.22 Prime Agriculture Exception Twenty Two (PA-22) Zone

2914 Big Creek Road; Part of Lots 22 and 23, Concession 4, in the former geographic Township of South Fredericksburgh, Town of Greater Napanee

Within the PA-22 Zone, the following provisions apply:

- a) Lot Area (minimum).....0.5 hectares
- b) Lot Frontage (minimum).....30 metres

5.4.8.23 Prime Agriculture Exception Twenty Three (PA-23) Zone

1831 County Road 41; Part of Lot 22, Concession 6, Town of Greater Napanee

Within the PA-23 Zone, the following provisions apply:

- a) Lot Area (minimum).....0.40ha
- b) Lot Frontage (minimum).....50m
- c) Rear Yard Setback for existing shed (minimum).....1.2m

5.4.8.24 Prime Agriculture Exception Twenty Four (PA-24) Zone

1831 County Road 41; Part of Lot 22, Concession 6, Town of Greater Napanee

Within the PA-24 Zone, the following provisions apply:

- a) Residential uses are prohibited;
- b) The keeping of livestock is a prohibited use within the existing barn;
- c) The minimum interior west side yard for the existing barn shall be 2.4m

5.5 RESTRICTED AGRICULTURE (RA) ZONE

No person shall within any Restricted Agriculture (RA) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.5.1 Uses Permitted**a) Residential Uses**

- Single detached dwelling house;
- Existing converted dwelling house;
- Group Home;
- Special Care Facilities, excluding the use of Warming/Cooling Centres;
- Transitional Housing Unit; and
- Home Occupation or Home Industry.

(By-law No. 2016-0049)(By-law No. 2020-0016)

b) Non-Residential Uses

- Cemetery, existing;
- Conservation;
- Farm, existing;
- Farm produce sales outlet;
- Forestry;
- Nursery farm;
- Place of worship;
- Park;
- Public use in accordance with the General Provisions of this By-law; and
- School.

(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law No. 2020-0016)

5.5.2 Provisions for Residential Uses

- a) Lot Area (minimum) 0.8 ha
(By-law No. 2016-0049)
- b) Lot Frontage (minimum) 60 metres
- c) Yards (minimum):
- i) Front Yard 15 metres
 - ii) Exterior Side Yard 10 metres
 - iii) Interior Side Yard 5 metres
 - iv) Rear Yard 10 metres
- (By-law No. 03-61)
- d) Dwelling Unit Area (minimum) 90 square metres

- e) Landscaped Open Space (minimum) 30 percent
- f) Lot Coverage (maximum) 10 percent
 - On existing lots of record with an area of less than 0.2 ha. the maximum lot coverage may be increased to 15 percent
- g) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law
- h) Number of Dwelling Houses Per Lot (maximum) 1
- i) Height of Building (maximum) 10 metres
- j) Separation Requirements:
 - In accordance with the General Provisions of this By-law

5.5.3 Provisions for Non-Residential Uses

- a) Lot Area (minimum) 5 ha
- b) Lot Frontage (minimum) 100 metres
- c) Yards (minimum):
 - i) Front Yard 15 metres
 - ii) Exterior Side Yard 15 metres
 - iii) Interior Side Yard 10 metres
 - iv) Rear Yard 15 metres
- d) Lot Coverage (maximum) 5 percent
- e) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law
- f) Height of Building (maximum) 12 metres
- g) Separation Requirements:
 - In accordance with the General Provisions of this By-law

5.5.5 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.5.6 Exception Provisions - Restricted Agriculture (RA) Zone

5.5.6.1 Restricted Agricultural Exception One (RA-1) Zone

(Part of Lots 12 and 13, Concession 7, in the Geographic Township of Richmond)

Within the RA-1 Zone the uses permitted include a summer camp.

5.6 RURAL (RU) ZONE

No person shall within any Rural (RU) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.6.1 Uses Permitted**a) Residential Uses**

- Single detached dwelling house;
- Existing converted dwelling house;
- Group Home;
- Special Care Facilities, excluding the use of Warming/Cooling Centres;
- Transitional Housing Unit; and
- Home Occupation or Home Industry.

(By-law No. 2016-0049)(By-law No. 2020-0016)

b) Non-Residential Uses

- Cemetery (existing);
- Conservation and forestry uses;
- Equestrian centre;
- Estate Winery accessory to an agricultural use;
- Farm Winery accessory to an agricultural use;
- Farm;
- Farm produce sales outlet;
- Kennel;
- Nursery farm;
- Place of worship;
- Park;
- Public use in accordance with the general provisions of this By-law;
- School;
- Wayside pit or quarry and a portable asphalt plant as an accessory use to a permitted wayside pit or quarry.

(By-law No. 03-74)(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law No. 2020-0016)

5.6.2 Provisions for Residential Uses

- a) Lot Area (minimum) 0.8 ha
(By-law No. 2016-0049)
- b) Lot Frontage (minimum)60 metres
- c) Yards (minimum):
- i) Front Yard10 metres
 - ii) Exterior Side Yard.....10 metres

- iii) Interior Side Yard.....5 metres
- iv) Rear Yard 10 metres
- d) Dwelling Unit Area (minimum) 90 square metres
- e) Lot Coverage (maximum)..... 30 percent
- f) Landscaped Open Space..... 30 percent
- g) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- h) Number of Dwelling Houses per Lot (maximum)..... 1
- i) Height of Building (maximum)..... 10 metres
- j) Separation Requirements:
 - In accordance with the General Provisions of this By-law.

5.6.3 **Provisions for Non-Residential Uses**

- a) Lot Area (minimum) 4 ha
(By-law No. 2018-0005)
- b) Lot Frontage (minimum) 100 metres
(By-law No. 2018-0005)
- c) Yards (minimum):
 - i) Front Yard 30 metres
 - ii) Exterior Side Yard..... 30 metres
 - iii) Interior Side Yard..... 15 metres
 - iv) Rear Yard 30 metres
- d) Lot Coverage (maximum)..... 10 percent
- e) Landscaped Open Space 30 percent
- f) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- g) Height of Building (maximum) 12 metres
- h) Separation Requirements:
 - In accordance with the General Provisions of this By-law.

5.6.4 **Provisions for Kennels**

No Kennel shall be erected within 50 metres of the lot line of adjacent lands which are held under distinct and separate ownership. Where a kennel existed as of the date of passing of this By-law which does not comply with the 50 metre setback, such kennel shall not be extended, enlarged, reconstructed or altered if the effect is to reduce or encroach on the setback.

5.6.5 Farm Wineries

- a) Lot Frontage (Minimum).....100 metres
- b) Lot Area (Minimum)..... 8 hectares
- c) Yard Requirements (Minimum)
- i) Front Yard.....15 metres
 - ii) Exterior Side Yard.....15 metres
 - iii) Interior Side Yard.....10 metres
 - iv) Rear Yard.....15 metres
- d) Building Height (Maximum).....10.5 metres
- e) Outside Storage
- Outside operations and storage of goods and materials, including refuse containers, shall only be permitted to the rear of the building and must be located outside of the required exterior side yard, required interior side yard and required rear yard.
 - Outside operations and storage of goods and materials are to be screened from view of adjacent properties by means of fencing and/or landscaping features.
- f) Gross Floor Area (Maximum).....
- 300 square metres, which may include a maximum combined retail and hospitality room floor area of 150 square metres but excludes an underground wine storage facility for wines produced on same farm winery where the underground storage facility is located.
- g) Parking... ..In accordance with the General Provisions.
- h) Separation Requirements.....n accordance with the provisions of Section 4.4.
- i) A lot of record existing on the date of adoption of this by-law may be used for a farm winery provided the minimum lot area is 3.2 hectares.

(By-law No. 03-74)

5.6.6 Estate Wineries

- a) Lot Frontage (Minimum).....175 metres
- b) Lot Area (Minimum)..... 8 hectares
- c) Yard Requirements (Minimum)
- i) Front Yard.....20 metres
 - ii) Exterior Side Yard.....20 metres
 - iii) Interior Side Yard.....15 metres
 - iv) Rear Yard.....20 metres
- d) Building Height (Maximum).....10.5 metres
- e) Outside Storage

- Outside operations and storage of goods and materials, including refuse containers, shall only be permitted to the rear of the building and must be located outside of the required exterior side yard, required interior side yard and required rear yard.
 - Outside operations and storage of goods and materials are to be screened from view of adjacent properties by means of fencing and/or landscaping features
- f) Gross Floor Area (Maximum)
- 500 square metres, which may include a maximum combined retail and hospitality room floor area of 200 square metres but excludes an underground wine storage facility for wines produced on same Estate winery where the underground storage facility is located.
- g) ParkingIn accordance with the General Provisions.
- h) Separation Requirements.....n accordance with the provisions of Section 4.4.
(By-law No. 03-74)

5.6.7 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.6.8 Exception Provisions - Rural (RU) Zone

5.6.8.1 Rural Exception One (RU-1) Zone

(Part of Lot 25, Concession 7, in the Geographic Township of North Fredericksburgh)

Within the RU-1 Zone, the following apply:

Additional Uses Permitted

- On site parking for up to four (4) school buses with six (6) additional buses being permitted during the period of regular maintenance of such buses; and
- A maintenance garage for school buses permitted on site.

Provisions

- a) Rear Yard (minimum)61 metres
- b) Maintenance Garage (maximum size)..... 186 sq. metres
- c) Maintenance Garage Location..... to the rear of the single unit dwelling house
- d) School Bus Parking Area
 - school buses shall not be parked in any required yard.

5.6.8.2 Rural Exception Two (RU-2) Zone

(Part of Lot 19, Concession 5, in the Geographic Township of North Fredericksburgh)

Within the RU-2 Zone, uses permitted include an equine veterinary facility.

5.6.8.3 Rural Exception Three (RU-3) Zone

(Part of Lot 20, Concession 6, in the Geographic Township of Richmond)
 Within the RU-3 Zone, the uses permitted include:

- A workshop for servicing farm equipment and servicing of trucks.

The following provision apply:

- a) Lot Area (minimum)..... 0.4 hectares
- b) Lot Frontage (minimum)..... 100 metres
- c) Workshop Size (maximum)..... 155 sq. metres

5.6.8.4 Rural Exception Four (RU-4) Zone

(Part of Lot 1, Concession 5 Additional, in the Geographic Township of North Fredericksburgh)

Within the Rural Exception Four (RU-4) Zone, the uses permitted shall be those listed in the Rural Zone plus a ‘shaving mill’. For purposes of this By-law, a shaving mill will refer to an establishment where wood products are further processed by mechanical means to create mulch and/or bedding materials for animals.

Within the RU-4 Zone the following provisions apply:

- a) Lot Frontage (minimum)..... 150 metres
- b) Lot Area (minimum)..... 3 hectares

5.6.8.5 Rural Exception Five (RU-5) Zone

(Part of Lot 4, Concession 4, in the Geographic Township of North Fredericksburgh)

(By-law No. 03-49)
 (Repealed 2016-0049)

5.6.8.6 Rural Exception Six (RU-6) Zone

(Part of Lot 8, Concession 4, in the Geographic Township of North Fredericksburgh)

Within the RU-6 Zone, the following provisions apply to use of the lands for residential use:

- a) Lot Area (minimum)..... 2 ha
 - b) Lot Frontage (minimum)6 metres
- (By-law No. 04-23)

5.6.8.7 Rural Exception Seven (RU-7) Zone

(Part of Lot 8, Concession 4, in the Geographic Township of North Fredericksburgh)

Within the RU-7 Zone, the following provisions apply to use of the lands for residential use:

- i) Uses Permitted
 - Single detached dwelling house;
 - Group Home;
 - Home Occupation or Home Industry;
 - Conservation and forestry use;
 - Public and/or private park; and
 - Public use in accordance with the general provisions.
- ii) Lot Area (minimum)..... 2 hectares

- iii) Lot frontage (minimum).....60 metres
- iv) Accessory Building and/or Structure
- the keeping of farm animals is prohibited
 - the existing building/structure is permitted and recognized as a conforming use even though the primary use, a single detach dwelling house, is not constructed.

(By-law No. 04-23)

5.6.8.8 Rural Exception Eight (RU-8) Zone

(Part of Lot AA, lying between Concessions 2 and 3, in the Geographic Township of South Fredericksburgh)

Within the RU-8 Zone, the following provisions apply:

- i) Uses Permitted
- Single detached dwelling house;
 - Group Home;
 - Home Occupation or Home Industry;
 - Conservation and forestry use;
 - Convenience store;
 - Public and/or private park;
 - Public use in accordance with the general provisions; and
 - Eating establishment, takeout;
- ii) Lot Area (minimum)..... 65 hectares
- iii) Lot Frontage (minimum)..... 75 metres
- iv) Eating establishment and/or convenience store
- The eating establishment and/or convenience store are restricted to the private garage;
 - Floor area for eating establishment and/or convenience store (maximum) 33 sq. metres

(By-law No. 04-66)

5.6.8.9 Rural Exception Nine (RU-9) Zone

(Part of Lot 1, Concession 3, in the Geographic Township of North Fredericksburgh)

Within the RU-9 Zone, the following provisions apply:

- i) Lot Area for non-residential uses (minimum)..... 4 hectares
- ii) Calculation of lot area:
- The whole of the land described as part 2 on plan of survey 29R-8234 shall be included as part of the calculation of the lot area.

(By-law No. 04-83)

5.6.8.10 Rural Exception Ten (RU-10) Zone

(Part of Lot 14, Concession 5, in the Geographic Township of North Fredericksburgh)

Within the RU-10 Zone, the following provisions apply:

- a) Permitted Uses are restricted to:
- A single detached dwelling house.
- b) Lot Area (minimum)..... 928 square metres

- c) Lot Frontage (minimum)0 metres
 d) Rear Yard (minimum)0 metres
 e) Interior Side Yard for that side yard abutting the property line (minimum).....5 metres
 f) Elevation of exterior openings such as doors and windows (minimum) 78.75 metres GSC
 (By-law No. 07-38)

5.6.8.11 **Rural Exception Eleven (RU-11) Zone**

(Part of Lot 22, Concession 5, in the Geographic Township of Richmond)

Within the RU-11 Zone, the following provisions apply:

- a) Permitted Uses:
Residential:
- A two (2) unit dwelling house.
- Non-Residential
- A riding centre; and
 - Agricultural uses which do not include the housing of livestock.
- b) Lot Area (minimum) 14 hectares
 c) Lot Frontage (minimum)..... 150 metres
 d) Definition: Riding Centre: for the purposes of the RU-11 zone means the use of land, building or structures for the boarding of no more than 5 horses, training of horses and riders, staging of equestrian events, but does not include the racing of horses.
 (By-law No. 07-39)

5.6.8.12 **Rural Exception Twelve (RU-12) Zone**

(Part of Lots 13 and 14, Concession 6, in the Geographic Township of North Fredericksburg)

Within the RU-12 Zone, the following applies:

- a) Additional uses permitted are limited to:
- An existing manufacturing, processing, assembling or fabricating plant; and
 - Building Supply Outlet.
- b) Lot Area (minimum) 7 hectares
 c) Lot Frontage (minimum).....30 metres
 (By-law No. 08-21)

5.6.8.13 **Rural Exception Thirteen (RU-13) Zone**

(Part of Lot 12, Concession 5 Additional, in the Geographic Township of North Fredericksburg)

Within the RU-13 Zone, the following provisions apply:

- a) Uses Permitted
 Uses permitted are restricted to:
- Uses listed in the Rural (RU) Zone;
 - An existing barn to be used for non-agricultural uses. The keeping of farm animals is prohibited.
 (By-law No. 2010-03)

5.6.8.14 **Rural Exception Fourteen (RU-14) Zone**

(Part of Lot 18, Concession 6, in the Geographic Township of North Fredericksburgh)

Within the RU-14 Zone, the following provisions apply:

a) Uses Permitted

Uses permitted are restricted to:

- A single detached dwelling house;
- A home occupation or home industry;
- A group home;
- Conservation and forestry use;
- Golf driving range;
- Nursery farm;
- Park; and
- A public use in accordance with the general provisions of this by-law.

(By-law No. 10-08 repealed)

(By-law 2013-12)

5.6.8.15 Rural Exception Fifteen (RU-15) Zone

(Part of Lots 10 & 11, Concessions 3 & 4, Plan of Survey 29R-10074, in the Geographic Township of North Fredericksburgh)

Within the RU-15 Zone, the following provisions apply:

a) Uses Permitted

Uses permitted are restricted to:

- Uses listed in the Rural (RU) Zone; and
- Self storage facility.

b) The self storage facility shall not be permitted in any dwelling, building or structure on the subject property existing at the date of adoption of this by-law.

c) Self storage facility gross floor area (maximum)..... 744 square metres

d) The buildings and associated structures for the self storage facility use are to be located within 175 metres from the lot line abutting County Road 9 where it meets the west property line.

e) Lot frontage (minimum) 114 metres

f) West interior side yard (minimum).....25 metres

g) East interior side yard (minimum)45 metres

(By-law No. 2014-52)

5.6.8.15 Rural Exception Sixteen (RU-16) Zone

(Part of Lot 10, Concession 4, in the Geographic Township of North Fredericksburgh)

Within the RU-16 Zone, the following provisions apply:

a) Uses Permitted

Uses permitted are restricted to:

- Uses listed in the Rural (RU) Zone

b) Lot frontage (minimum)58 metres

c) Interior side yards (minimum) as existing on the date of passage of this by-law.

(By-law No. 2015-30)

5.7 ESTATE RESIDENTIAL (ER) ZONE

No person shall within any Estate Residential (ER) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.7.1 Uses Permitted**a) Residential Uses**

- Single detached dwelling house;
- Group Home;
- Home Occupation.

b) Non-Residential Uses

- Park;
- Public use in accordance with the General Provisions of this By-law.
(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law.

5.7.2 Zone Provisions

- a) Lot Area (minimum) 0.8 ha
- b) Lot Frontage (minimum) 60 metres
- c) Yards (minimum):
- i) Front Yard 15 metres
 - ii) Exterior Side Yard 10 metres
 - iii) Interior Side Yard 5 metres
 - iv) Rear Yard 15 metres
- d) Dwelling Unit Area (minimum) 130 square metres
- e) Lot Coverage (maximum) 20 percent
- f) Landscaped Open Space 50 percent
- g) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law.
- h) Number of Dwelling Houses Per Lot (maximum) 1
- i) Height of Building (maximum) 10 metres

j) Separation Requirements:

- In accordance with the General Provisions of this By-law.

5.7.3 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.7.4 Exception Provisions - Estate Residential (ER) Zone

5.8 RURAL RESIDENTIAL (RR) ZONE

No person shall within any Rural Residential (RR) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.8.1 Uses Permitted**a) Residential Uses**

- Single detached dwelling house;
- Group Home;
- Home Occupation.

b) Non-Residential Uses

- Park;
- Public use in accordance with the General Provisions of this By-law.
(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law.

5.8.2 Zone Provisions

- a) Lot Area (minimum)..... 0.8 ha
(By-law No. 2016-0049)
- b) Lot Frontage (minimum)60 metres
- c) Yards (minimum):
- i) Front Yard15 metres
 - ii) Exterior Side Yard.....10 metres
 - iii) Interior Side Yard.....5 metres
 - iv) Rear Yard10 metres
- d) Dwelling Unit Area (minimum) 90 square metres
- e) Lot Coverage (maximum)..... 30 percent
- f) Landscaped Open Space..... 50 percent
- g) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law
- h) Number of Dwelling Houses per Lot (maximum)..... 1
- i) Height of Building (maximum).....10 metres

j) Separation Requirements:

- In accordance with the General Provisions of this By-law.

5.8.3 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.8.4 Exception Provisions - Rural Residential (RR) Zone

5.8.4.1 Rural Residential Exception One (RR-1) Zone

(Part of Lots 22 and 23, Concession 4, in the Geographic Township of Adolphustown)

On lands zoned RR-1 the following provisions apply:

- a) Lot Area (minimum)..... 0.2 hectares
- b) Lot Frontage (minimum).....30 metres

5.8.4.2 Rural Residential Exception Two (RR-2) Zone

(Part of Lot 6, Concession 3, in the Geographic Township of Richmond)

Within the RR-2 Zone the uses permitted include a duplex dwelling house.

(By-law No. 03-61)

5.8.4.3 Rural Residential Exception Three (RR-3) Zone

(Part of Lot 3, Concession 1 Additional, in the Geographic Township of South Fredericksburgh)

Within the RR-3 Zone, the following provisions apply:

Accessory buildings existing at the date of adoption of this by-law shall not be used for the keeping of animals.

(By-law No. 04-35)

5.8.4.4 Rural Residential Exception Four (RR-4) Zone

(Part of Lot 3, Concession 1, in the Geographic Township of Richmond)

Within the RR-4 Zone, the uses permitted include an in-law suite for parents provided:

- a) Number of dwelling houses per lot (maximum) 1
- b) Number of dwelling units per lot (maximum) 2

(By-law No. 04-53)

5.8.4.5 Rural Residential Exception Five (RR-5) Zone

(Part of Lot 6, Concession 4, in the Geographic Township of North Fredericksburgh)

Within the RR-5 Zone, the uses permitted include:

- An in-law suite for parents provided:

- a) Number of dwelling houses per lot (maximum) 1

- b) Number of dwelling units per lot (maximum)..... 2
 c) Not withstanding the provision of sections 4.11(b) and 4.11(c), the yards in the RR-5 zone shall be as per the provisions stated in the RR zone.

(By-law No. 2008-40)

5.8.4.6 Rural Residential Exception Six (RR-6) Zone

(Part of Lot 5, Concession 1, in the Geographic Township of Richmond)

Within the RR-6 Zone, the the following provisions apply:

- a) Uses Permitted are Restricted to:
 • Uses listed in the Rural Residential Zone.
 b) Lot Frontage (Minimum).....40 metres

(By-law No. 2010-31)

5.8.4.7 Rural Residential Exception Seven (RR-7) Zone

(Part of Lot 5, Concession 1, in the Geographic Township of Richmond)

Within the RR-7 Zone, the the following provisions apply:

- a) Uses Permitted are restricted to:
 • Uses listed in the Rural Residential Zone.
 b) Front Yard (Minimum).....8.5 metres

(By-law No. 2010-31)

5.8.4.8 Rural Residential Exception Eight (RR-8) Zone

(Part of Lot 16, Concession 5, in the Geographic Township of North Fredericksburgh)

Within the RR-8 Zone, the the following provisions apply:

- a) Front Yard (minimum) 10 metres
 b) Rear Yard (minimum) 15 metres

(By-law No. 2010-28)

5.8.4.9 Rural Residential Exception Nine (RR-9) Zone

(Part of Lot 10, Concession 4, in the Geographic Township of North Fredericksburgh)

Within the RR-9 Zone, the the following provisions apply:

- a) Lot Frontage (minimum)48 metres
 b) Interior side yards (minimum)..... as existing on the date of passage of this by-law

(By-law No. 2015-30)

5.8.4.10 Rural Residential Exception Ten (RR-10) Zone

1951 Storey Street; Part Lot 11, Concession 4, Town of Greater Napanee

Within the RR-10 Zone, the following provisions apply:

- a) The existing barns and accessory structures are restricted to non-agricultural uses.
 b) Section 4.1.4 of the by-law does not apply for the existing barns and accessory structures' heights. The maximum lot coverage provisions continue to apply.

5.9 SHORELINE RESIDENTIAL (SR) ZONE

No person shall within any Shoreline Residential (SR) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.9.1 Uses Permitted**a) Residential Uses**

- Existing seasonal dwelling house;
- Single Detached Dwelling House;
- Group Home; and
- Home Occupation.

b) Non-Residential Uses

- Park; and
- Public use in accordance with the General Provisions of this By-law.
(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law.

5.9.2 Zone Provisions

- a) Lot Area (minimum) 0.8 ha
(By-law No. 2016-0049)
- b) Lot Frontage (minimum) 60 metres
- c) Yards (minimum):
- i) Front Yard 10 metres
 - ii) Exterior Side Yard 10 metres
 - iii) Interior Side Yard 5 metres
 - iv) Rear Yard 10 metres
- d) Dwelling Unit Area (minimum) 90 sq. metres
- e) Lot Coverage (maximum) 30 percent
- f) Landscaped Open Space 50 percent
- g) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law.
- h) Number of Dwelling Houses per Lot (maximum) 1
- i) Height of Building (maximum) 10 metres

- j) Separation Requirements:
- In accordance with the General Provisions of this By-law.

5.9.3 **General Provisions**

In accordance with Section 4, General Provisions, of this By-law.

5.9.4 **Exception Provisions - Shoreline Residential (SR) Zone**

5.9.4.1 **Shoreline Residential Exception One (SR-1) Zone**

(Part of Lots 22, 23, and 24, Concession 4, in the Geographic Township of Adolphustown)

Within the SR-1 Zone, the following provisions apply:

- a) Lot Frontage (minimum).....6 metres
 b) Setback from the High water Mark (minimum)15 metres

5.9.4.2 **Shoreline Residential Exception Two (SR-2) Zone**

(Part of Lots 18, 19, 20, and 21, Concession 3, in the Geographic Township of Adolphustown)

Within the SR-2 Zone, the following provisions apply:

- a) Lot Area (minimum)..... 0.2 hectares
 b) Lot Frontage (minimum)30 metres

5.9.4.3 **Shoreline Residential Exception Three (SR-3) Zone**

(Part of Lots 19 and 20, Concession 1, in the Geographic Township of Adolphustown)

Within the SR-3 Zone, the following provisions apply:

- a) Lot Area (minimum)..... 0.3 hectares
 b) Lot Frontage (minimum)...30 metres
 c) Minimum Elevation
- All Buildings used for human habitation shall have a minimum opening elevation of 76.65 metres geodetic.

(By-law No. 03-61)

5.9.4.4 **Shoreline Residential Exception Four (SR-4) Zone**

(Part of Lot 12, Concession 1 Additional, in the Geographic Township Of South Fredericksburgh)

Within the SR-4 Zone, the following provisions apply:

- a) The front lot line shall be deemed to be lot line farthest from the shoreline.
 b) Notwithstanding frontage provision, access may be by a private road or private right of way.
 c) Minimum Elevation
- All development shall have a minimum opening elevation of 77.07 metres geodetic.
- d) Setback from the High Water mark..... 16 metres

5.9.4.5 Shoreline Residential Exception Five (SR-5) Zone

(Part of Lot 31, Concession 3, in the Geographic Township of Adolphustown)

Within the SR-5, the following provisions apply:

- a) Notwithstanding the frontage requirements in the general provisions, access is permitted by way of a private road or right-of-way.

(By-law No. 05-78)

5.9.4.6 Shoreline Residential Exception Six (SR-6) Zone

(Part of Lots 32 and 33, Concession 3, in the Geographic Township of Adolphustown)

Within the SR-6 zone the following provisions apply:

- a) Lot frontage (minimum).....40 metres
- b) Notwithstanding the frontage requirements in the general provisions, access is permitted by way of a private road or right-of-way.

(By-law No. 05-78)

5.9.4.7 Shoreline Residential Exception Seven (SR-7) Zone

(Part of Lot 6, Concession 3 Additional, in the Geographic Township of South Fredericksburgh)

(Not Adopted by Council)
(Repealed by By-law No. 2016-0049)

5.9.4.8 Shoreline Residential Exception Eight (SR-8) Zone

(Part of Lot 15, Concession 4, in the Geographic Township of Adolphustown)

Within the SR-8 Zone, the following provisions apply:

- a) Uses Permitted
Uses permitted are restricted to:
 - Uses listed in the Shoreline Residential Zone;
 - An existing barn to be used for non-agricultural use such as storage. The keeping of farm animals within the barn is prohibited.

(By-law No. 09-02)

5.9.4.9 Shoreline Residential Exception Nine (SR-9) Zone

(Part of Lot 9, Concession 4 Additional, in the Geographic Township of North Fredericksburgh)

Within the SR-9 Zone, the following provisions apply:

- a) Lot Area (minimum)..... 0.29 hectares
- b) Lot Frontage (minimum)30 metres

(By-law No. 2010-38)

5.10 HAMLET RESIDENTIAL (HR) ZONE

No person shall within any Hamlet Residential (HR) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.10.1 Uses Permitted**a) Residential Uses**

- Single detached dwelling house;
- Group Home;
- Special Care Facilities, excluding Corrections Residences and Detoxification Centre;
- Transitional Housing Unit;
- Home Occupation.

(By-law No. 2016-0049)

b) Non-Residential Uses

- Park;
- Public use in accordance with the General Provisions of this By-law.

(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law.

5.10.2 Zone Provisions

- a) Lot Area (minimum) 0.8 ha
(By-law No. 2016-0049)
- b) Lot Frontage (minimum) 45 metres
- c) Yards (minimum):
- i) Front Yard 7.5 metres
 - ii) Exterior Side Yard 6 metres
 - iii) Interior Side Yard:
 - 4 metres on one side, and
 - 1.5 metres on the other side, plus 0.6 metres on the narrow side for each additional or partial storey above the first.
 - iv) Rear Yard 7.5 metres
- d) Dwelling Unit Area (minimum) 90 square metres
- e) Lot Coverage (maximum) 30 percent
- f) Number of Dwelling Houses per Lot (maximum) 1
- g) Height of Building (maximum) 10 metres
- h) Landscaped Open Space 50 percent

- i) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.

5.10.3 **General Provisions**

In accordance with Section 4, General Provisions, of this By-law.

5.10.4 **Exception Provisions - Hamlet Residential (HR) Zone**

5.10.4.1 **Hamlet Residential Exception One (HR-1) Zone**

(Part of Lot 22, Concession 5, in the Geographic Township of Richmond)

Within the HR-1 Zone, the following provisions apply:

- a) Lot Area (minimum)..... 2,800 sq. metres
 - The lot calculation shall include lands zone EP and located on the same lot.
- b) Lot Frontage (minimum)30 metres
 - Measured at a distance of 10 metres from the front lot line.
- c) Yard Requirements:
 - i) Front.....6 metres
 - ii) Interior Side3 metres
 - iii) Rear.....7.5 metres
- d) Setback from lands zoned Environmental Protection.....7.5 metres
- e) Setback from High Water Mark of Selby Creek..... 15 metres
- f) Lot Coverage (maximum) 30 percent
 - Exclusive of septic systems and associated mantle area.

5.10.4.2 **Hamlet Residential Exception Two (HR-2) Zone**

(Part of Lot 21, Concession 9 (Roblin), in the Geographic Township of Richmond)

Within the HR-2 Zone, the uses permitted include two dwelling units within a single unit dwelling house subject to the following provisions:

- a) Lot Area (minimum)..... 1,400 sq. metres
- b) Lot Frontage (minimum).....21 metres
- c) Yards Requirements (minimum):
 - i) Front.....2.5 metres
 - ii) Exterior Side.....2.5 metres
 - iii) Interior Side.....3.6 metres
 - iv) Rear... ..8 metres
- d) Dwelling Unit Area (minimum) 50 sq. metres
- e) Street Centreline (minimum). 16 metres

5.10.4.3 **Hamlet Residential Exception Three (HR-3) Zone**

(Part of Lot 21, Concession 9, in the Geographic Township of Richmond)

Within the HR-3 Zone, the following provisions applies:

- a) Lot frontage (minimum)9 metres
(By-law No. 02-72)

5.10.4.4 Hamlet Residential Exception Four (HR-4) Zone

(Part of Lot 1, Concession 1, in the Geographic Township of South Fredericksburgh)

Within the HR-4 Zone, the following provisions apply:

- a) Lot Frontage (minimum).....30 metres
b) Access is permitted by way of an unobstructed right-of-way.
(By-law No. 04-33)

5.10.4.5 Hamlet Residential Exception Five (HR-5) Zone

(Part of Lot 22, Concession 4, in the Geographic Township of Richmond)

(By-law No. 05-03)
(Repealed by By-law No. 07-39)

5.10.4.6 Hamlet Residential Exception Six (HR-6) Zone

(Part of Lot 21, Concession 4, in the Geographic Township of Richmond)

Within the HR-6 Zone, the following provisions apply:

- a) Uses permitted include a two (2) dwelling unit dwelling house.
b) Lot Area (minimum)..... 3, 000 sq. metres
(By-law No. 05-52)

5.10.4.7 Hamlet Residential Exception Seven (HR-7) Zone

(Part of Lot 10, North Side of Third Street, Registered Plan 60, in the Village of Adolphustown)

Within the HR-7 Zone, the following provisions apply:

- a) Lot area (minimum)..... 1,900 square metres
b) Lot frontage (minimum).....30 metres
c) Front yard (minimum)..... 1 metre
(By-law No. 07-13)

5.10.4.8 Hamlet Residential Exception Eight (HR-8) Zone

(Block A, Registered Plan 835, Sandhurst Shores, in the Geographic Township of South Fredericksburgh)

Within the HR-8 Zone, the following provisions apply:

- a) Lot frontage (minimum).....35 metres
b) Lot area (minimum)..... 0.28 hectares
(By-law No. 07-37)

5.10.4.9 Hamlet Residential Exception Nine (HR-9) Zone

(Part of Lot 22, Concession 5, in the Geographic Township of Richmond)

Within the HR-9 Zone, the uses permitted include two dwelling units within a single unit dwelling house subject to the following provisions:

- a) Lot Area (minimum). 0.29ha
 - The lot calculation shall include lands zoned EP and located on the same lot.
- b) Lot Frontage (minimum) 30 metres
 - Measured at a distance of 10 metres from the front lot line.
- c) Yard Requirements:
 - i) Front 6 metres
 - ii) Interior Side 3 metres
 - iii) Rear 7.5 metres
- d) Setback from lands zoned Environmental Protection 7.5 metres
- e) Setback from High Water Mark of Selby Creek 15 metres
- f) Lot Coverage (maximum) 30 percent
 - Exclusive of septic systems and associated mantle area.

(By-law No. 10-47)

5.10.4.10 Hamlet Residential Exception Ten (HR-10) Zone

(Part of Lot 22, Concession 9, in the Geographic Township of Richmond)

Within the HR-10 Zone, the following provisions apply:

- a) Lot Frontage (minimum) 20 metres
- b) Rear Yard (minimum) As existing on the date of passage of this by-law.

(By-law No. 12-32)

5.10.4.11 Hamlet Residential Exception Eleven (HR-11) Zone

(Part of Lot 22, Concession 9, in the Geographic Township of Richmond)

Within the HR-11 Zone, the following provisions apply:

- a) Lot Frontage (minimum) 0 metres
- b) Rear Yard (minimum) As existing on the date of passage of this by-law.

(By-law No. 12-32)

5.11 MOBILE HOME RESIDENTIAL (MH) ZONE

No person shall within any Mobile Home Residential (MH) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.11.1 Uses Permitted**a) Residential Uses**

- Mobile home park;
- Mobile home within a mobile home park; and
- Home Occupation.

b) Non-Residential Uses

- Community centre and/or recreational facilities for the exclusive use of Residents within the mobile home park;
- Park; and
- Public use in accordance with the General Provisions of this By-law.

(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses specified in accordance with the General Provisions of this By-law.

5.11.2 Zone Provisions for Mobile Home Park

- a) Lot Area (minimum) 4 ha
- b) Lot Frontage (minimum) 100 metres
- c) Yards (minimum):
- i) Front 6 metres
 - ii) Exterior Side 6 metres
 - iii) Interior Side 3 metres
 - iv) Rear 10 metres
- d) Lot Coverage (maximum) 30 percent
- e) Landscaped Open Space (minimum) 35 percent
- f) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law.
- g) Height of Building (maximum) 10 metres

5.11.3 Zone Provisions for Mobile Home

- a) Lot Area (minimum) 280 square metres

- b) Lot Frontage (minimum)9 metres
- c) Yards (minimum):
 - i) Front Yard - adjacent an internal private road.....6 metres
 - ii) Exterior Side Yard. - adjacent an internal private road6 metres
 - iii) Interior Side Yard:
 - 3 metres on one side, 1.2 metres on the other side. Where a garage or carport is attached to the main structure on the lot, the minimum width of the interior side yard shall be 1.2 metres.
(By-law No. 03-61)
 - iv) Rear Yard3 metres
- d) Dwelling Unit Area (minimum) 65 square metres
- e) Lot Coverage (maximum) 35 percent
- f) Landscaped Open Space (minimum)..... 40 percent
- g) Height of Building (maximum)5 metres

5.11.4 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.11.5 Exception Provisions - Mobile Home Residential (MH) Zone

5.12 RESIDENTIAL TYPE 1 (R1) ZONE

No person shall within any Residential Type 1 (R1) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.12.1 Uses Permitted**a) Residential Uses**

- Single detached dwelling house;
- Existing converted dwelling house;
- Group Home;
- Home Occupation;
- Special Care Facilities, excluding Corrections Residences and Detoxification Centre and Warming/Cooling Centres;
- Transitional Housing Unit.

(By-law No. 2016-0049)

b) Non-Residential Uses

- Park;
- Public use in accordance with the General Provisions of this By-law.

(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law.

5.12.2 Zone Provisions

- a) Lot Area (minimum) 550 square metres
- b) Lot Frontage (minimum) 18 metres
- c) Yards:
- i) Front Yard (minimum) 6 metres
- ii) Exterior Side Yard (minimum) 6 metres
- iii) Interior Side Yard:
- 3 metres on one side, 1.2 metres on the other side, plus 0.6 metres on the narrow side for each additional or partial storey above the first, provided, that where a garage or carport is attached to or is within the main building, or the lot is a corner lot, the minimum width of the interior side yard shall be 1.2 metres plus 0.6 metres for each additional or partial storey above the first. The increased side yard requirement does not apply to an attic or loft.
- (By-law No. 02-45)
- iv) Rear Yard (minimum) 7.5 metres
- d) Dwelling Unit Area (minimum) 90 square metres
- e) Landscaped Open Space (minimum) 30 percent

- f) Lot Coverage (maximum) 35 percent
- g) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- h) Number of Dwelling Houses per Lot (maximum)..... 1
- i) Height of Building (maximum)..... 10 metres
- j) Garage or Carport:
 - i) Setback from Front Lot Line (minimum).....6 metres
 - ii) Where the garage or carport contains the opening for vehicular access from a lot line other than the front lot line, the setback shall be a minimum of 6.0 metres from the lot line that the driveway crosses to access the attached garage or carport, and
 - iii) The wall of the attached garage or carport facing the public street shall not be located more than 2.0 metres closer to the front lot line than the dwelling house.
(By-law No. 03-61)

5.12.3 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.12.4 Exception Zone Provisions - Residential Type 1 (R1) Zone

5.12.4.1 Residential Type 1 Exception One (R1-1) Zone

(Part of Lots 15 and 16, Concession 7, in the Geographic Township of North Fredericksburgh)

Within the R1-1 Zone the following provisions apply:

- a) Lot Area (minimum)..... 1,390 sq. metres
- b) Lot Frontage (minimum).....22.8 metres

5.12.4.2 Residential Type 1 Exception Two (R1-2) Zone

(Part of Lot 16, Concession 6, in the Geographic Township of North Fredericksburgh)

Within the R1-2 Zone, one (1) apartment dwelling unit is permitted as a second dwelling unit provided:

- a) Lot Area (minimum)..... 1,390 sq. metres.

5.12.4.3 Residential Type 1 Exception Three (R1-3) Zone

(Part of Lot 16, Concession 1, in the Geographic Township of Richmond)

Within the R1-3 Zone, the following provision applies:

- a) Front Yard (minimum).....8 metres
- b) The maximum lot coverage shall be 35% excluding decks and porches. Porches and decks will be permitted to a maximum lot coverage of 5%.

(By-law No. 2011-39)

5.12.4.4 Residential Type 1 Exception Four (R1-4) Zone

(Part of Lot 16, Concession 1, in the Geographic Township of Richmond)

Within the R1-4 Zone, the following provisions apply:

- a) Lot Frontage (minimum).....15 metres
- b) Front Yard (minimum).....8 metres
- c) Environmental Protection Zone Setback (minimum).....10 metres
- d) The maximum lot coverage shall be 35% excluding decks and porches. Porches and decks will be permitted to a maximum lot coverage of 5%.
- e) Notwithstanding Section 4.22 c) of this By-law on lands zoned Residential Type One Exception Four (R1-4) and Residential Type Five Exception Five (R1-5) a total of four (4) model homes shall be permitted.

(By-law No. 2011-39)

5.12.4.5 Residential Type 1 Exception Five (R1-5) Zone

(Part of Lot 16, Concession 1, in the Geographic Township of Richmond)

Within the R1-5 Zone, the following provision applies:

- a) Lot Frontage (minimum).....15 metres
- b) Environmental Protection Zone Setback (minimum).....10 metres
- c) The maximum lot coverage shall be 35% excluding decks and porches. Porches and decks will be permitted to a maximum lot coverage of 5%.
- d) Notwithstanding Section 4.22 c) of this By-law on lands zoned Residential Type One Exception Four (R1-4) and Residential Type Five Exception Five (R1-5) a total of four (4) model homes shall be permitted.

(By-law No. 2011-39)

5.12.4.6 Residential Type 1 Exception Six (R1-6) Zone

Within the R1-6 Zone, the following provisions apply:

- a) Front yard: (minimum).....3.5 metres
(maximum).....8.5 metres
- b) Exterior side yard (minimum).....3.5 metres
- c) The minimum lot frontage requirements shall be calculated at the minimum front yard depth of 6 metres

5.12.4.7 Residential Type 1 Exception Seven (R1-7) Zone

(Part of Lot 22, Concession 7, in the Geographic Township of North Fredericksburgh)

Within the R1-7 Zone, the following provisions apply:

- b) Uses Permitted
Uses permitted include:
 - Two (2) dwelling units per dwelling house

(By-law No. 05-57)

5.12.4.8 Residential Type 1 Exception Eight (R1-8) Zone

(Part Lot 21, Concession 7, in the Geographic Township of North Fredericksburgh)

Within the R1-8 Zone, the following provisions apply:

- a) Lot frontage (minimum) 2 metres
(By-law No. 2014-09)

5.13 RESIDENTIAL TYPE 2 (R2) ZONE

No person shall within any Residential Type 2 (R2) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.13.1 Uses Permitted**a) Residential Uses**

- Single detached dwelling house;
- Existing converted dwelling house;
- Group Home;
- Special Care Facilities, excluding Corrections Residences, Detoxification Centres and Warming/Cooling Centres;
- Transitional Housing Unit;
- Home Occupation.

(By-law No. 2016-0049)(By-law No. 2020-0016)

b) Non-Residential Uses

- Park;
- Public use in accordance with the General Provisions of this By-law.

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law.

5.13.2 Zone Provisions

- a) Lot Area (minimum) 460 square metres
- b) Lot Frontage (minimum) 15 metres
- c) Yards:
- i) Front Yard (minimum) 6 metres
- ii) Exterior Side Yard (minimum) 6 metres
- iii) Interior Side Yard (minimum):
- 3 metres on one side, 1.2 metres on the other side, plus 0.6 metres on the narrow side for each additional or partial storey above the first, provided, that where a garage or carport is attached to or is within the main building, or the lot is a corner lot, the minimum width of the interior side yard shall be 1.2 metres plus 0.6 metres for each additional or partial storey above the first. The increased side yard requirement does not apply to an attic or loft.
- iv) Rear Yard (minimum) 7.5 metres
- d) Dwelling Unit Area (minimum) 90 square metres
- e) Landscaped Open Space (minimum) 30 percent

- f) Lot Coverage (maximum)35 percent
- g) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law.
- h) Number of Dwelling Houses per Lot (maximum)..... 1
- i) Height of Building (maximum)..... 10 metres
- j) Garage or Carport:
- i) Setback from Front Lot Line (minimum)6 metres
 - ii) Where the garage or carport contains the opening for vehicular access from a lot line other than the front lot line, the setback shall be a minimum of 6.0 metres from the lot line that the driveway crosses to access the attached garage or carport, and
 - iii) The wall of the attached garage or carport facing the public street shall not be located more than 2.0 metres closer to the front lot line than the dwelling house.
- (By-law No. 03-61)

5.13.3 **General Provisions**

In accordance with Section 4, General Provisions, of this By-law.

5.13.4 **Exception Provisions - Residential Type 2 (R2) Zone**

5.13.4.1 **Residential Type 2 Exception One (R2-1) Zone**

(Part of Lot 16, Concession 1, in the Geographic Township of Richmond)

Within the R2-1 Zone, the uses permitted include a daycare centre. Daycare centre means:

A premise licenced under the Day Nurseries Act, R.S.O. 1990, as amended, that receives up to sixteen (16) children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four (24) hours, where the children are:

- under eighteen years of age in the case of a day care centre or day nursery for children with a developmental handicap; and
- under ten years of age in all other cases.

5.13.4.2 **Residential Type 2 Exception Two (R2-2) Zone**

(186 East Street, in the Geographic Town of Napanee)

Within the R2-2 Zone, the existing dwelling house may be used for a day nursery as defined herein provided the existing applicable by-law requirements and the following provisions are met:

- a) Lot Frontage (minimum) 12.2 metres
- b) Lot Area (minimum)..... 719.9 sq. metres
- c) Maximum Enrolment:
 - A day nursery shall be restricted to a maximum enrolment of twenty- four (24) children at any one time.

- d) Parking:
- One (1) parking space for every twelve (12) children enrolled or part thereof plus one (1) visitor parking space.

5.13.4.3 Residential Type 2 Exception Three (R2-3) Zone

Within the R2-3 Zone, the following provisions apply:

- a) Front Yard (minimum).....3.5 metres
 (maximum).....8.5 metres
- b) Exterior Side Yard (minimum).....3.5 metres
- c) The minimum lot frontage requirement shall be calculated at the minimum front yard depth of 6 metres.

5.13.4.4 Residential Type 2 Exception Four (R2-4) Zone

(Part of Lot 18, Concession 7, in the Geographic Township of North Fredericksburgh – Golf Course School)

Within the R2-4 Zone, the following provisions apply:

- a) Interior side yard (minimum): 3 metres on one side and 1.2 metres on the other side provided that when a garage or carport is attached to or is within the main building, the minimum width of the interior side yard shall be 1.2 metres.

(By-law No. 08-09)

5.13.4.5 Residential Type 2 Exception Five (R2-5) Zone

(Lot 16, Concession 1, Part 1 of Plan 29R-4732, in the Geographic Township of Richmond)

Within the R2-5 Zone, the following provisions apply:

- a) Setback from lands zoned Environmental Protection 6 metres
- b) Setback from the highwater mark.6 metres

(By-law No. 2014-10)

5.13.4.6 Residential Type 2 Exception Six (R2-6) Zone

(87 Palace Road in the geographic Town of Greater Napanee)

Within the R2-6 Zone, the following provisions apply:

a) Uses Permitted

Uses permitted include:

- Two (2) dwelling units per dwelling house.

- b) Parking Requirement 1.5 spaces per dwelling unit

(By-law No. 2015-31)

5.14 RESIDENTIAL TYPE 3 (R3) ZONE

No person shall within any Residential Type 3 (R3) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.14.1 Uses Permitted**a) Residential Uses**

- Existing converted dwelling house;
- Group Home;
- Special Care Facilities, excluding Corrections Residence, Detoxification Centre and Warming/Cooling Centres;
- Transitional Housing Unit;
- Home Occupation;
- Single detached dwelling house.

(By-law No. 2016-0049)(By-law No. 2020-0016)

b) Non-Residential Uses

- Park;
- Public use in accordance with the General Provisions of this By-law.

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law.

5.14.2 Zone Provisions for Single Detached Dwelling

- a) Lot Area (minimum) 370 square metres
- b) Lot Frontage (minimum) 12 metres
- c) Yards:
- i) Front Yard (minimum) 6 metres
- ii) Exterior Side Yard (minimum) 6 metres
- iii) Interior Side Yard (minimum):
- 3 metres on one side, 1.2 metres on the other side, plus 0.6 metres on the narrow side for each additional or partial storey above the first, provided, that where a garage or carport is attached to or is within the main building, or the lot is a corner lot, the minimum width of the interior side yard shall be 1.2 metres plus 0.6 metres for each additional or partial storey above the first. The increased side yard requirement does not apply to an attic or loft.
- iv) Rear Yard (minimum) 7.5 metres
- d) Dwelling Unit Area (minimum) 90 square metres
- e) Landscaped Open Space (minimum) 30 percent

- f) Lot Coverage (maximum) 35 percent
- g) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law.
- h) Number of Dwelling Houses per Lot (maximum)..... 1
- i) Height of Building (maximum)..... 10 metres
- j) Garage or Carport:
- i) Setback from Front Lot Line (minimum).....6 metres
 - ii) Where the garage or carport contains the opening for vehicular access from a lot line other than the front lot line, the setback shall be a minimum of 6.0 metres from the lot line that the driveway crosses to access the attached garage or carport, and
 - iii) The wall of the attached garage or carport facing the public street shall not be located more than 2.0 metres closer to the front lot line than the dwelling house.
(By-law No. 03-61)

5.14.3 **Zone Provisions for Linked Dwelling**

(By-law No. 03-61)
(Repealed by By-law No. 2016-0049)

5.14.4 **General Provisions**

In accordance with Section 4, General Provisions, of this By-law.

5.14.5 **Exception Provisions - Residential Type 3 (R3) Zone**

5.14.5.1 **Residential Type 3 Exception One (R3-1) Zone**

Within the R3-1 zone, the following provisions apply:

- a) Front yard: (minimum).....3.5 metres
(maximum)8.5 metres
- b) Exterior side yard (minimum)3.5 metres
- c) The minimum lot frontage requirement shall be calculated at the minimum front yard depth of 6 metres.

5.14.5.2 **Residential Type 3 Exception Two (R3-2) Zone**

(Part of Lot 18, Concession 2, in the Geographic Township of North Fredericksburgh – Golf Course School)

Within the R3-2 zone, the following provisions apply:

- a) Interior side yard (minimum): 3 metres on one side and 1.2 metres on the other side provided that when a garage or carport is attached to or is within the main building, the minimum width of the interior side yard shall be 1.2 metres.

(By-law No. 08-09)

5.15 RESIDENTIAL TYPE 4 (R4) ZONE

No person shall within any Residential Type 4 (R4) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.15.1 Uses Permitted**a) Residential Uses**

- Single detached dwelling house.
- Semi-detached dwelling house;
- Duplex dwelling house;
- Existing converted dwelling house;
- Group Home;
- Special Care Facility, excluding Corrections Residence and Detoxification Centre or Warming/Cooling Centres;
- Transitional Housing Unit;
- Home Occupation.

(By-law No. 2016-0049)

b) Non-Residential Uses

- Park;
- Public use in accordance with the General Provisions of this By-law.

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law.

5.15.2 Provisions for Single Detached Dwellings

- a) Lot Area (minimum) 370 square metres
- b) Lot Frontage (minimum) 12 metres
- c) Yards:
- i) Front Yard (minimum) 6 metres
- ii) Exterior Side Yard (minimum) 6 metres
- iii) Interior Side Yard (minimum) 1.2 metres
- (By-law No. 03-61) (By-law No. 06-53)
- iv) Rear yard (minimum) 7.5 metres
- d) Dwelling Unit Area (minimum) 90 sq. metres
- e) Landscaped Open Space (minimum) 30 percent
- f) Lot Coverage (maximum) 35 percent

- g) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law.
- h) Number of Dwelling Houses per Lot..... 1
- i) Height of Building (maximum) 10 metres
- j) Garage or Carport:
- i) Setback from Front Lot Line (minimum).....6 metres
 - ii) Where the garage or carport contains the opening for vehicular access from a lot line other than the front lot line, the setback shall be a minimum of 6.0 metres from the lot line that the driveway crosses to access the attached garage or carport, and
 - iii) The wall of the attached garage or carport facing the public street shall not be located more than 2.0 metres closer to the front lot line than the dwellinghouse.
(By-law No. 03-61)

5.15.3 **Zone Provisions for Linked Dwelling**

(By-law No. 03-61)
(Repealed by By-law No. 2016-0049)

5.15.4 **Provisions for Semi-Detached and Duplex Dwellings**

- a) Lot Area (minimum):
- i) Semi-detached dwelling house550 sq. metres per dwelling house
 - ii) Semi-detached dwelling unit.....270 sq. metres per dwelling unit
 - iii) Duplex dwelling house 550 sq. metres
- b) Lot Frontage (minimum):
- i) Semi-detached dwelling house 18 metres per dwelling house
 - ii) Semi-detached dwelling unit..... 8.5 metres per dwelling unit
 - iii) Duplex dwelling house. 18 metres
- c) Yards:
- i) Front Yard (minimum)..... 6.0 metres
 - ii) Exterior Side Yard (minimum).....6.0 metres
 - iii) Interior Side Yard (minimum):_
 - Semi-detached dwelling house:
3 metres for the side that is not attached provided that where a garage or carport is attached to or is within the main building, the minimum width of the interior side yard shall be 1.2 metres plus 0.6 metres for each additional or partial storey above the first.
 - Duplex dwelling house:
metres on one side and 1.8 metres on the other side where there is no attached private garage or carport, plus 0.6 metres on the narrow side for each additional or partial storey above the second. Where a garage or carport is attached to or is within the main building, or the lot is a corner lot, the minimum width of the interior side yard shall be 1.8 metres plus 0.6 metres for each additional or partial storey above the second.

- iv) Rear Yard (minimum)7.5 metres
 - d) Landscaped Open Space..... 30 percent
 - e) Lot Coverage (maximum)..... 35 percent
 - f) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
 - g) Number of Dwelling Houses per Lot (maximum)..... 1
 - h) Number of Dwelling Units per Lot (maximum)..... 2
 - i) Height of Building (maximum)..... 10 metres
 - j) Garage or Carport:
 - i) Setback from Front Lot Line (minimum).....6 metres
 - ii) Where the garage or carport contains the opening for vehicular access from a lot line other than the front lot line, the setback shall be a minimum of 6.0 metres from the lot line that the driveway crosses to access the attached garage or carport, and
 - iii) The wall of the attached garage or carport facing the public street shall not be located more than 2.0 metres closer to the front lot line than the dwelling house.
- (By-law No. 03-61)(By-law No. 2020-0016)

5.15.5 General Provisions

All provisions of Section 4, General Provisions, of this By-law.

5.15.6 Exception Provisions - Residential Type 4 (R4) Zone

5.15.6.1 Residential Type 4 Exception One (R4-1) Zone

(164 John Street, in the Geographic Town of Napanee)

Within the R4-1 Zone the uses permitted include an office on the main or first floor provided:

- a) Residential uses are restricted to one (1) dwelling unit.
- b) The zone provisions for a duplex dwelling house apply.
- c) Office Parking (minimum)..... 1 space
- d) Loading Spaces (minimum)..... 0

5.15.6.2 Residential Type 4 Exception Two (R4-2) Zone

(174 Centre Street North, in the Geographic Town of Napanee)

Within the R4-2 Zone the existing residence may also be used to accommodate a home for Domestic Assault victims.

5.15.6.3 Residential Type 4 Exception Three (R4-3) Zone

(28 John Street, described as Part 1 of Plan of Survey 29R-2741, in the Geographic Town of Napanee)

Within the R4-3 Zone the uses permitted are restricted to:

- a tavern, and
- public uses in accordance with the General Provisions of this By-law.

The tavern is:

- restricted to the building and associated yards at the date of by-law adoption, and
- the provisions which apply to the tavern use are the same as for an eating establishment.

(By-law No. 03-61)

5.15.6.4 Residential Type 4 Exception Four (R4-4) Zone

(258 Centre Street, in the Geographic Town of Napanee)

Within the R4-4 Zone, the following provisions apply:

i) Uses permitted are restricted to:

- a single detached dwelling house,
- group home;
- home occupation;
- public use;
- medical clinic;
- Special Care Facility excluding Corrections Residence or Detoxification Centre or Warming/Cooling Centres;
- Transitional Housing Unit.

(By-law No. 2016-0049)(By-law No. 2020-0016)

ii) Medical Clinic Limitations:

- Within the R4-4 zone the medical clinic is restricted to four (4) practitioners plus staff and excludes a coffee shop, x-ray and minor operating rooms.

(By-law No. 04-34)

5.15.6.5 Residential Type 4 Exception Five (R4-5) Zone

(Bridge and Robinson Streets (southwest corner), in the Geographic Town of Napanee)

Within the R4-5 Zone the uses permitted include the catering for special occasions, luncheons, receptions, and ancillary office use, provided:

- a) The catering and ancillary office use are restricted to the ground floor (main floor) of the dwelling; and
- b) Parking is restricted to the exterior side and rear yard and shall be no closer than one (1) metre to any lot line, and 1.5 metres to any lot line abutting a residential use.

5.15.6.6 Residential Type 4 Exception Six (R4-6) Zone

(Part of Lot 16, Concession 1, in the Geographic Township of Richmond)

Within the R4-6 Zone the following provisions apply:

Single Unit Dwelling House:

- a) Lot Area (minimum) 440 sq. metres
 b) Lot Frontage (minimum) 13.7 metres
 c) Yards (minimum):
 Front 8 metres
 Exterior Side 6 metres
 d) Environmental Protection Zone Setback (minimum) 10 metres
 e) Lot Coverage (maximum) 38%
 f) Uncovered decks are permitted to exceed the maximum lot coverage by up to 5%.
 (By-law 2016-0049)

5.15.6.7 Residential Type 4 Exception Seven (R4-7) Zone

(Part of Lot 16, Concession 1, in the Geographic Township of Richmond)

Within the R4-7 Zone, the following provisions apply:

Semi Detached Dwelling:

- a) Lot Area (minimum):
 •S
 emi detached dwelling house 650 sq. metres
 •S
 emi detached dwelling unit 320 sq. metres
 b) Lot Frontage (minimum):
 • Semi detached dwelling house 27.4 metres
 • Semi detached dwelling unit 13.4 metres
 c) Environmental Protection Zone Setback (minimum) 10 metres

Single Detached Dwelling:

- a) Lot Coverage (maximum) 38%
 b) Uncovered decks are permitted to exceed the maximum lot coverage by up to 5%
 (By-law 2016-0049)

5.15.6.8 Residential Type 4 Exception Eight (R4-8) Zone

(117 123 Dundas Street, in the Geographic Town of Napanee)

Within the R4-8 Zone, the uses permitted include:

- funeral home;
- accessory dwelling unit to a funeral home;
- accessory structures for the storage of vehicles and equipment for the funeral home.

- Interior side yard between properties within the R4-8 Zone..... 0
- Rear yard between properties within the R4-8 Zone 0
(By-law No. 2016-0049)

5.15.6.9 **Residential Type Four Exception Nine (R4-9) Zone - Offices of Medical Professionals**

Within the R4-9 Zone, the premises may be used for the offices of a medical professional such as a doctor, dentist, osteopath, optometrist, occupational therapist, or drugless practitioner.

5.15.6.10 **Residential Type 4 Exception Ten (R4-10) Zone**

Within the R4-10 Zone, the following provisions apply:

Single detached dwelling house

(By-law No. 2016-0049)

- a) Front Yard (minimum).....3.5 metres
- b) Front Yard (maximum)..... 8.5. metres
- c) Exterior Side Yard (minimum)3.5 metres
- d) The minimum lot frontage requirement shall be calculated at the minimum front yard depth of 6 metres.

Semi detached dwelling house and duplex dwelling house

- a) Front Yard (minimum).....3.5 metres
- b) Front Yard (maximum)..... 8.5. metres
- c) Exterior Side Yard (minimum)3.5 metres
- d) The minimum lot frontage requirement shall be calculated at the minimum front yard depth of 6 metres.

5.15.6.11 **Residential Type Four Exception Eleven (R4-11) Zone**

(Part of Lot 22, Consession 3, Camden Road, in the Geographic Town of Napanee)

Within the R4-11 Zone the following additional use is permitted:

- i) Permitted Additional Use
 - a fourplex dwelling house provided the provisions contained herein are complied with:
- ii) Fourplex Provisions
 - Lot area (minimum) 1900 square metres
 - Lot frontage (minimum)46 metres
 - The lands zoned R4-11 shall be treated as a single lot for zoning purposes with respect to the use of the lands for a quadruplex dwelling house.
 - Subject to the provision below, all other provisions of the R5 zone shall apply.
- iii) Prohibition of buildings or structures.
 - No building or structure shall be constructed on lands described as Part 4 on Plan of Survey numbered Plan 29R-7402 as deposited in the Land Registry Office for the County of Lennox and Addington.

(By-law No. 03-61)

5.15.6.12 Residential Type 4 Exception Twelve (R4-12) Zone

(148 Thomas Street West, Lot 34, Registered Plan 82, in the Geographic Town of Napanee)

Within the R4-12 Zone, the following provisions apply:

- i.) Residential Uses include a triplex
- ii.) Triplex Dwelling House Provisions
- Lot area (minimum)..... 740 sq. metres
 - Lot frontage (minimum).....20 metres
 - Yards
 - Front Yard (minimum).....7.5 metres
 - Interior Side Yard (minimum):
 - 5 metres on one side, and 1.8 metres on the other side where there is not attached garage or carport, plus 0.6 metres on the narrow side for each additional or partial storey above the second, provided that where a garage or carport is attached to or is within the main building, or the lot is a corner lot, the minimum width of the interior side yard shall be 1.8 metres plus 0.6 metres for each additional or partial storey above the second.
 - Deficiencies to the existing interior side yard on the date of adoption of this By-law shall not be further reduced.
 - Rear Yard (minimum).....7.5 metres
 - Dwelling Unit area (minimum) 66 square metres per dwelling unit
 - Landscaped Open Space (minimum)..... 30 percent
 - Lot Coverage (maximum) 35 percent
 - Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
 - Number of Dwelling Houses Per Lot (maximum) 1
 - Number of Dwelling Units Per Lot (maximum)..... 3
 - Height of Building (maximum) 10 metres

Garage or Carport:

- i) Setback from Front Lot Line (minimum).....6 metres
- ii) Where the garage or carport contains the opening for vehicular access from a lot line other than the front lot line, the setback shall be a minimum of 6.0 metres from the lot line that the driveway crosses to access the garage or carport, and
- iii) The wall of the attached garage or carport facing the public street shall not be located more than 2.0 metres closer to the front lot line than the dwelling house.

(By-law No. 03-02)

5.15.6.13 Residential Type Four Exception Thirteen (R4-13) Zone

(Part of Lots 1, 2 and 11, and part of Kent Street (Clarksville), in the Geographic Town of Napanee)

Within the R4-13 Zone, the following provisions apply:

- i) Setback from EP zone..... 7.5 metres

(By-law No. 05-25)

5.15.6.14 Residential Type 4 Exception Fourteen (R4-14) Zone

(Part of Lot 18, Concession 2, in the Geographic Township of Richmond)

Within the R4-14 Zone, the following provisions apply:

Semi-Detached Dwelling

a) Lot Area (minimum)

Semi-detached dwelling house..... 465 sq metres

Semi-detached dwelling unit..... 230 sq metres

b) Lot Frontage (minimum)

Semi-detached dwelling house..... 15.2 metres

Semi-detached dwelling unit..... 7.5 metres

c) Yards:

Interior Side Yard for Semi-detached dwelling house:

3 metres for the side that is not attached provided that where a garage or carport is attached to or is within the main building, the minimum width of the interior side yard shall be 1.2 metres.

(By-Law No. 07-03)

d) "H" Removal – Removed

(By-law No. 2011-27)

5.15.6.15 Residential Type Four Exception Fifteen (R4-15) Zone

(Part of Lot 21, Concession 1, known as 138 Robinson Street, in the Town of Greater Napanee)

Within the R4-15 Zone, the following applies:

- a) Number of Storeys (minimum).....2
(By-law No. 08-28)

5.15.6.16 Residential Type Four Exception Sixteen (R4-16) Zone

(Part of Lots 34 and 35, Registered Plan 82, known as 81 Donald Street, in the Geographic Town of Napanee)

Within the R4-16 Zone, the following provisions apply:

a) Uses Permitted

Uses permitted are restricted to:

- Uses listed in the Residential Type 4 Zone;
- An apartment dwelling house containing a maximum of six (6) dwelling units.

- b) The apartment dwelling house shall be developed in accordance with the zone provisions for the R6 zone provided:

i) Maximum number of dwelling units permitted..... 6

ii) Maximum Height 13 metres

(By-law No. 2008-60)

5.15.6.17 Residential Type Four Exception Seventeen (R4-17) Zone

(Lot 33, Registered Plan 82, along Mill Street, in the Geographic Town of Napanee)

Within the R4-17 Zone, the following provisions apply:

- a) Uses Permitted
 Uses permitted are restricted to:
- Uses listed in the Residential Type 4 Zone,
 - A dwelling house containing a maximum of four (4) dwelling units.
- b) The four unit dwelling house shall be developed in accordance with the zone provisions for a duplex dwelling house:
- i) Maximum number of dwelling units permitted..... 4
 - ii) Minimum dwelling unit area. 70 square metres
- (By-law No. 2011-70)

5.15.6.18 Residential Type Four Exception Eighteen (R4-18) Zone

Part of Lots 15 & 16, Concession 1, Geographic Township of Richmond, Town of Greater Napanee

Within the R4-18 Zone, the following provisions apply:

Semi Detached Dwelling:

Lot Area (minimum):

- a) Semi detached dwelling house 650 sq. metres
 - i. Semi detached dwelling unit 320 sq. metres
- b) Lot Frontage (minimum):
 - ii. Semi detached dwelling house 27.4 metres
 - iii. Semi detached dwelling unit 13.4 metres
- c) Environmental Protection Zone Setback (minimum) 10 metres

Single Detached Dwelling:

- a) Yards:
 - i. Front (minimum, for lots fronting onto Cherrywood Parkway).....8 metres
- b) Lot Coverage (maximum) 38%
- c) Uncovered decks are permitted to exceed the maximum lot coverage by up to 5%

5.16 RESIDENTIAL TYPE 5 (R5) ZONE

No person shall within any Residential Type 5 (R5) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.16.1 Uses Permitted**a) Residential Uses**

- Boarding or lodging house;
- Converted dwelling house;
- Fourplex dwelling house;
- Group Home;
- Home Occupation in a Streetfront or a Row dwelling house;
- Row dwelling house;
- Streetfront dwelling house;
- Stacked dwelling house;
- Triplex dwelling house;
- Apartment dwelling house existing at the date of adoption of this by-law;
- Special Care Facilities, excluding Corrections Residence, Detoxification Centre and Warming/Cooling Centres;
- Transitional Housing Unit.

(By-law No. 03-61)(By-law No. 2013-40)(By-law No. 2018-0005)(By-law No. 2020-0016)

b) Non-Residential Uses

- Park;
- Public use in accordance with the General Provisions of this By-law.

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law.

5.16.2 Triplex Dwelling House

- a) Lot Area (minimum)..... 740 square metres
- b) Lot Frontage (minimum)20 metres
- c) Yards:
- i) Front Yard (minimum)7.5 metres
 - ii) Exterior Side Yard (minimum).....6 metres
 - iii) Interior Side Yard (minimum):
 - 5 metres on one side, and 1.8 metres on the other side where there is no attached private garage or carport, plus 0.6 metres on the narrow side for each additional or partial storey above the second, provided that where a garage or carport is attached to or is within the main building, or the lot is a corner lot, the minimum width of the interior side yard shall be 1.8 metres plus 0.6 metres for each additional or partial storey above the second.

- iv) Rear Yard (minimum)7.5 metres
- d) Landscaped Open Space (minimum)..... 30 percent
- e) Lot Coverage (maximum)..... 35 percent
- f) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- g) Number of Dwelling Houses per Lot (maximum)..... 1
- h) Number of Dwelling Units per Lot (maximum)..... 3
- i) Height of Building (maximum)10 metres
- j) Garage or Carport:
 - i) Setback from Front Lot Line (minimum)6 metres
 - ii) Where the attached garage or carport contains the opening for vehicular access from a lot line other than a front lot line, the setback shall be a minimum of 6.0 metres from the lot line that the driveway crosses to access the attached garage or carport; and
 - iii) The wall of the attached garage or carport facing the public street shall not be located more than 2.0 metres closer to the front lot line than the dwelling house.
(By-law No. 03-61)(By-law No. 2020-0016)

5.16.3 **Fourplex Dwelling House**

- a) Lot Area (minimum)..... 930 square metres
- b) Lot Frontage (minimum)30 metres
- c) Yards:
 - i) Front Yard: (minimum)7.5 metres
 - ii) Exterior Side Yard (minimum).....6 metres
 - iii) Interior Side Yard:
 - 5 metres on one side, and 2.0 metres on the other side plus 0.6 metres on the narrow side for each additional or partial storey above the third, provided that where a garage and/or carport is attached to and/or is within the main building or the lot is a corner lot, the minimum width of the interior side yard or yards shall be 2.0 metres plus 0.6 metres for each additional or partial storey above the third.
 - iv) Rear Yard (minimum)7.5 metres
- d) Landscaped Open Space (minimum)..... 35 percent
- e) Lot Coverage (maximum)..... 35 percent
- f) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- g) Number of Dwelling Houses Per Lot (maximum) 1

- h) Height of Building (maximum) 12 metres
- i) Garage or Carport:
- i) Setback from Front Lot Line (minimum) 6 metres
 - ii) Where the attached garage or carport contains the opening for vehicular access from a lot line other than a front lot line, the setback shall be a minimum of 6.0 metres from the lot line that the driveway crosses to access the attached garage or carport; and
 - iii) The wall of the attached garage or carport facing the public street shall not be located more than 2.0 metres closer to the front lot line than the dwelling house.
(By-law No. 03-61)(By-law No. 2020-0016)

5.16.4 **Boarding or Lodging Dwelling House**

- a) Lot Area (minimum) 650 square metres
- b) Lot Frontage (minimum) 21 metres
- c) Yards:
- i) Front Yard: (minimum) 7.5 metres
 - ii) Exterior Side Yard (minimum) 6 metres
 - iii) Interior Side Yard:
 - 5 metres on one side, and 2.0 metres on the other side plus 0.6 metres on the narrow side for each additional or partial storey above the third, provided that where a garage and/or carport is attached to and/or is within the main building or the lot is a corner lot, the minimum width of the interior side yard or yards shall be 2.0 metres plus 0.6 metres for each additional or partial storey above the third.
 - iv) Rear Yard (minimum) 7.5 metres
- d) Landscaped Open Space (minimum) 30 percent
- e) Lot Coverage (maximum) 35 percent
- f) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- g) Number of Dwelling Houses per Lot (maximum) 1
- h) Number of Guest Rooms per Lot (maximum) 4
- i) Height of Building (maximum) 10 metres
- j) Garage or Carport:
- i) Setback from Front Lot Line (minimum) 6 metres
 - ii) Where the attached garage or carport contains the opening for vehicular access from a lot line other than a front lot line, the setback shall be a minimum of 6.0 metres

from the lot line that the driveway crosses to access the attached garage or carport;
and

- iii) The wall of the attached garage or carport facing the public street shall not be located more than 2.0 metres closer to the front lot line than the dwelling house.

(By-law No. 03-61)(By-law No. 2020-0016)

5.16.5 Streetfront Dwelling Houses, Stacked Dwelling Houses or Row/Cluster Dwelling Houses

- a) Lot Area (minimum):
- i) Where the dwelling unit has only one wall attached to an adjoining unit and the lot is not a corner lot 240 sq. metres
 - ii) Where a dwelling unit has two walls attached to adjoining units 190 sq. metres
 - iii) Where the dwelling unit has only one wall attached to an adjoining unit and the lot is a corner lot 300 sq. metres
- b) Lot Frontage (minimum):
- i) Row/cluster dwelling house 15 metres
 - ii) Where a streetfront dwelling unit or stacked dwelling house unit has only one wall attached to an adjoining unit and the lot is a corner lot 10 metres
 - iii) All other streetfront dwelling houses or stacked dwelling house units 6 metres
(By-law No. 2016-0049)
- c) Yards (minimum):
- i) Front Yard 3.5 metres
 - ii) Exterior Side Yard 4 metres
 - iii) Interior Side Yard 1.8 metres
 - iv) Rear Yard 7.5 metres
- d) Maximum number of streetfront, stacked or row/cluster dwelling houses having common walls:
- Three (3) or more dwelling units but not exceeding six (6) dwelling units may be erected having common walls.
(By-law No. 2016-0049)
- e) Landscaped Open Space (minimum) 35 percent
- f) Lot Coverage (maximum) 40 percent
- g) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law.
- h) Number of Dwelling Houses per Lot (maximum) 1
- i) Number of Dwelling Units per Row or Stacked Dwelling House (maximum) 8
(By-law No. 06-53)(By-law No. 2016-0049)
- j) Height of Building (maximum) 10 metres
- k) Garage or Carport

- i) Setback from Front Lot Line (minimum)6 metres
- ii) Where the attached garage or carport contains the opening for vehicular access from a lot line other than a front lot line, the setback shall be a minimum of 6.0 metres from the lot line that the driveway crosses to access the attached garage or carport; and
- iii) The wall of the attached garage or carport facing the public street shall not be located more than 2.0 metres closer to the front lot line than the dwelling house.

(By-law No. 3-61)(By-law 2020-0016)

5.16.6 Apartment Dwelling House

Zoning provision shall be as for an apartment dwelling house in the R6 (Residential Type 6) Zone.
(By-law No. 03-61)

5.16.7 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.16.8 Exception Provisions - Residential Type 5 (R5) Zone

5.16.8.1 Residential Type 5 Exception One (R5-1) Zone

(Part of Lot 18, Concession 1 in the Geographic Township of Richmond)

Within the R5-1 Zone, the following provisions shall apply:

- a) Within the R5-1 Zone, the uses permitted are restricted to:
 - an apartment dwelling house;
 - a fiveplex dwelling house;
 - a street front dwelling house;
 - row or cluster dwelling house.
- b) Dwelling Units (maximum) 5
- c) Interior Side Yard (minimum)5 metres

5.16.8.2 Residential Type 5 Exception Two (R5-2) Zone

Within the R5-2 Zone, the following provisions shall apply:

- a) Triplex dwelling house:
 - i) Front yard: (minimum)3.5 metres
(maximum)8.5 metres
 - ii) Exterior side yard (minimum)3.5 metres
 - iii) The minimum lot frontage requirement shall be calculated at the minimum front yard depth of 6 metres.
- b) Fourplex dwelling house:
 - i) Front yard: (minimum)3.5 metres
(maximum)8.5 metres
 - ii) Exterior side yard (minimum)3.5 metres
 - iii) The minimum lot frontage requirement shall be calculated at the minimum front yard depth of 6 metres

- c) Boarding or lodging house and converted dwelling house:
- i) Front yard: (minimum).....3.5 metres
(maximum)8.5 metres
 - ii) Exterior side yard (minimum).....3.5 metres
 - iii) The minimum lot frontage requirement shall be calculated at the minimum front yard depth of 6 metres
- d) Streetfront or row dwelling house:
- i) Front yard: (minimum).....3.5 metres
(maximum)8.5 metres
 - ii) Exterior side yard (minimum).....3.5 metres
 - iii) The minimum lot frontage requirement shall be calculated at the minimum front yard depth of 6 metres

5.16.8.3 Residential Type 5 Exception Three (R5-3) Zone

(259 Thomas Street West, in the Geographic Town of Napanee and Township of Richmond)

Within the R5-3 Zone, the following provisions apply:

- a) Uses permitted are restricted to:
 - a dwelling house, existing at the date of adoption of this by-law;
 - public use.
- b) Number of dwelling units (maximum).....5
- c) Parking spaces (minimum)... those existing at the date of adoption of this by-law.
- d) Yard provisions shall be the lesser of:
 - the minimum yard requirement for a fourplex dwelling house,
 - the distance between the lot lines and the existing dwelling house as at the date this by-law is passed.

(By-law No. 04-47)

5.16.8.4 Residential Type 5 Exception Four (R5-4) Zone

(64 Centre Street, Part of Lot 17, Concession 2, in the Geographic Township of North Fredericksburgh)

Within the R5-4 Zone, the following provisions apply:

- a) Building Setbacks:
 - i) 10 metres (minimum) from drainage ditch on southwest portion of site.
 - ii) 15 metres (minimum) from the Highwater Mark of the watercourse on site.

(By-law No. 06-27)

5.16.8.5 Residential Type 5 Exception Five (R5-5) Zone

(Part of Park lots 6 & 7, East side of Camden Road, in the Geographic Town of Napanee)

Within the R5-5 Zone, the following provision apply:

- a) Lot area (minimum)590 sq. metre
- b) Interior side yard (minimum).....4.5 metres
- c) Setback from Street Centreline (minimum).....17.5 metres

d) Ingress and Egress:

- Access may be by way of a mutual driveway.
- The minimum distance between an interior side lot line and any driveway is 0.0 metres.

(By-law No. 05-14)

5.16.8.6 Residential Type 5 Exception Six (R5-6) Zone

(Part of Park Lots 5, 6, 14, and 15, in the Geographic Town of Napanee)

Within the R5-6 Zone, the following provisions apply:

a) Uses Permitted

Residential Uses permitted are restricted to:

- Row and cluster dwelling house;
- Streetfront dwelling house;
- Home occupation.

b) Interior side yard (minimum)... 6 metres

c) Dwelling houses per lot (maximum)... 4

(By-law No. 06-36)

5.16.8.7 Residential Type 5 Exception Seven (R5-7) Zone

(Part of Lot 16, Concession 1, in the Geographic Township of Richmond)

Within the R5-7 Zone, the following provisions apply:

Zone Provisions

a) Building Setbacks: 5 metre (minimum) from the floodplain of the watercourse on site.

(By-law No. 06-45)

5.16.8.8 Residential Type 5 Exception Eight (R5-8) Zone

(Part of Lot 18, Concession 2, in the Geographic Township of Richmond)

Within the R5-8 Zone, the following provisions apply:

a) Street front Dwelling Houses

Interior side yard (minimum)... 1.2 metres.

(By-law No. 07-03)

5.16.8.9 Residential Type 5 Exception Nine (R5-9) Zone

(259 Isabella Street, in the Town of Greater Napanee)

Within the R5-9 Zone, the following provisions apply:

a) Uses Permitted

Uses permitted also include:

- Uses permitted in the Residential Type 5 (R5) zone;
- A 5 unit dwelling house.

b) Provisions

i) The maximum number of dwelling units permitted per dwelling house 5

ii) Dwelling Unit Area (minimum)

a) One bedroom unit.....	42 square metres
b) Two bedroom unit	65 square metres
iii) Front Yard (minimum).....	6.5 metres
iv) Rear Yard (minimum).....	6.5 metres
v) Exterior Side Yard (minimum)	3 metres
vi) Lot coverage (maximum).....	38%
vii) Landscape Open Space (minimum).....	30%
viii) "H" removal	In accordance with the general provisions and when confirmation is received from Ministry of the Environment as to the approved site remediation.

(By-law No. 07-16)

5.16.8.10 Residential Type 5 Exception Ten (R5-10) Zone

(Part of Lot 18, Concession 2, in the Geographic Township of North Fredericksburgh – Golf Course School)

Within the R5-10 Zone, the following provisions apply:

- a) Street front Dwelling Houses
Interior Side Yard (minimum)..... 1.2 metres
(By-law No. 08-09)

5.16.8.11 Residential Type 5 Exception Eleven (R5-11) Zone

(Part of Park Lot 15, in the Geographic Town of Napanee)

Within the R5-11 Zone, the following provisions apply:

- a) Uses Permitted
Residential uses are restricted to:
- Row or cluster dwelling house;
 - Streetfront dwelling house.
- b) Front Yard (minimum)..... 6 metres
- c) Number of dwelling units permitted per row dwelling house (maximum)..... 4
(By-Law No. 08-16)

5.16.8.12 Residential Type 5 Exception Twelve (R5-12) Zone

(291 Newburgh Road, Part 3 of Plan 29R-5981, in the Geographic Town of Napanee)

Within the R5-12 Zone, the following provisions apply:

- a) Uses Permitted
Uses permitted include:
- Two (2) four unit dwelling houses.
- (By-Law No. 10-48)

5.16.8.13 Residential Type 5 Exception Thirteen (R5-13) Zone

(South-east corner of Baker and Robinson Streets, in the Geographic Township of Richmond,

now Town of Greater Napanee)

Within the R5-13 Zone, the following provisions apply:

- a) Uses permitted are restricted to:
- Four unit dwelling houses;
 - Home occupation;
 - Row dwelling houses;
 - Streetfront dwelling house;
 - A public use in accordance with the General Provisions of the by-law.
- b) Zone Provisions:
- Yards (minimum)
 - Rear (minimum)..... 1.8 metres
 - 1:100 year floodplain
 - Setback minimum. 6 metres
 - Number of dwelling houses (maximum)4
 - Number of dwelling units (maximum). 12
(By-law No. 2012-54)
- c) “H” Removal – Removed. (By-law No. 2013-033)

5.16.8.14 Residential Type 5 Exception Fourteen (R5-14) Zone

(159 John Street, Parts 2 and 3 of Plan 29R-4498, in the Geographic Town of Napanee)

Within the R5-14 Zone, the following provisions apply:

- a) Number of dwelling units (maximum). 4
- b) Lot Area (minimum)..... 775 sq metres
- c) Lot frontage (minimum). 18 metres
- d) Yards (minimum)
- i) Front..... 1.3 metres
 - ii) Interior Side.3 metres on one side and 0.6 metres on the other side
- e) Landscaped Open Space (minimum)..... 10%
- f) Lot Coverage (maximum)..... 60%
(By-law No. 2013-14)

5.16.8.15 Residential Type 5 Exception Fifteen (R5-15) Zone

(Part of Lot 17, Concession 1, in the Geographic Township of Richmond; located on the north side of County Road 2 and described as Parts 2, 3 & 4 on Plan of Survey 29R-3336)

Within the R5-15 Zone, the following provisions apply:

- a) Uses Permitted
- Uses permitted are restricted to:
- Row dwelling house;
 - Streetfront dwelling house;
 - Group home;
 - Home occupation prohibited;

- Park;
 - Public use in accordance with the general provisions of the by-law.
- b) Number of dwelling houses per lot (maximum) 4
- c) Number of dwelling units (maximum)..... 16
- d) Interior side yard (minimum)..... 5 metres
- e) Rear yard (minimum)..... 5 metres
- f) Setback of all development from intermittent (seasonal) stream 6.1 metres
(By-law No. 2014-73)

5.16.8.16 Residential Type 5 Exception Sixteen (R5-16) Zone

(Part of Lots 16-17, Concession 1, Geographic Township of Richmond)

Notwithstanding any other provisions of the by-law to the contrary, within the R5-16 Zone, the following provisions apply:

a) Uses Permitted

Uses permitted are restricted to:

- Single Detached Dwelling House
- Semi-Detached dwelling house
- Row or Cluster Dwelling House
- Private Community Centre, as an accessory use to a primary residential use
- Park
- Public Use in accordance with the general provisions of the by-law
- Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, unless otherwise prescribed in the R5-16 zone.

b) Definitions:

‘**Private Community Centre**’ means a building or any part of any building intended to be used for community activities by the residents and guests of residents of a private development, whether used for commercial purposes or not.

- c) Minimum Lot Area:..... no minimum required lot area
- d) Minimum Lot Frontage: 16 metres

e) Building Setbacks

i. There are no minimum yards, but the following setbacks shall apply:

1. Minimum setback to all property lines 6 metres
2. Minimum setback to private roads...4.5 metres
3. The minimum setback between buildings shall be 4.5 metres except where the rear of buildings abut, in which case the minimum setback shall be 12 metres
4. Decks are permitted to encroach a maximum of 3.25 metres into a required setback
5. Accessory buildings or structures not including attached decks shall be permitted but may be located no closer than 1.2 metres from any lot line.

- f) Minimum Landscaped Open Space 15%

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- g) Maximum number of dwelling units per lot... 53
- h) Maximum number of dwelling houses per lot... 17
- i) Setbacks from Watercourse, Wetland and Floodplain:
 - i. No buildings or structure shall be erected within 15 metres of the Environmental Protection (EP) Zone or within 30 metres of the centreline of a watercourse, whichever is greater.
- j) Parking
 - i. Parking shall be permitted in all yards;
 - ii. Stacked or tandem parking is permitted for residential uses;
 - iii. Minimum required parking for a Private Community Centre: 16 spaces
- k) Swimming Pools
 - i. Swimming pools are permitted anywhere on the lot but shall be located no closer than 3 metres to any lot line and shall not be located within the required setback from a floodplain.

(By-law No. 2017-0056)

5.16.8.17 Residential Type 5 Exception Seventeen (R5-17) Zone

(Lots 1-101 on the lands located west of Ginger Street and East of Camden Road)

Notwithstanding the provisions of Sections 4 and 5 to the contrary, on the lands located on the west side of Ginger Street and East of Camden Road in the Town of Greater Napanee and Zoned R5-17 on Schedule 10, the following provisions shall apply:

- a) Additional Permitted Uses Single-detached Dwelling
Semi-detached Dwelling
- b) Prohibited Uses Converted dwelling house
Fourplex dwelling house
Stacked dwelling house
Triplex dwelling house
- c) Lot Area (min) All uses: Shall not apply
- d) Lot Frontage (min) Single-detached dwelling (corner lot): 11.4 metres
Single-detached dwelling (other lot): 9.1 metres
Semi-detached dwelling (corner lot): 10.8 metres
Semi-detached dwelling (other lot): 7.3 metres
Streetfront Dwelling House (corner lot): 9.6 metres
Streetfront Dwelling House (other lot): 6.1 metres
- e) Front Yard Setback (min) All Uses: 3.5m to a dwelling face
6.0m to a garage
- f) Exterior Side Yard Setback (min) All uses: 3.5m
- g) Interior Side Yard Setback (min) Single-Detached Dwelling: 0.6m on one side, 1.2m on
the other side (0.6m side yard must be adjacent
to a 1.2m side yard)
Semi-Detached Dwelling: 1.2m (except that 0 metres is
permitted along a common wall)

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Streetfront Dwelling House: 1.2m (except that 0 metres is permitted along a common wall)

- h) Rear Yard Setback (min) All uses: 7.5 metres
- i) Number of Streetfront dwelling houses in a block (max) 5
- j) Landscaped Open Space (min) 35%
- k) Lot Coverage (max) Shall not Apply
- l) Number of Dwelling Houses per lot (max) 1
- m) Sight Triangles (min) 3.5 metres x 3.5 metres
- n) Notwithstanding the provisions of Section 4.22 hereof to the contrary, model homes shall not exceed two (2) single detached dwellings and one (1) streetfront dwelling house containing a maximum of four (4) individual units per phase of the development.
- o) Notwithstanding the provisions of Section 4.24 hereof to the contrary, where a lot is divided into more than one zone, the zone boundary shall not be treated as a lot line and each portion of the lot must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provisions(s) shall apply.

5.17 RESIDENTIAL TYPE 6 (R6) ZONE

No person shall within any Residential Type 6 (R6) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.17.1 Uses Permitted**a) Residential Uses**

- Apartment Dwelling House;
- Group Home;
- Retirement Home;
- Senior Citizens' Housing Complex;
- Special Care Facilities, excluding Corrections Residence, Detoxification Centre and Warming/Cooling Centres;
- Transitional Housing Unit.

(By-law No. 2013-0040)(By-law No. 2016-0049)(By-law No.2020-0016)

b) Non-Residential Uses

- Park;
- Public use in accordance with the General Provisions of this By-law.

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law.

5.17.2 Zone Provisions**a) Lot Area (minimum):**

- | | | |
|-----|---|----------------------------------|
| i) | Apartment Dwelling House | 100 sq. metres per dwelling unit |
| ii) | Senior Citizen Housing Complex and/or Retirement Home | 90 sq. metres per dwelling unit |

b) Lot Frontage (minimum)35 metres**c) Yards (minimum):**

- | | | |
|------|---------------------|------------|
| i) | Front..... | 6.0 metres |
| ii) | Exterior Side | 6.0 metres |
| iii) | Interior Side | 3 metres |
| iv) | Rear..... | 10 metres |

d) Amenity Area:

- In accordance with the General Provisions of this By-law.

e) Landscaped Open Space 40 percent**f) Lot Coverage (maximum)35 percent**

- g) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law.
- h) Number of Dwelling Houses per Lot (maximum)..... 1
- i) Height of Building (maximum)15 metres
(By-law No. 2020-0016)

5.17.3 **General Provisions**

In accordance with Section 4, General Provisions, of this By-law.

5.17.4 **Exception Provisions - Residential Type 6 (R6) Zone**

5.17.4.1 **Residential Type 6 Exception One (R6-1) Zone**

(Clarke Avenue, in the Geographic Town of Napanee)

Within the R6-1 Zone, the uses permitted include those of the R5 Zone. The applicable provisions for the respective zone the use is listed in shall apply.

5.17.4.2 **Residential Type 6 Exception Two (R6-2) Zone**

(Palace Road, in the Geographic Town of Napanee)

Within the R6-2 Zone, the uses permitted include those of the R5 Zone. The applicable provisions for the respective zone the use is listed in shall apply.

5.17.4.3 **Residential Type 6 Exception Three (R6-3) Zone**

(Palace Road, in the Geographic Town of Napanee)

Within the R6-3 Zone, the uses permitted include those of the R5 Zone. The applicable provisions for the respective zone the use is listed in shall apply.

5.17.4.4 **Residential Type 6 Exception Four (R6-4) Zone**

(Church Street, in the Geographic Town of Napanee)

Within the R6-4 Zone, the use permitted include those of the R5 Zone. The applicable provisions for the respective zone the use is listed in shall apply.

5.17.4.5 **Residential Type 6 Exception Five (R6-5) Zone**

(Part of Lot 17, Concession 1 (Slash Road), in the Geographic Township of Richmond – as OMB approved)

Within the R6-5 Zone, the uses permitted are restricted to that of a senior citizen's dwelling house containing a maximum of 34 units or an apartment dwelling house containing a maximum of 24 units. In all other respects the provisions of the Residential Type 6 (R6) Zone apply.

5.17.4.6 **Residential Type 6 Exception Six (R6-6) Zone**

(Part of Lot 19, Concession 1, in the Geographic Township of Richmond)

Within the R6-6 Zone, the following provisions apply:

- R2 uses are subject to the provisions of the R2 Zone.
- R6 uses are subject to the following provisions:
 - i) The maximum number of dwelling units permitted is as follows:
 - Apartment Dwelling House... ..20
 - Senior Citizen Retirement home or senior citizen housing complex..... 35
 - ii) Lot coverage (maximum)..... 40%
 - iii)Landscaped open space (minimum). 30%
 - Such calculation includes lands zoned EP located on the same lot therewith.
 - iv) Parking set back from EP zone.0 metres
 - v) Building height (maximum)..... 4 storeys not to exceed 13 metres
 - vi) “H” Removal
 - In accordance with the general provisions and when confirmation is received from the Ministry Of Environment as to approved site remediation.

(By-law No. 04-81)

5.17.4.12 Residential Type 6 Exception Twelve (R6-12) Zone

(Part of Lot 17, Concession 1, in the Geographic Township of Richmond)

Within the R6-12, Zone the following provisions apply:

a) Uses Permitted

Uses permitted also include:

- Uses permitted in the Residential Type 2 (R2) zone,
- A 12 unit apartment dwelling house

b) Provisions

- R2 uses are subject to the provisions of the R2 Zone.
- R6 uses are subject to the following provisions:
 - i) The maximum number of dwelling units permitted is as follows:
 - Apartment Dwelling House... .. 12
 - ii) Lot coverage (maximum)..... 40%
 - iii)Landscaped open space (minimum). 30%
 - iv) Parking set back from EP zone.0 metres
 - v) Building height (maximum)..... 13 metres
 - vi) “H” Removal – Removed.

(By-law No. 05-56)

(By-law No. 07-20, 2013-39)

5.17.4.13 Residential Type 6 Exception Thirteen (R6-13) Zone

(64 Centre Street, Part of Lot 17, Concession 2, in the Geographic Township of North Fredericksburgh)

Within the R6-13 Zone, the following provisions apply:

Uses Permitted

a) Residential uses Permitted:

Additional residential uses permitted include:

- Senior citizen dwelling house.

- b) Frontage (minimum).....22 metres
(By-law No. 06-27)

5.17.4.14 Residential Type 6 Exception Fourteen (R6-14) Zone

140 & 160 Church Street; Part of 23 Concession 2, in the Geographic Township of Richmond

Within the R6-14 Zone the following provisions apply:

- a) Uses Permitted
The uses permitted include:
 - Uses permitted in the Residential Type 6 (R6) Zone
 - Row dwelling house
- b) Provisions
 - i) Exterior side yard (minimum).....3 metres
 - ii) Maximum number of dwelling houses per lot.....3
 - iii) Minimum width and length of parking spaces.....2.75 m by 6.0 m

5.17.4.15 Residential Type 6 Exception Fifteen (R6-15) Zone

(Block 102 on the lands located west of Ginger Street and East of Camden Road and lot 54 on Registered Plan 1175)

Notwithstanding the provisions of Sections 4 and 5 to the contrary, on the lands located on the west side of Ginger Street and East of Camden Road in the Town of Greater Napanee and Zoned R6-15 on Schedule 10, the following provisions shall apply:

- a) Lot Area (min) 83.0m² per dwelling unit
- b) Lot Frontage (min) 35.0 metres
- c) Front Yard Setback (min) 6.0 metres
- d) Exterior Side Yard Setback (min) 6.0 metres
- e) Interior Side Yard Setback (min) 3.0 metres
- f) Rear Yard Setback (min) 10.0 metres
- g) Landscaped Open Space (min) 35%
- h) Number of buildings per lot (max) 1
- i) Building Height (max) 15.0 metres
- j) Off-Street Parking Requirement (min) 1.25 spaces per dwelling unit
- k) Parking Stall dimensions (min)
 - i. Standard Parking Stall 80% of the required parking shall have a minimum stall size of 2.6 metres x 5.2 metres, with the remaining 20% having a minimum stall size of 2.7 m x 6.0 m.

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- | | | |
|------|-------------------|-------------------------|
| ii. | Accessible Spaces | 3.4 metres x 6.0 metres |
| iii. | Accessible Aisle | 1.5 metres x 6.0 metres |
- 1) Notwithstanding the provisions of Section 4.24 hereof to the contrary, where a lot is divided into more than one zone, the zone boundary shall not be treated as a lot line and each portion of the lot must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provisions(s) shall apply.

5.18 COMMUNITY FACILITY (CF) ZONE

No person shall within any Community Facility (CF) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.18.1 Uses Permitted**a) Residential Uses**

- Accessory dwelling unit;
- Accessory single detached dwelling house;
- Corrections Residence;
- Detoxification Centre;
- Warming/Cooling Centre

(By-law No. 2016-0049)(By-law No. 2020-0016)

b) Non-Residential Uses

- Ambulance station;
- Arena;
- Assembly hall and/or auditorium;
- Cemetery;
- Community centre;
- Day nursery;
- Ferry dock;
- Fire hall;
- Fraternal lodge;
- Funeral home;
- Offices restricted to those for the carrying out of public administration, offices of non-profit or charitable organizations;
- Hospital;
- Library;
- Medical clinic;
- Municipal recreation complex inclusive of administrative facilities and accessory retail such as an eating establishment and pro shop;
- Museum;
- Nursing home;
- Park;
- Place of worship;
- Police station;
- Post office;
- Private club;
- Public swimming pool;
- Public use in accordance with the General Provisions of this law;
- Retirement home;
- School;
- Water tower;
- Water treatment control plant.

(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law No. 2020-0016)

5.18.2 Zone Provisions for Residential Uses**5.18.2.1 Accessory Single Detached Dwelling Unit**

(By-law No. 2016-0049)

- a) Lot Area (minimum) 465 square metres
- b) Yards (minimum):
- i) Front6 metres
 - ii) Exterior Side.....4 metres
 - iii) Interior Side.....2 metres
 - Where the interior side lot line abuts a Residential Zone, the minimum interior side yard required shall be 6 metres.
 - iv) Rear7.5 metres
- c) Dwelling Unit Area (minimum)..... 90 square metres
- d) Landscaped Open Space..... 30 percent
- e) Lot Coverage (maximum)..... 30 percent
- f) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law.
- h) Number of Dwelling units per lot (maximum)..... 1
- i) Height of Building (maximum)..... 10 metres
- j) Separation Requirement Between Single Detached Dwelling Unit and Community Facility Use..... 15 metres

5.18.2.2 Dwelling Units in Portion of Non-Residential Building

- a) Number of dwelling units (maximum)..... 1
- b) Dwelling Unit Area (minimum):
- i) Bachelor dwelling unit..... 37 square metres
 - ii) One bedroom dwelling unit 56 sq. metres
 - iii) Two bedroom dwelling unit..... 70 sq. metres
 - iv) Three bedroom dwelling unit..... 84 sq. metres
 - v) More than three bedrooms 84 sq. metres plus 9 sq. metres for each bedroom in excess of three

5.18.2.3 Corrections Residence, Detoxification Centre and Warming/Cooling Centre

- a) Lot Area (minimum)..... 650 m²
- b) Lot Frontage (minimum)..... 20 m
- c) Yards (minimum)
- | | |
|--------------------|-------|
| Front..... | 7.5 m |
| Rear..... | 7.5 m |
| Exterior Side..... | 6 m |
| Interior Side | |
- 5 metres on one side, 2 metres on the other side, plus 0.6 metres for each additional or partial storey above the third.
- d) Landscaped Open Space (minimum)..... 30%
- e) Lot Coverage (maximum)..... 35%
- f) Setback from Street Centreline
- In accordance with the General Provisions.
- g) Height (maximum)..... 12 m
(By-law No. 2016-0049)(By-law No. 2020-0016)

5.18.4 Zone Provisions for Non-Residential Uses

- a) Lot Area (minimum)..... 0.4 ha
- b) Lot Frontage (minimum) 30 metres
- c) Yards (minimum)
- | | |
|-------------------------|-----------|
| i) Front..... | 10 metres |
| ii) Exterior Side..... | 6 metres |
| iii) Interior Side..... | 6 metres |
| iv) Rear..... | 10 metres |
- d) Landscaped Open Space..... 30 percent
- e) Lot Coverage (maximum)..... 30 percent
- f) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law.
- g) Height of Building (maximum) 12 metres
- h) Planting Strip:
- In accordance with the General Provisions of this By-law.

5.18.5 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.18.6 Exception Provisions - Community Facility (CF) Zone**5.18.6.1 Community Facility Exception One (CF-1) Zone**

(Part of Lot 20, Concession 7 (County Yards), in the Geographic Town of Napanee)

Within the CF-1 Zone, the following provisions apply:

- a) Uses permitted include:
 - Municipal, County, Provincial, Maintenance Depot
- b) Zone Provisions for a Municipal County, Provincial Maintenance Depot shall be as per the M1 (Light Industrial) Zone.

(By-law No. 03-61)

5.18.6.2 Community Facility Exception Two (CF-2) Zone

(Part of Lots 17 & 18, Concession 1, in the Town of Napanee)

Within the CF-2 Zone the following provisions apply:

Uses Permitted:**a) Residential Uses**

- Uses permitted in the Community Facility (CF) zone
- Apartment dwelling unit(s)
- Dwelling units(s) not accessory to the non-residential use
- Residential Car Facility
- Group Home
- Retirement Home
- Senior Citizen's Housing Complex

(By-law No. 2014-35)(By-law No. 2016-42)

b) Non-Residential Uses

- Uses permitted in the Community Facility (CF) Zone;
- Bakery or bake shop;
- Bank or financial establishment;
- Brewing and/or wine making establishment;
- Business, professional or administrative office;
- Coffee Shop;
- Dental Clinic;
- Drug Store;
- Eating establishment;
- Eating establishment, drive-through;
- Fitness Centre;
- Liquor Control Board Outlet;
- Liquor Licensed premises;
- Medical Office;
- Mixed commercial/residential development;

- Outdoor café;
- Personal Service Shop;
- Pharmacy;
- Place of entertainment;
- Retail establishment;
- Tavern;
- Travel Plaza.

(By-law No. 2016-42)

c) Provisions

CF-2 uses are subject to the following provisions:

1. Dwelling Unit Size..... In accordance with Section 5.18.2.2 of the By-law.
2. Yards (minimum)

Front	10 metres
Interior Side.....	5.8 metres
Rear... ..	7.5 metres

(By-law No. 06-12)

5.18.6.3 Community Facility Exception Three (CF-3) Zone

(12 Richmond Park Drive, Part of Lot 18, Concession 1, geographic Township of Richmond)

Within the CF-3 Zone, the following provisions apply:

a) Uses Permitted

Uses permitted also include:

- Uses permitted in the Community Facility (CF) Zone
- Respite Care Facility

b) Definitions

“RESPITE CARE FACILITY” – means a building used for the provision of short-term non-emergency services for the supervised care of people of any age, in order to provide relief to their care givers. A respite care facility may include day or overnight care. A respite care facility does not include a day nursery.

(By-law No. 2016-0049)

5.19 INSTITUTIONAL (I) ZONE

No person shall within any Institutional (I) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.19.1 Uses Permitted**a) Residential Uses**

- Corrections Residence;
- Detoxification Centre;
- Warming/Cooling Centres.

(By-law No. 2016-0049)(By-law 2020-0016)

b) Non-Residential Uses

- Jail or detention centre;
- Penitentiary;
- Public use in accordance with the General Provisions of this By-law.

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law.

5.19.2 Zone Provisions for Corrections Residence, Detoxification Centre and Warming/Cooling Centre

- | | | |
|----|--|--------------------|
| a) | Lot Area (min) | 650 m ² |
| b) | Lot Frontage (min)..... | 20 m |
| c) | Yards (min) | |
| | Front..... | 7.5 m |
| | Rear..... | 7.5 m |
| | Exterior Side | 6 m |
| | Interior Side | |
| | • 5 metres on one side, 2 metres on the other side, plus 0.6 metres for each additional or partial storey above the third. | |
| d) | Landscaped Open Space (min).... | 30% |
| e) | Lot Coverage (max)..... | 35% |
| f) | Setback from Street Centreline | |
| | • In accordance with the General Provisions. | |
| g) | Height (max)..... | 12 m |
- (By-law 2016-0049)(By-law No. 2020-0016)

5.19.3 Zone Provisions For Non-Residential Uses

- a) Lot Area (minimum)..... 0.4 ha
- b) Lot Frontage (minimum)45 metres
- c) Yards (minimum):
 - i) Front..... 15 metres
 - ii) Exterior Side 10 metres
 - iii) Interior Side 10 metres
 - iv) Rear..... 15 metres
- d) Landscaped Open Space 30 percent
- e) Lot Coverage (maximum)..... 40 percent
- f) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- g) Height of Building (maximum) 14 metres
- h) Planting Strip:
 - In accordance with the General Provisions of this By-law.

5.19.4 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.19.5 Exception Provisions - Institutional (I) Zone

5.20 HAMLET COMMERCIAL (C1) ZONE

No person shall within any Hamlet Commercial (C1) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.20.1 Uses Permitted**a) Residential Uses**

- Accessory dwelling unit.

b) Non-Residential Uses

- Antique sales establishment;
- Artist studio;
- Bakery or bake shop;
- Bank or financial establishment;
- Business, professional or administrative office;
- Convenience store;
- Custom workshop;
- Day nursery;
- Dry cleaner's distribution station;
- Eating establishment;
- Flea Market;
- Fraternal lodge;
- Furniture and appliance dealer;
- Gasoline retail facility, motor vehicle dealership, motor vehicle sales used, motor vehicle service station, motor vehicle repair garage;
- Park;
- Parking lot;
- Personal service shop;
- Public use in accordance with the General Provisions of this By-law;
- Retail establishment;
- Service shop, merchandise.

(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law 2020-0016)

5.20.2 Zone Provisions for Residential Uses**a) Dwelling Unit in Portion of Non-Residential Building:**

- A maximum of one dwelling unit may be permitted over a non-residential building. In no case shall a dwelling unit be permitted in or over a motor vehicle dealership, a motor vehicle repair garage, or a motor vehicle service station.

b) Gross Floor Area per Dwelling Unit (minimum):

i)	One Bedroom Dwelling Unit	56 square metres
ii)	Two Bedroom Dwelling Unit	70 square metres
iii)	Three Bedroom Dwelling Unit	84 square metres
iv)	More Than Three Bedrooms	84 square metres plus 9 square metres for each bedroom in excess of three

5.20.3 Zone Provisions for Non-Residential Uses

- a) Lot Area (minimum) 0.5 ha
- b) Lot Frontage (minimum)30 metres
- c) Yards (minimum):
- | | | |
|------|---------------------|----------|
| i) | Front..... | 6 metres |
| ii) | Exterior Side | 6 metres |
| iii) | Interior Side | 3 metres |
| iv) | Rear..... | 6 metres |
- d) Landscaped Open Space (minimum)..... 20 percent
- e) Lot Coverage (maximum).....50 percent
- f) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law.
- g) Floor Area for Retail and Service Shop (maximum)..... 400 square metres
- h) Height of Building (maximum) 10 metres
- i) Planting Strip:
- In accordance with the General Provisions of this By-law.

5.20.4 Provisions For Outside Display and Sales Area

Lands used for the outside display and/or sales of goods and materials shall:

- Be accessory to the main use on the lot;
- Not be located closer than 3 metres to the front lot line;
- Not be located closer than 2 metres to an interior side or rear lot line where the lot line abuts a lot zoned for commercial or industrial purposes or 6.0 metres of an interior side or rear lot line where the lot line abuts a lot zoned for other than commercial or industrial purposes;
- Not exceed 50 percent lot coverage; and
- No open storage of goods and materials is permitted.

(By-law No. 03-61)

5.20.5 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.20.6 Exception Provisions - Hamlet Commercial (C1) Zone**5.20.6.1 Hamlet Commercial Exception One (C1-1) Zone**

(Lot 21, Concession 4 (Selby), in the Geographic Township of Richmond)

Within the C1-1 Zone, the permitted uses are restricted to:

- auction sales barn;
- flea market; and
- uses accessory and considered incidental and subordinate to the principle uses.

5.20.6.2 Hamlet Commercial Exception Two (C1-2) Zone

(Part of Lot 22, Concession 9, Geographic Township of Richmond)

Within the C1-2 Zone, the following provisions apply:

i) Uses Permitted

- a) Residential Uses
 - Accessory dwelling unit.
- b) Non-Residential Uses
 - Antique sales establishment;
 - Artist studio;
 - Auction outlet;
 - Bakery or bake shop;
 - Bank or financial establishment;
 - Business, professional or administrative office;
 - Convenience store;
 - Custom workshop;
 - Day nursery;
 - Dry cleaner's distribution station;
 - Eating establishment;
 - Flea Market;
 - Fraternal lodge;
 - Furniture and appliance dealer;
 - Parking lot;
 - Personal service shop;
 - Public use in accordance with the General Provisions of this By-law;
 - Retail establishment;
 - Service shop, merchandise.

(By-law No. 2016-0049)

ii) Definition

Within the C1-2 zone the following definition applies:

“AUCTION OUTLET” means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale to the general public by an auctioneer but does not include a livestock auction sales barn.

(By-law No. 03-03)

5.20.6.3 Hamlet Commercial Exception Three (C1-3) Zone

(Part of Lot 21, Concession 9, in the Geographic Township of Richmond)

Provisions for Non-Residential Uses

- a) Lot Area (minimum)..... 0.16 ha
(By-law No. 06-21)

5.21 ARTERIAL COMMERCIAL (C2) ZONE

No person shall within any Arterial Commercial (C2) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.21.1 Uses Permitted**a) Residential Uses**

- Accessory dwelling unit;
- Corrections Residence;
- Detoxification Centre.

(By-law No. 2016-0049)

b) Non-Residential Uses

- Arcade;
- Antique sales establishment;
- Bakery shop;
- Bank or financial institution;
- Brewing and/or winemaking establishment;
- Building supply outlet;
- Business, professional or administrative office;
- Commercial club;
- Commercial school;
- Convenience store;
- Day nursery;
- Department store;
- Drug store;
- Dry cleaners distribution station and/or plant and/or coin operated laundry;
- Eating establishment;
- Eating establishment, drive-through;
- Equipment sales and rental;
- Fire hall, police station, ambulance depot;
- Furniture and appliance dealer;
- Garden and nursery sales and supply establishment;
- Gasoline retail facility;
- Hotel and motor hotel;
- Liquor control board outlet;
- Liquor licensed premises;
- Medical or dental clinic;
- Mini storage warehouse provided the lot abuts Advance Avenue;
- Microbrewery;
- Motor vehicle repair garage;
- Motor vehicle sales new and used;
- Motor vehicle service station;
- Motor vehicle wash;

- Park;
- Parking lot;
- Place of entertainment;
- Police station;
- Post office;
- Printing establishment;
- Private club;
- Public library;
- Public use in accordance with the General Provisions of this By-law;
- Recreational vehicle and travel trailer sales and service establishment;
- Retail establishment;
- Shopping centre, not exceeding 5,000 square metres;
- Small appliance service shop;
- Taxi establishment;
- Travel plaza;
- Veterinary clinic in a wholly enclosed building; and
- Uses permitted in the Community Facility (CF) Zone, excluding Warming/Cooling Centres

(By-laws No. 02-45, 03-61) (By-law No. 2016-0049)(By-law No. 2020-0016)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law 2020-0016)

5.21.2 Zone Provisions for Corrections Residence, Detoxification Centre

- a) Lot Area (minimum).....650 m²
- b) Lot Frontage (minimum)..... 20 m
- c) Yards (minimum)
 - Front..... 7.5 m
 - Rear..... 7.5 m
 - Exterior Side 6 m
 - Interior Side
 - 5 metres on one side, 2 metres on the other side, plus 0.6 metres for each additional or partial storey above the third.
- d) Landscaped Open Space (minimum)..... 30%
- e) Lot Coverage (maximum)..... 35%
- f) Setback from Street Centreline
 - In accordance with the General Provisions.
- g) Height (maximum)..... 12 m
(By-law 2016-0049)

5.21.3 Zone Provisions for Non-Residential Uses

(By-law No. 2016-0049)

- a) Lot Area (minimum)..... 0.4 ha
- b) Lot Frontage (minimum)30 metres
- c) Yards (minimum):
- i) Front Yard 12 metres
 - ii) Exterior Side Yard..... 12 metres
 - iii) Interior Side Yard:
 - 6 metres except where the interior side lot line abuts a Residential Zone, in which case the minimum interior side yard shall be 12 metres.
 - iv) Rear Yard:
 - 6 metres except where the rear lot line abuts a residential zone, in which case the minimum rear yard shall be 12 metres.
- d) Lot Coverage (maximum)..... 30 percent
- e) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- f) Landscaped Open Space (minimum)..... 10 percent
- g) Height of Building (maximum) 15 metres
- h) Gross Leasable Area for Retail (maximum)..... 5,000 sq. metres
 - For purposes of this provision, gross leasable area shall not include floor area which is exclusively devoted to institutional, office, or residential uses.
- i) Planting Strip:
 - In accordance with the General Provisions of this By-law.

5.21.4 Dwelling Unit Portion of Non-Residential Building

- a) Dwelling Unit in Portion of Non-Residential Building:
- i) One dwelling unit may be permitted over a non-residential building.
 - ii) A dwelling unit is not permitted in or over a motor vehicle gas bar, motor vehicle repair garage, a motor vehicle sales (new and used), or a motor vehicle service centre.
- (By-law No. 2020-0016)

5.21.5 Provisions for Retail Gas Establishments

In accordance with the General Provisions of this By-law.

5.21.6 Provisions for Outside Display and Sales Area

- a) Display (By-law No. 03-61)

Lands used for the outside display and sale of goods and materials shall:

- i) Not be located closer than 7.5 metres to the front lot line;
- ii) Not be located closer than 2 metres to an interior side or rear lot line where the lot line abuts a lot zoned for commercial or industrial purposes or 6 metres of an

- interior side or rear lot line where the lot line abuts a lot zone for other than commercial or industrial purposes; and
- iii) Not exceed 10 percent lot coverage.

b) Storage

No open storage of goods or materials is permitted.

5.21.7 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.21.8 Exception Provisions - Arterial Commercial (C2) Zone

5.21.8.1 Arterial Commercial Exception One (C2-1) Zone

(Part of Lot 21, Concession 2, in the Geographic Town of Napanee)

Within the C2-1 Zone the following provisions apply:

- a) Uses Permitted
- Those listed in the C2 zone plus a Supermarket.
- b) Total ground floor area of all buildings (maximum) 13,750 square metres
- c) Supermarket Gross Leaseable Area (maximum) 6,000 square metres
- d) Uses that are subject to the ‘H’ provision.....a supermarket; all other uses exempt.
(By-law No. 04-43) (By-law No. 05-29)

5.21.8.2 Arterial Commercial Exception Two (C2-2) Zone

(North-East Corner of Industrial Boulevard and Centre Street, in the Geographic Town of Napanee)

Within the Arterial Commercial Exception Two (C2-2) Zone, the following provisions apply:

a) Permitted Uses Are Restricted To:

- Artist or photographic studio;
- Business, professional, administrative office;
- Clinic;
- Dressmaking or tailor shop;
- Dry cleaner’s and laundry distribution station;
- Financial institution;
- Hardware and building supply outlet;
- Liquor store;
- Place of entertainment;
- Post office;
- Public use in accordance with the General Provisions;
- Restaurant;
- Restaurant - take out;
- Restaurant - drive-in;
- Retail establishment;
- Service shop personal;

- Shopping centre;
- Supermarket or other food stores; and
- Taxi stand.

(By-law No. 03-61)

b) Prohibited Uses

- Department store.

c) Accessory Uses

- Uses accessory to any of the foregoing uses subject to the provisions set out below.

d) Regulatory Provisions

- | | | |
|-------|--|--------------------|
| i) | Gross Floor Area (maximum)..... | 6505 square metres |
| ii) | Supermarket and other Food Stores Aggregate
Gross Floor Area (maximum)..... | 1440 square metres |
| iii) | Non-Food Retail Stores GFA (maximum)..... | 3250 square metres |
| iv) | Gross Floor Area exclusive of Business, Professional
or Administrative Office (maximum) | 6200 square metres |
| v) | Lot Area (minimum)..... | 3 ha |
| vi) | Lot Frontage (minimum)..... | 120 metres |
| vii) | Yards (minimum): | |
| | a) Front - adjacent Centre St..... | 24 metres |
| | b) Exterior Side - adjacent Industrial Blvd | 16 metres |
| | c) Interior Side..... | 12 metres |
| | d) Rear | 20 metres |
| viii) | Lot Coverage (maximum)..... | 30 percent |
| ix) | Landscaped Open Space (minimum) | 12 percent |
| x) | Height of Building (maximum)..... | 12 metres |

e) Zone Provisions

Notwithstanding any other provisions of this By-law to the contrary, a single outdoor display and storage area is permitted and shall be located within the interior side and/or rear yard only, provided that such use is not located closer than 12 metres to the interior side lot line or within 15 metres of the rear lot line. Such use shall be ancillary to a hardware and building supply outlet and shall be limited to the sale, storage and display of lumber and garden centre products and shall not exceed 3,000 square metres in area. The outdoor display and storage area must be screened from public view by means of a planting strip and/or fenced enclosure.

f) Special Provisions for Loading Spaces

Notwithstanding any other provisions of this by-law to the contrary, two loading spaces shall be permitted with the exterior side yard provided that such spaces are not located closer than 18 metres to the exterior side lot line and provided further that such spaces are screened from public view by means of a masonry wall which provides a solid barrier no less than 1.8 metres but not

more than 6.7 metres in height. An area adjoining such masonry wall shall be used for no other purpose than a planting strip having a minimum width of 3.0 metres.

Notwithstanding Section 5.21.7.2 (d) the maximum gross floor area of all food stores shall not exceed 585 square metres, unless a food store operating in the Town of Napanee, as it existed on December 31, 1997, and having a size equal to the gross floor area in excess of 585 square metres, is relocated to this site, and provided always that the total floor area of the supermarket and other food stores shall not exceed 1,440 square metres. Relocation includes the replacement of food store gross floor area.

g) Other Provisions

In all other respects the provisions of the Arterial Commercial (C2) Zone shall apply.

5.21.8.3 Arterial Commercial Exception Three (C2-3) Zone

(North-West Corner of Industrial Boulevard and Centre Street, in the Geographic Town of Napanee)

Within the Arterial Commercial Exception Three (C2-3) Zone, the following provisions apply:

a) Permitted Uses Are Restricted To:

- Artist or photographic studio;
- Business, professional, administrative office;
- Clinic;
- Dressmaking or tailor shop;
- Dry cleaner's and laundry distribution station;
- Financial institution;
- Hardware and building supply outlet;
- Liquor store;
- Place of entertainment;
- Post office;
- Public use in accordance with the General Provisions
- Restaurant;
- Restaurant - take out;
- Restaurant - drive - in;
- Retail establishment;
- Service shop personal
- Shopping Centre;
- Supermarket or other food stores;
- Taxi stand.

(By-law No. 03-61)

b) Prohibited Uses

- Residential use

c) Accessory Use

- Uses accessory to any of the foregoing uses as set forth under paragraph (a) hereof,

subject to the provisions set out below.

d) Regulatory Provisions

- i) Gross Floor Area (maximum)..... 6040 square metres
- ii) Supermarket Gross Floor Area (maximum)..... 4200 square metres
- iii) Lot Area (minimum)..... 3 acres
- iv) Lot Frontage (minimum)80 metres
- v) Yards (minimum):
 - a) Front- adjacent Centre St..... 12 metres
 - b) Exterior Side - adjacent Industrial Blvd 12 metres
(For the C2-3 Zone, the exterior side yard shall be measured from the line separating Part 1 from Part 2 on Plan of survey 29R-7822 and for zoning purposes, Part 2 on Plan of Survey 29R-7822 shall be considered as the road referred to as Industrial Boulevard herein.)
 - c) Interior Side - adjacent Napanee Mall6 metres
 - d) Rear...20 metres
- vi) Lot Coverage (maximum)..... 30 percent
- vii) Landscaped Open Space (minimum)..... 12 percent
- viii) Height of Building (maximum) 12 metres
- ix) Setback form Street Centreline (minimum):
 - a) From Centre Street (primary arterial)28 metres
 - b) From Industrial Boulevard (secondary arterial described as Part 2 on Plan of survey 29R-7822)... 25 metres

e) Lot Definition

Notwithstanding the lot definition of this By-law, the lands zoned C2-3 shall be treated as a single lot for zoning purposes.

Notwithstanding the frontage requirements of this By-law, within the C2-3 Zone access may be provided via a road which is not maintained by the Town but for which there is an agreement on title as to maintenance.

f) Other Provisions

- i) The maximum gross floor area of all food stores shall not exceed 4650 square metres.
- ii) In all other respects the provisions of the Arterial Commercial (C2) Zone shall apply.

5.21.8.4 Arterial Commercial Exception Four (C2-4) Zone

(Part of Lot 24, Concession 3, in the Geographic Township of Richmond)

Within the C2-4 Zone the uses permitted include a casino.

Height of the principal building (maximum)28 metres

5.21.8.5 Arterial Commercial Exception Five (C2-5) Zone

(Part of Lot 22, Concession 3, in the Geographic Township of Richmond)

Within the C2-5 Zone, the maximum hotel height shall be 17 metres.

5.21.8.6 Arterial Commercial Exception Six (C2-6) Zone

(Part of Lot 20, Concession 3, in the Geographic Township of Richmond)

Within the C2-6 Zone, the uses permitted are restricted to a drive-in theatre together with uses considered incidental and subordinate thereto.

5.21.8.7 Arterial Commercial Exception Seven (C2-7) Zone

(Part of Lot 24, Concession 7, in the Geographic Township of North Fredericksburgh)

Within the C2-7 Zone, the following provisions apply:

a) Uses Permitted

Within the C2-7 zone, the uses permitted are restricted to:

- antique sales establishment;
- eating establishment;
- garden centre;
- hotel, motor hotel;
- museum;
- petting zoo;
- parking lot;
- retail uses;
- fitness centre;
- assembly hall;
- medical or dental clinic;
- business, professional or administrative offices.

b) Zone Provisions

- i) Retail establishments gross leasable area, inclusive of the garden centre and antique sales establishment (maximum)..... 2050 square metres.

c) Uses exempted from the 'H' Provisions:

The following uses within the C2-7-H zone can be developed without the need to remove the 'H':

Uses listed in the C2-7 zone except for:

- i) a hotel or motor hotel;
- ii) a garden centre;
- iii) a museum.

(By-law No. 03-54) (By-law No. 04-29)(By-law No. 16-43)

5.21.8.8 Arterial Commercial Exception Eight (C2-8) Zone

(Newburgh Road, in the Geographic Town of Napanee)

(Repealed By-law No. 06-36)

5.21.8.9 Arterial Commercial Exception Nine (C2-9) Zone

(Centre Street, in the Geographic Town of Napanee)

Within the C2-9 Zone, a retail store for the sale of furniture and appliances is permitted subject to the following:

- a) North Interior Side Yard (minimum)..... 1.2 metres
- b) Rear Yard (minimum)..... 3 metres
- c) Landscaped Open Space (minimum)..... 3 percent
- d) Number of Parking Spaces (minimum)..... 11
- e) Loading Spaces (minimum)..... 1

5.21.8.10 Arterial Commercial Exception Ten (C2-10) Zone

(Part of Lots 17 to 19, Concession 3, in the Geographic Township of Richmond)

Within the C2-10 Zone, the uses permitted include a Municipal Recreation Complex.

(By-laws No. 02-45 & 03-61)

Notwithstanding the provisions of Section 4.11(b) of the By-law and titled “Restrictions adjacent to Floodplain and Top of Bank and Environmental Protection Zones”,

Within the C2-10 zone the required setback for a Municipal Recreation Complex to lands zoned EP is 0.0 metres.

(By-law No. 03-16)

5.21.8.11 Arterial Commercial Exception Eleven (C2-11) Zone

(Part of Park Lots 14 & 15, on the East Side of the Camden Road, in the Geographic Town of Napanee)

(Repealed By-law No. 06-36)

5.21.8.12 Arterial Commercial Exception Twelve (C2-12) Zone

(Part of Lots 21 & 22, Concession 2, Industrial Boulevard, in the Geographic Town of Napanee)

Within the C2-12 Zone, the following provisions apply:

Uses Permitted

a) Residential Uses

- Prohibited;

b) Non-Residential Uses

- Arcade;
- Antique sale establishment;
- Bakery shop;
- Bank of financial establishment;
- Brewing and/or winemaking establishment;

- Business, professional or administrative office;
- Commercial club;
- Convenience store;
- Day nursery;
- Department Store;
- Drug Store
- Dry cleaner's distribution station and/or plant and/or coin operated laundry;
- Eating establishment;
- Eating establishment, drive-through;
- Equipment sales and rental;
- Fire hall, police station, ambulance depot;
- Furniture and appliance dealer;
- Garden and nursery sales and supply;
- Gasoline retail facility;
- Hotel and motor hotel;
- Liquor control board outlet;
- Liquor licensed premises;
- Medical or dental clinic;
- Parking lot;
- Place of entertainment;
- Post office;
- Printing establishment;
- Private club;
- Public Library;
- Public use in accordance with the General Provisions of this By-law;
- Recreational vehicle and travel trailer sales and service establishment;
- Retail establishment;
- Shopping centre, not exceeding 5,000 square metres;
- Small appliance service shop;
- Taxi establishment;
- Travel plaza;
- Veterinary clinic in a wholly enclosed building; and
- Uses permitted uses in the Community Facility (CF) Zone.

(By-law No. 2016-0049)

c) Zone Provisions

- i) Department Store Gross Leasable Area (maximum)..... 5000 square metres

d) Uses exempted from the 'H' Provisions:**Repealed** (By-law No. 02-71) (By-law No. 03-58)(By-law No. 04-43)**5.21.8.13 Arterial Commercial Exception Thirteen (C2-13) Zone**

(Part of Lot 22, Concession 3, in the Geographic Township of Richmond)

Within the C2-13, the following provisions apply:

- a) Uses Permitted include mini-warehouse storage;
- b) Lot Frontage shall be along Vanluven Road;
- c) Front Yard shall be deemed to be along Vanluven Road;

- d) Rear Yard shall be the lot line farthest from the front lot line along Vanluven Road
 - e) Specific Provision Applicable only to mini-warehouse storage use:
 - Lot Coverage (maximum)..... 50 percent
 - Height of building (maximum)12 metres
- (By-law No. 03-75)

5.21.8.14 Arterial Commercial Exception Fourteen (C2-14) Zone

(Part of Lots 21 & 22, Concession 2, Industrial Boulevard and Advance Avenue, in the Geographic Town of Napanee)

Within the C2-14 Zone, the following provisions apply:

a) Zone Provisions

- i) Department store gross leasable area (maximum)5000 square metres

b) Uses exempted from the 'H' Provisions:

The following uses can be developed within the C2-14-H zone without the need to remove the 'H': Uses listed in the C2 zone except for:

- i) a retail establishment which exceeds 5,000 sq. m.
- ii) a department store which exceeds 5,000 sq. m.

(By-law No. 04-10)

5.21.8.15 Arterial Commercial Exception Fifteen (C2-15) Zone

(Part of Lot 21, Concession 2, in the Geographic Town of Napanee)

Within the C2-15 Zone, the following provisions apply:

- i) Gross leaseable area (maximum)..... 930 sq. m
- ii) Number of Loading spaces required..... 1
- iii) Parking - For retail, parking is based on one (1) space per 22 m² of gross floor area.

(By-law No. 04-54)

5.21.8.16 Arterial Commercial Exception Sixteen (C2-16) Zone

(Part of Lot 22, Concession 2, in the Geographic Town of Napanee)

Within the C2-16 Zone, the following provisions apply:

- i) Lot Area (minimum).....0.25 ha
- ii) Lot Frontage (minimum)..... 26 m
- iii) Interior Side Yard (minimum).....3 metres on one side and 6 metres on the other side.

(By-law No. 04-65)

5.21.8.17 Arterial Commercial Exception Seventeen (C2-17) Zone

(Part of Lots 20 and 21, Concession 3, in the Geographic Township of Richmond)

Within the C2-17-H Zone, the following provisions apply:

a) Definitions:

“DEPARTMENT STORE” means a commercial establishment that sells several lines of

merchandise and services, which may include apparel, jewellery, cosmetics, toiletries, furniture, home furnishings, appliances, electronics, sporting goods, toys, photo equipment, hardware, food oriented retail, convenience goods, drugs, pharmaceuticals, automotive accessories and services, other household goods and services, an eating establishment, and drive-through eating establishment.

b) Provisions

- i. Lot frontage (minimum)..... 20 metres
- ii. Gross floor area (maximum)..... 12,727 square metres
- iii. Gross floor area devoted to food oriented retail (maximum)..... 3,716 square metres
- iv. Parking stall width (minimum)2.75 metres
- v. Setback from:
 - Rear yard (minimum)..... 2.0 metres
 - Interior side yard (minimum)..... 2.0 metres
- vi. For purposes of the C2-17 zone, yards shall be interpreted as follows:
 - Front yard – the yard abutting McPherson Drive;
 - Rear yard – the yard abutting the C2-18 Zone;
 - Exterior side yard – the yard abutting Highway 401;
 - Interior side yard – the yard abutting the C2-19 Zone.

(By-law No. 05-34 repealed and replaced with By-law No. 08-32)

c) 'H' Removal - Removed

(By-law No. 05-58, repealed by By-law No. 08-32, By-law No. 2014-47)

5.21.8.18 Arterial Commercial Exception Eighteen (C2-18) Zone

(Part of Lots 20 and 21, Concession 3, in the Geographic Township of Richmond)

Within the C2-18 zone the following provisions apply:

a) Zone Provisions

- i. Lot Frontage (minimum).....0 metres
Notwithstanding the minimum lot frontage provision and section 4.12 (a), access may be obtained by way of a private road or right of way.
- ii. Parking stall width (minimum)2.75 metres
- iii. Setback from:
 - Rear yard (minimum)..... 2.0 m
 - Interior Side yard (minimum)..... 2.0 m
- iv. For purposes of the C2-18 zone, yards shall be interpreted as follows:
 - Front yard – the yard abutting County Road 41;
 - Rear yard – the yard abutting lands zoned C2-17 and C2-19;
 - Exterior side yard – lands abutting Highway 401 and associated interchange;
 - Interior side yard – the yard abutting the E.P. zone.

b) 'H' Removal

The 'H' may be removed in accordance with section 36 of the Planning Act when:

- i. The holding provision requirements contained in the General Provision of the by-law have been satisfied; and
- ii. A Traffic Report is provided for the development as part of the site plan approval and such study is approved by the Town, County, and agency having jurisdiction.

(By-law No. 05-34)

5.21.8.19 Arterial Commercial Exception Nineteen (C2-19) Zone

(Part of Lots 20 and 21, Concession 3, in the Geographic Township of Richmond)

Within the C2-19 Zone, the following provisions apply:

a) Zone Provisions

- i. Parking stall width (minimum) 2.75 metres
- ii. Setback from lands zoned C2-17 and C2-18 (minimum)..... 2.0 metres
- iii. Building Street Presentation – buildings shall present the front or side of the building to Jim Kimmett Boulevard.
- iv. Setback from front lot line (minimum)..... 4 metres

b) H Removal

The 'H' may be removed in accordance with section 36 of the Planning Act when:

- i. The holding provision requirements contained in the General Provisions of the by-law have been satisfied; and
- ii. A Traffic Report is provided for the development as part of the site plan approval and such study is approved by the Town, County and agency having jurisdiction.

(By-law No. 05-34) (By-law No. 05-51)

5.21.8.20 Arterial Commercial Exception Twenty (C2-20) Zone

(Part of Lot 16, Concession 2, in the Geographic Township of Richmond)

Within the C2-20 zone the following provisions apply:

- i) Non Residential uses are restricted to:
 - Antique sales establishment;
 - Bakery shop;
 - Bank or financial institution;
 - Brewing and/or winemaking establishment;
 - Building supply outlet;
 - Business, professional or administrative office;
 - Commercial club;
 - Commercial school;
 - Convenience Store;
 - Day nursery;
 - Department Store;
 - Drug store;
 - Eating establishment;
 - Eating establishment, drive through;
 - Equipment sales and rental;
 - Fire hall, police station, ambulance depot;
 - Furniture and appliance dealer;
 - Garden and nursery sales and supply establishment;
 - Liquor control board outlet;
 - Liquor licensed premises;
 - Medical or dental clinic;

- Motor vehicle repair garage;
- Motor vehicle sales new and used;
- Motor vehicle service station;
- Motor vehicle wash;
- Parking lot;
- Place of entertainment;
- Post office;
- Printing establishment;
- Private club;
- Public Library;
- Public use in accordance with the General Provisions of this By-law;
- Retail establishment;
- Shopping centre, not exceeding 5,000 square metres;
- Small appliance service shop;
- Taxi establishment;
- Veterinary clinic in a wholly enclosed building; and
- Uses permitted uses in the Community Facility (CF) Zone, excluding the use of Warming/Cooling Centres.

(By-law No. 2016-0049)(By-law No. 2020-0016)

THAT the ‘H’ be removed in accordance with section 36 of The Planning Act once the general provisions of by-law 02-22 are satisfied and when confirmation is received that Part 10 of 29-R-8422 has been conveyed to the Town.

(By-law No. 04-21) (By-law No. 05-51)

5.21.8.21 Arterial Commercial Exception Twenty-One Zone (C2-21)

(476 Centre Street North, in the Town of Napanee)

Within the C2-21 Zone, the following provisions apply:

- a) On-site Parking Spaces (minimum) 260
- b) Landscape Open Space (minimum) 6.5%

(By-law No. 06-55)

5.21.8.22 Arterial Commercial Exception Twenty-Two (C2-22) Zone

(Southwest corner of Centre Street and Alkenbrack Streets, in the Town of Napanee)

Within the C2-22 Zone, the following provisions apply:

- a) Interior Side Yard (minimum)1.5 metres
- b) Parking Space Width (minimum)2.75 metres

(By-law No. 07-22)

5.21.8.23 Arterial Commercial Exception Twenty-three (C2-23) Zone

(99 Dairy Aenue; Part of Lot 23, Concession 2, Geographic Township of Richmond)

Notwithstanding anything in Sections 4 or 5 of this by-law to the contrary, within the C2-23 zone the following provisions apply:

- a) **Permitted Uses are Restricted to:**

- Assembly Hall
 - Antique Sales Establishment
 - Bakery Shop
 - Brewing and/or winemaking establishment
 - Business, Professional or Administrative Offices
 - Commercial Club
 - Commercial School
 - Day Nursery
 - Furniture and Appliance Dealer
 - Medical or Dental Clinic
 - Museum
 - Microbrewery
 - Public Use
 - Retail Establishment
 - Small Appliance Service Shop
 - Veterinary Clinic
- b) **Provisions:**
- Gross Floor Area for Assembly Hall (maximum)..... 520 m²
 - Parking Spaces (minimum)..... 68
 - Notwithstanding the requirements of Section 4.21(e) to the contrary, one required loading space may be located in the front yard, provided it does not obstruct the ingress and egress of other vehicles accessing the property or obstruct a required fire lane.
- c) **'H' Holding Zone Provisions:**
- i) The 'H' Holding provisions applies to the following uses:
- Antique Sales Establishment
 - Bakery Shop
 - Brewing and/or winemaking establishment
 - Commercial School
 - Day Nursery
 - Furniture and Appliance Dealer
 - Museum
 - Microbrewery
 - Retail Establishment
 - Small Appliance Service Shop
 - Veterinary Clinic
- ii) The 'H' Holding provision may be removed to permit any one or a combination of the above uses once a supportive parking analysis examining the appropriateness of such uses on the subject property is provided, to the satisfaction of the Town
(By-law No. 16-58)

5.21.8.24 Arterial Commercial Exception Twenty-four (C2-24) Zone
(628 County Road 41; Pt Lt 21, Con 3, Geogrpahic Township of Richmon)

Notwithstanding other provisions of the by-law to the contrary, within the C2-24 Zone, the following provisions apply:

a) **Permitted Uses are Restricted to:**

- Bakery shop;
- Bank or financial institution;
- Building supply outlet;
- Business, professional or administrative office accessory to a primary permitted use;
- Business, professional or administrative office for a truck brokering business or similar;
- Commercial school related to transportation licensing;
- Convenience store;
- Dry cleaners distribution station and/or plat and/or coin operated laundry;
- Eating establishment
- Eating establishment, drive-through
- Equipment sales and rental;
- Gasoline retail facility;
- Hotel and motor hotel;
- Liquor licensed premises;
- Medical or dental clinic related or accessory to a travel plaza use;
- Motor vehicle repair garage;
- Motor vehicle sales new and used;
- Motor vehicle service station;
- Motor vehicle wash;
- Parking lot;
- Place of entertainment related or accessory to a travel plaza use;
- Printing establishment;
- Public use in accordance with the General Provisions of this By-law;
- Recreational vehicle and travel trailer sales and service establishment;
- Retail establishment, not exceeding 5000 square feet;
- Small appliance service shop;
- Taxi establishment; and
- Travel plaza.

b) **Provisions:**

- a lot without frontage on a public road shall be permitted provided satisfactory easements and/or right of ways are approved to provide access and servicing. For the purposes of interpretation, the front lot line shall be deemed to be the most easterly lot line opposite County Road 41.

(By-law No. 17-17)

5.22 GENERAL COMMERCIAL (C3) ZONE

No person shall within any General Commercial (C3) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.22.1 Uses Permitted**a) Residential Uses**

- Accessory dwelling unit;
- Apartment dwelling house;
- Dwelling unit or dwelling units not accessory to the non-residential use;
- Retirement Home;
- Senior Citizen's Housing;
- Group Home;
- Corrections Residence;
- Detoxification Centre;

(By-law No. 05-24)(By-law No. 2016-0049)

b) Non-Residential Uses

- Arcade;
- Antique sale establishment;
- Artist studio;
- Assembly hall;
- Auditorium;
- Bakery or bake shop;
- Bank or financial establishment;
- Brewing and/or wine making establishment;
- Business, professional or administrative office;
- Coin operated laundry;
- Commercial school;
- Convenience store;
- Craft shop;
- Custom workshop;
- Day nursery;
- Dry cleaner's distribution station;
- Drug store;
- Eating establishment;
- Fire hall, police station, ambulance depot;
- Fraternal lodge;
- Funeral home;
- Furniture and appliance dealer;
- Gasoline retail facility;
- Hotel;
- Light equipment sales and rental establishment;
- Liquor and/or beer store;
- Medical or dental clinic;
- Microbrewery;

- Motor vehicle dealership;
- Motor vehicle sales, used;
- Motor vehicle service station;
- Motor vehicle wash;
- Mixed commercial/residential development;
- Park;
- Parking lot;
- Parking structure;
- Personal service shop;
- Place of entertainment;
- Place of worship;
- Printing establishment;
- Public use in accordance with the General Provisions of this By-law;
- Retail establishment;
- Service shop, merchandise;
- Small appliance service shop;
- Supermarket;
- Taxi establishment;
- Tavern;
- Veterinary clinic; and
- Wholesale use accessory to the foregoing.

(By-law No. 02-45)

(Revised by By-law 05-24& By-law 04-21 & By-law No. 2013-40)(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law No. 2020-0016)

5.22.2 Zone Provisions for Residential Uses

5.22.2.1 Zone Provisions for Accessory Dwelling Units, Dwelling Units, or Accessory Dwelling

- a) Residential uses are restricted to the rear portion of the ground floor (first floor) and in or above the second floor (storey) provided:
- i) Ground floor residential uses occupy not more than 50% of the ground floor area;
 - ii) Residential uses shall not occupy any portion of the front portion of the ground floor area of the building. The front portion means that portion of the building facing the public street. (By-Law No. 05-24)
- b) Residential Density (minimum) 60 dwelling units per net ha
- c) Amenity Area:
- In accordance with the General Provisions of this By-law. (By-law No. 2020-0016)

5.22.2.2 Zone Provisions for Corrections Residence, Detoxification Centre

- | | | |
|----|--|--------------------|
| a) | Lot Area (min) | 650 m ² |
| b) | Lot Frontage (min)..... | 20 m |
| c) | Yards (min) | |
| | Front..... | 7.5 m |
| | Rear..... | 7.5 m |
| | Exterior Side | 6 m |
| | Interior Side | |
| | • 5 metres on one side, 2 metres on the other side, plus 0.6 metres for each additional or partial storey above the third. | |
| d) | Landscaped Open Space (min)... | 30% |
| e) | Lot Coverage (max)..... | 35% |
| f) | Setback from Street Centreline | |
| | • In accordance with the General Provisions | |
| g) | Height (max)..... | 12 m |
- (By-law 2016-0049)

5.22.2.3 Zone Provisions for an Apartment Dwelling House, Senior Citizen's Housing and Retirement Home

Zone provisions shall be as for such uses in the R6 (Residential Type 6) Zone.

(By-law No. 2016-0049)

5.22.3 Zone Provisions for Non-Residential Uses

- | | | |
|----|--|--|
| a) | Lot Area (minimum) | N/A |
| b) | Lot Frontage (minimum)..... | 6 metres |
| c) | Yards (minimum): | |
| | i) Front..... | 0 metres |
| | ii) Exterior Side | 0 metres |
| | iii) Interior Side | 0 metres |
| | • Where the interior side yard lot line abuts a residential zone the minimum interior side yard shall be 6 metres for the principal building and for the accessory building. | |
| | | (By-law No. 03-61) |
| | iv) Rear..... | 6 metres |
| d) | Lot Coverage (maximum)..... | 90 percent |
| e) | Setback from Street Centreline: | |
| | • In accordance with the General Provisions of this By-law. | |
| f) | Landscaped Open Space (minimum)..... | 10 percent |
| g) | Height of Building (maximum) | 17 metres or 4 storeys (whichever is less) |
| h) | Planting Strip: | |
| | • In accordance with the General Provisions of the By-law. | |

5.22.4 Provisions for Outside Display and Sales Area

- i) Display and Sales
 - Only those lots used for such purpose on the date of adoption of By-law 02-22 can be used for such purpose.
- ii) No open storage of goods or merchandise is permitted.

(By-law No. 03-61)

5.22.5 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.22.6 Exception Provisions - General Commercial (C3) Zone**5.22.6.1 General Commercial Exception One (C3-1) Zone**

(Southeast Corner of Dundas Street (County Road No. 2) and East Street)

Within the C3-1 Zone, the lands may be used for the uses permitted within the C3 zone provided the following provisions are met:

- i) Residential uses: Residential uses may occupy up to 65% of the floor area on the first storey
(ground floor)
- ii) Parking (minimum) 8 spaces
- iii) Loading Spaces (minimum) 1 space

5.22.6.2 General Commercial Exception Two (C3-2) Zone

(128 Adelphi Street – Between Bridge and Dundas Streets, in the Geographic Town of Napanee)

Within the C3-2 Zone, the following provisions apply:

- i) **Uses Permitted**
Residential Uses include a single detached dwelling house.
- ii) **Zone Provisions for Single Detached Dwelling House**
Zone provisions shall be those of the non-residential uses zone provisions for the C3 Zone except for:
 - Interior Side Yard abutting a residential zone (minimum) – That yard existing at the date of adoption of this by-law.

(By-law No. 03-12)

5.22.6.3 General Commercial Exception Three (C3-3) Zone

Within the C3-3, the following provisions apply:

- i) **Uses Permitted** include Off-track betting facility.

(By-Law No. 04-11)

5.22.6.4 General Commercial Exception Four (C3-4) Zone

(Part of Lots 7, RP 82, Adelphi Street - Between Bridge and Dundas Streets, in the Geographic Town of Napanee)

Within the C3-4 Zone, the following provisions apply:

i) Uses Permitted

Residential Uses include a single detached dwelling house.

ii) Zone Provision for Single Detached Dwelling House

A single detached dwelling house may occupy, in whole or in part, the ground floor. Zone provisions shall be those of the non-residential uses zone provisions for the C3 Zone.

(By-law No. 04-22)

5.22.6.5 General Commercial Exception Five (C3-5) Zone

(All of Part of Lots 2, 3 and 4, RP 82, North side of Dundas Street and Part of Lot 9, East side of East Street, in the Geographic Town Of Napanee)

Within the C3-5 Zone, the following provisions apply:

a) Uses Permitted include:

- Eating establishment, drive through.

b) Parking spaces (minimum).....24

(By-law No. 05-13)

5.22.6.6 General Commercial Exception Six (C3-6) Zone

(Part of Mill Reserve, Registered Plan 82 (Part 2 of 29R-1685), in the Geographic Town of Napanee)

Within the C3-6 Zone, the following provisions apply:

a) Uses Permitted include:

- Three (3) unit dwelling house;
- Within the C3-6 Zone the existing building may be used as a dwelling house.

(By-laws No. 2011-05, 2011-17)

5.22.6.7 General Commercial Exception Seven (C3-7) Zone

(Parts of Lots 26, 27 & 28, located on the southwest corner of Belleville Road and Thomas Street, Registered Plan No. 82)

Within the C3-7 Zone, the following provisions apply:

a) Uses Permitted include:

Residential

- Apartment dwelling units;
- Apartment dwelling house;

Non-Residential

- Antique sales establishment;
- Artist studio;
- Bakery or bake shop;
- Bank or financial establishment;
- Brewing and/or wine making establishment;
- Business, professional or administrative office;
- Coin operated laundry;
- Commercial school;
- Convenience store;

- Craft shop;
- Day nursery;
- Dry cleaner’s distribution station;
- Eating establishment;
- Fire hall, police station, ambulance depot;
- Funeral home;
- Furniture and appliance dealer;
- Light equipment sales and rental establishment;
- Medical or dental clinic;
- Mixed commercial/residential development;
- Parking lot;
- Personal service shop;
- Place of entertainment;
- Place of worship;
- Printing establishment;
- Public use in accordance with the General Provisions of this By-law;
- Retail establishment;
- Self-storage units;
- Service shop, merchandise;
- Small appliance service shop;
- Supermarket;
- Taxi establishment;
- Veterinary clinic;
- Wholesale use accessory to the foregoing.

(By-law No. 2016-0049)

b) Provisions:

- Number of indoor self-storage units (maximum)..... 70
- Parking spaces (minimum)..... 17
- Dwelling units (maximum) 4

(By-laws No. 2015-21)

5.22.6.8 General Commercial Exception Eight (C3-8) Zone

(88 Dundas Street East)

Notwithstanding the provisions of Sections 4 and 5 to the contrary, within the C3-8 zone, the following provisions apply:

a) Definitions:

“Micro Distillery or Craft Distillery” means a facility used primarily for the small-scale production and distribution of spirit products. All processes, functions and mechanical equipment associated with the use must be contained indoors, and are limited to production activities which are not deemed to be noxious to adjacent properties or the general public. The total area for manufacturing shall be limited to a maximum of 275 square meters. Accessory retail commercial, office space, restaurant and tasting areas shall be permitted in addition to the manufacturing area.

b) Permitted Uses:

i) Residential Uses

- Apartment Dwelling House
- Senior Citizen's Housing

ii) Non-Residential Uses

- Arcade;
- Antique sales establishment;
- Artist studio;
- Assembly hall;
- Auditorium;
- Bakery or bake shop;
- Bank or financial establishment;
- Brewing and/or wine making establishment;
- Business, professional or administrative office;
- Coin operated laundry;
- Commercial school;
- Convenience store;
- Craft shop;
- Day nursery;
- Dry cleaner's distribution station;
- Drug store;
- Eating establishment;
- Fraternal lodge;
- Funeral home;
- Furniture and appliance dealer;
- Hotel;
- Liquor and/or beer store;
- Medical or dental clinic;
- Microbrewery;
- Micro Distillery or Craft Distillery, provided the use is contained within a building which includes no residential uses;
- Mixed commercial/residential development;
- Park;
- Parking lot;
- Parking structure;
- Personal service shop;
- Place of entertainment;
- Place of worship;
- Printing establishment;
- Public use in accordance with the General Provisions of this By-law;
- Retail establishment;
- Service shop, merchandise;
- Small appliance service shop;
- Supermarket;
- Taxi establishment;
- Tavern; and
- Veterinary clinic.

c) Building Height

- i) No part of any buildings or structures shall exceed the height limits in metres as shown on Schedule ‘A’, attached hereto and forming part of this By-law,
- ii) Height shall be measured from the “finished floor grades” identified on ‘Schedule A’.
- iii) Notwithstanding the above the existing chimney is not subject to the height limits on Schedule ‘A’.
- iv) Notwithstanding the above an underground parking structure is permitted to the extent indicated on Schedule ‘B’ but shall be no taller than 89 m geodetic.
- v) The height limits identified in (i) shall not apply to prevent the erection of decorative, functional, or mechanical elements approved under the Site Plan Agreement required for the normal operations of the building and permitted uses, including but not limited to the following:
 - a. window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, mechanical equipment, ventilating equipment, landscape and green roof elements, solar panels, partitions dividing outdoor amenity areas, wind mitigation features, chimney stack, exhaust flues, garbage chute overrun, antennae, mast and public art elements.

d) Required Yards / Setbacks

- i) Building setbacks shall be as shown on Schedule ‘A’, attached hereto and forming part of this By-law;
- ii) An underground parking structure is permitted to the extent indicated on Schedule ‘A’;
- iii) Notwithstanding subsection (d)(i) and (d)(ii), a variance of up to 0.5 metres in the setbacks shown on Schedule ‘B’ will be permitted, provided such variance does not create an encroachment onto another property, conflict with a required road widening, or reduce the required setback from the top of bank to less than 6 meters;
- iv) Notwithstanding subsection (d)(i) and (d)(ii), setbacks are permitted to vary from the setbacks shown on Schedule ‘B’ to accommodate any required road widenings.

e) Yard, Setback and Height Encroachments

- i) Unenclosed porches, steps, ramps, decks and patios whether covered or uncovered may project into any required yard, provided they are no closer than 1.2 metres to any lot line and comply with the General Provisions regarding setbacks from the floodplain and highwater mark.

- ii) Balconies whether covered or uncovered, may project into any required yard a maximum distance of 1.5 metres, provided they are no closer than 1.2 metres to any lot line and comply with the General Provisions regarding setbacks from the floodplain and highwater mark.

f) Off-Street Parking

- i) A minimum parking ratio of 1.17 parking spaces per residential unit is required.
- ii) A minimum parking ratio of 2.7 spaces per 100 square metres of gross floor area for any non-residential use is required.
- iii) A standard parking space shall have a minimum area of 13.5 sq.m. and minimum dimensions of 2.6 m (W) x 5.2 m (L).

g) Accessible Parking

- i) Accessible parking spaces shall have a minimum clearance height of 2.1 metres.
- ii) Of the required 4% accessible parking spaces, such spaces shall be provided as an equal amount of Type A and Type B spaces, as defined herein, with an odd number being either Type A or Type B.
- iii) Type A spaces shall have the following minimum dimensions: 3.4 m (W) x 5.2 m (L).
- iv) Type B spaces shall have the following minimum dimensions: 2.6 m (W) x 5.2 m (L).
- v) Access Aisle: An access aisle of the following minimum dimensions shall be provided for each accessible parking space, noting that one access aisle can be shared between two spaces: 1.5 m (W) x 5.2 m (L).

h) Commercial Gross Floor Area

- i) The maximum commercial Gross Floor Area permitted on-site shall be 3,200 m².
- ii) A minimum of 60% of the ground floor area fronting on Dundas Street shall be commercial gross floor area.

i) Children's Play Area

- i) A children's play area shall not be required.

j) Waterbody and Environmental Protection Zone Setbacks

- i) The waterbody and floodplain setbacks shall not apply.
- ii) No part of any building or structure shall be permitted within 6 metres of an Environmental Protection (EP) Zone except where a building is existing, in which case, no further encroachments shall be permitted.

k) Setbacks Along Roads

- i) The minimum setback from the centreline of County Road 2 shall not apply.

l) Lot Area

- i) The minimum lot area requirement for residential and non-residential uses shall not apply.

m) Number of Dwelling Houses Per Lot

- i) The maximum number of dwelling houses per lot shall not apply.

(By-Law No. 2018-0054)

(By-Law No. 2020-0048)

5.22.6.9 General Commercial Exception 9 (C3-9) Zone

(26 Dundas Street West)

Within the C3-7 Zone, the following provisions apply:

- a) In addition to the uses listed in the C3 zone, the following permitted uses are included:

Residential Uses:

- Warming/Cooling Centre;

(By-Law No. 2020-0016)

5.23 RURAL COMMERCIAL (C4) ZONE

No person shall within any Rural Commercial (C4) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.23.1 Uses Permitted**a) Residential Uses**

- Accessory dwelling unit;
- Accessory single detached dwelling house.

b) Non-Residential Uses

- Antique sale establishment;
- Auction sales barn;
- Commercial greenhouse;
- Existing motor vehicle sales;
- Farm implement sales and repair;
- Garden and nursery sales and supply establishment;
- Gasoline retail facility;
- Motor vehicle repair garage;
- Motor vehicle service station;
- Park;
- Propane refill station where ancillary to a motor vehicle gas bar, a motor vehicle repair garage or a motor vehicle service station;
- Public use in accordance with the General Provisions of this By-law;
- Retail commercial establishment;
- Veterinary clinic in a wholly enclosed building.

(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law No. 2020-0016)

5.23.2 Provisions for Residential Uses**5.23.2.1 Single Detached Dwelling House**

- a) Separation requirements (minimum)..... 10 metres from the permitted non-residential use
- b) Yards (minimum):
 - i) Front..... 15 metres
 - ii) Exterior Side 10 metres
 - iii) Interior Side 6 metres
 - iv) Rear..... 15 metres
- c) Landscaped Open Space (minimum) 30 percent

- d) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law.
- e) Number of Dwelling Houses per Lot (maximum) 1
- f) Height of Building (maximum) 10 metres
(By-law No. 2020-0016)

5.23.2.2 **Dwelling Unit in Portion of Non-Residential Building**

- a) One dwelling unit may be permitted over a non-residential building. In no case shall a dwelling unit be permitted in or over a motor vehicle repair garage or a motor vehicle service station.
(By-law No. 2020-0016)

5.23.3 **Provisions for Non-Residential Uses**

- a) Lot Area (minimum)..... 0.8 ha
- b) Lot Frontage (minimum).....60 metres
- c) Yards (minimum):
- i) Front..... 15 metres
 - ii) Exterior Side 10 metres
 - iii) Interior Side:
 - 6 metres except where the interior side lot line abuts a Residential Zone, in which case the minimum interior side yard shall be 12 metres.
 - iv) Rear Yard 12 metres
- d) Lot Coverage (maximum)..... 40 percent
- e) Landscaped Open Space (minimum) 20 percent
- f) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law.
- g) Height of Building (maximum) 10 metres
- h) Planting Strip:
- In accordance with the General Provisions of the By-law.

5.23.4 **Provisions for Retail Gas Establishments**

In accordance with the General Provisions of this By-law.

5.23.5 **Provisions for Outside Display and Sales**

Lands used for the outside display and/or sales of goods and materials shall:

- a) Be accessory to the main use on the lot;

- b) Not be located closer than 6 metres to the front lot line;
- c) Not be located closer than 2 metres to an interior side or rear lot line where the lot line abuts a lot zoned for commercial or industrial purposes or 6.0 metres of an interior side or rear lot line where the lot line abuts a lot zoned for other than commercial or industrial purposes;
- d) Not exceed 50 percent lot coverage; and
- e) No open storage of goods and materials is permitted.

(By-law No. 03-61)

5.23.6 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.23.7 Exception Provisions - Rural Commercial (C4) Zone

5.23.7.1 Rural Commercial Exception One (C4-1) Zone

(Part of Lot 8, Concession 4 in the Geographic Township of Richmond)

Within the C4-1 Zone, the uses permitted are restricted to:

- motor vehicle dealership;
- motor vehicle repair garage;
- single unit dwelling house.

5.23.7.2 Rural Commercial Exception Two (C4-2) Zone

(Part of Lot 9, Concession 7, in the Geographic Township of Richmond)

Within the C4-2 Zone, the uses permitted are restricted to:

- motor vehicle repair garage;
- single unit dwelling house or accessory dwelling unit.

5.23.7.3 Rural Commercial Exception Three (C4-3) Zone

(Part of Lot 9, Concession 4, in the Geographic Township of North Fredericksburgh)

Within the C4-3 Zone, the use permitted is restricted to a motor vehicle body shop.

5.23.7.4 Rural Commercial Exception Four (C4-4) Zone

(Part of Lot 6, Concession 1 Additional, in the Geographic Township of South Fredericksburgh)

Within the C4-4 Zone, the uses permitted are restricted to:

- antiques, art, and craft sales;
- single unit dwelling house or accessory dwelling unit;
- tea room.

5.23.7.5 Rural Commercial Exception Five (C4-5) Zone

(Part of Lots 21 and 22, Concession 7, in the Geographic Township of North Fredericksburgh)

Within the C4-5 Zone, the uses permitted are restricted to:

- motor vehicle sales (new or used);
- single unit dwelling house or accessory dwelling unit.

5.23.7.6 Rural Commercial Exception Six (C4-6) Zone

(Part of Lot 22, Concession 7, in the Geographic Township of North Fredericksburgh)

Within the C4-6 Zone, the uses permitted are restricted to:

- eating establishment;
- single unit dwelling house or accessory dwelling unit.

5.23.7.7 Rural Commercial Exception Seven (C4-7) Zone

(County Road No. 2, in the Geographic Town of Napanee)

Within the C4-7 Zone, the uses permitted are restricted to:

- motor vehicle sales (new or used),
- an accessory dwelling house or accessory dwelling unit.

5.23.7.8 Rural Commercial Exception Eight (C4-8) Zone

(Part of Lot 20, Concession 3, Geographic Township of Richmond)

Within the C4-8 Zone the uses permitted are restricted to:

- Contractor's yard;
- Storage locker facility;
- Antique sales establishment;
- Auction sales barn;
- Commercial greenhouse;
- Farm implement sales and repair;
- Garden and nursery sales and supply establishment;
- Retail commercial establishment;
- Accessory unit; and
- Accessory single detached dwelling.

(By-law 2017-022)

5.24 RECREATION COMMERCIAL (C5) ZONE

No person shall within any Recreation Commercial (C5) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.24.1 Uses Permitted**a) Residential Uses**

- Accessory dwelling unit;
- Accessory single detached dwelling house.

b) Non-Residential Uses

- Cabin establishment;
- Campground;
- Convenience store where ancillary to a permitted non-residential use specified herein;
- Cottage establishment;
- Eating establishment; if ancillary to a cabin establishment, a campground, a cottage establishment or a resort establishment;
- Marina or marine sales and service establishment;
- Miniature golf course;
- Park;
- Public use in accordance with the General Provisions of this By-law;
- Recreational vehicle and travel trailer sales and service establishment;
- Resort establishment;
- Snowmobile sales and service establishment;
- Trailer park;
- Outside display and sale of goods and materials ancillary to a permitted non-residential use specified herein and in accordance with the general provisions of this By-law.

(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law No. 2020-0016)

5.24.2 Provisions for Residential Uses**5.24.2.1 Single Detached Dwelling House**

- a) Separation Requirements (minimum) 10 metres from the permitted non-residential use
- b) Yard Requirements (minimum):
 - i) Front..... 15 metres
 - ii) Exterior Side 10 metres

- iii) Interior Side6 metres
- iv) Rear..... 15 metres
- c) Landscaped Open Space (minimum) 30 percent
- d) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- e) Number of Dwelling Houses per Lot (maximum) 1
- f) Height of Building (maximum) 10 metres
(By-law No. 2020-0016)

5.24.2.2 **Dwelling Unit in Portion of Non-Residential Building**

- a) Number of dwelling units (maximum)..... 1
(By-law No. 2020-0016)

5.24.3 **Provisions for Non-Residential Uses**

- a) Lot Area (minimum) 0.8 ha
- b) Lot Frontage (minimum)60 metres
- c) Yards (minimum):
 - i) Front 15 metres
 - ii) Exterior Side..... 15 metres
 - iii) Interior Side:
 - 6 metres except where the interior side lot line abuts a Residential Zone, in which case the minimum interior side yard shall be 12 metres.
 - iv) Rear 12 metres
- d) Lot Coverage (maximum)..... 40 percent
- e) Landscaped Open space (minimum)..... 10 percent
- f) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- g) Height of Building (maximum) 10 metres
- h) Planting Strip:
 - In accordance with the General Provisions of this By-law.

5.24.4 **Provisions for Cabin, Cottage or Resort Establishments**

- a) Lot Area (minimum) 2 ha
- b) Lot Frontage (minimum)90 metres
- c) Yards (minimum):

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- i) Front..... 15 metres
- ii) Exterior Side 15 metres
- iii) Interior Side:
 - 6 metres except where the interior side lot line abuts a Residential Zone, in which case the minimum interior side yard shall be 12 metres.
- iv) Rear..... 12 metres

- d) Lot Coverage (maximum)..... 40 percent

- e) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.

- f) Landscaped Open Space (minimum)..... 20 percent

- g) Height of Building (maximum) 10 metres

- h) Distance between Cabins or Cottages on the same lot (minimum)6 metres

5.24.5 Provisions for Campsites

(By-law No. 2016-0049)

- a) Campsite Area (minimum) 185 sq. metres
- b) Campsite Frontage (minimum).....9 metres

5.24.6 Provisions for Trailer Parks

- a) Lot Area (minimum)..... 4 hectares

- b) Lot Frontage (minimum)100 metres

- c) Yards (minimum):
 - i) Front..... 15 metres
 - ii) Exterior Side 10 metres
 - iii) Interior Side6 metres
 - iv) Rear..... 15 metres

- d) Lot Coverage (maximum)..... 30 per cent

- e) Landscaped Open Space (minimum) 30 per cent

- f) Recreational Trailer Site Area (minimum)..... 232 sq. metres

- g) Recreational Trailer Site Frontage (minimum)..... 10 metres

- h) Separation Distance Between Sites (minimum)3 metres
- i) Density of Sites (maximum).....35 sites per net hectare
- j) Recreational Trailer Site Coverage (maximum)..... 35 per cent
- k) Recreational Trailer Dwelling Unit Area (maximum)..... 44 square metres

5.24.7 **Provisions for Outside Display and Sales**

- a) Be accessory to the main use on the lot;
- b) Not be located closer than 7.5 metres to the front lot line;
- c) Not be located closer than 2.0 metres to an interior side or rear lot line where the lot line abuts a lot zoned for commercial or industrial purposes or 6 metres of an interior side or rear lot line where the lot line abuts a lot zoned for other than commercial or industrial purposes;
- d) Not exceed 10 percent lot coverage, and
- e) No open storage of goods and materials is permitted.

(By-law No. 03-61)

5.24.8 **General Provisions**

In accordance with Section 4, General Provisions, of this By-law.

5.24.9 **Exception Provisions - Recreational Commercial (C5) Zone**

5.24.9.1 **Recreational Commercial Exception One (C5-1) Zone**

(Part of Lot 5, Concession 1, in the Geographic Township of Richmond)

Within the C5-1 Zone, the uses permitted are restricted to:

- marina an accessory uses considered incidental and subordinate thereto;
- single detached dwelling house or accessory dwelling unit.

5.24.9.2 **Recreational Commercial Exception Two (C5-2) Zone**

(Part of Lot 1, Concession 1, in the Geographic Township of Richmond)

Within the C5-2 Zone, the uses permitted are restricted to:

- single detached dwelling house or accessory dwelling unit;
- trailer park.

5.24.9.3 **Recreation Commercial Exception Three (C5-3) Zone**

(Part of Lots 2 and 3, and Part of Broken Front Lot 3, Concession 3, in the Geographic Township of North Fredericksburgh)

Within the C5-3-H Zone, the following provisions apply:

a) Uses Permitted

Uses permitted are restricted to:

- A trailer park containing a maximum of 125 campsites;
- 6 seasonal dwelling homes;
- A single detached dwelling house;
- A recreational vehicle and travel trailer sales and service establishment.

(By-law No. 2016-0049)

b) Accessory Uses

Accessory uses permitted include:

- A swimming pool;
- A propane fill station;
- A workshop;
- A recreational or games room.

c) Setback from the Highwater Mark

No building, structure, boathouse, dock, sewage disposal system, parking area or driveway shall be located within 30 metres of the Highwater mark.

d) 'H' Removal

The 'H' may be removed in accordance with Section 36 of the Planning Act when:

- i) The holding provision requirements contained in the General Provisions of the By-law have been satisfied, and
- ii) The respective Certificates of Approval for the water system and the sewage system have been received from the Ministry of Environment.

(By-law 05-80)

e) "H" Removal

The "H" symbol has been removed from portions of those lands outlined in Schedule "18" to By-law No. 02-22, as amended by By-law No. 05-80, thereby recognizing the use of the site for:

- 45 campsites;
- 6 seasonal dwelling houses;
- An existing single detached dwelling house;
- Washroom facilities;
- A games room;
- Existing trailer sales and office;
- An existing garage and workshop.

(By-law No.07-45)

5.25 NEIGHBOURHOOD COMMERCIAL (C6) ZONE

No person shall within any Neighbourhood Commercial (C6) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.25.1 Uses Permitted**a) Residential Uses**

- Accessory dwelling unit.

b) Non-Residential Uses

- Bank or financial institution;
- Business, professional or administrative office;
- Convenience store;
- Dry cleaners or coin operated laundry;
- Eating establishment;
- Existing retail gasoline facility;
- Neighbourhood commercial shopping centre;
- Park;
- Personal service shop;
- Public use in accordance with the General Provisions of this By-law;
- Shopping centre consisting of any uses listed herein.

(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law No. 2020-0016)

5.25.2 Provisions for Dwelling Unit

a) Number of units permitted..... 1

b) Dwelling Unit Location: In portion of Non-Residential Building.

(By-law No. 2020-0016)

5.25.3 Zone Provisions for Non-Residential Uses

a) Lot Area (minimum)..... 1,000 sq. metres

b) Lot Frontage (minimum) 15 metres

c) Yards (minimum):

- i) Front..... 7.5 metres
- ii) Exterior Side 7.5 metres
- iii) Interior Side 6 metres

- except where the interior side lot line abuts a Residential Zone, in which case the minimum interior side yard shall be 12 metres, and
 - except where the interior side lot line abuts a commercial zone, in which case no minimum interior side yard is required.
- iv) Rear:
- 6 metres except where the rear lot line abuts a residential zone, in which case the minimum rear yard shall be 12 metres.
- d) Lot Coverage (maximum)..... 50 percent
- e) Gross Floor Area (maximum):
- The gross floor area of a neighbourhood commercial shopping centre shall not exceed 1,000 square metres and no single use shall exceed a gross floor area of 300 square metres.
- (By-law No. 03-61)
- f) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law.
- g) Landscaped Open Space (minimum)..... 10 percent
- h) Height of Building (maximum) 12 metres
- i) Planting Strip:
- In accordance with the General Provisions of this By-law.

5.25.4 Provisions for Outside Display and Storage

No outside display or storage of goods or materials is permitted.

5.25.5 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.25.6 Exception Provisions - Neighbourhood Commercial (C6) Zone

5.26.6.1 Neighbourhood Commercial Exception One (C6-1) Zone.

(Repealed by By-law 09-62)

5.26 BUSINESS PARK (BP) ZONE

No person shall within any Business Park (BP) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.26.1 Uses Permitted**a) Residential Uses**

- Prohibited.

b) Non-Residential Uses

- Animal shelter;
- Assembly hall;
- Athletic, fitness or health club;
- Bakery;
- Bingo hall;
- Brewing and/or winemaking establishment;
- Bowling alley;
- Business, professional or administrative office;
- Commercial school;
- Convenience store;
- Courier establishment;
- Data processing and related services;
- Eating establishment and drive through eating establishment;
- Financial office or institution;
- Fire hall, police station, ambulance depot;
- Garden nursery and supply;
- Laboratory and research facility;
- Licensed establishment;
- Microbrewery;
- Mini storage warehouse;
- Motor vehicle repair garage;
- Motor vehicle dealership;
- Motor vehicle sales used;
- Motor vehicle wash;
- Municipal, county, provincial maintenance depot;
- Park;
- Parking Lot;
- Printing establishment;
- Public use in accordance with the General Provisions of the By-law;
- Recreational vehicle sales and service;
- Research and development facility;
- Retail establishment not exceeding 500 square metres;
- Retail or wholesale outlet accessory to a permitted use;
- Service shop, personal;
- Service shop, merchandise;

- Taxi establishment;
- Towing office and garage;
- Veterinary clinic;
- Warehouse.

(By-laws No. 02-45, 03-61)(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law No. 2020-0016)

5.26.2 Zone Provisions

- a) Lot Area (minimum)..... 1000 square metres
- b) Lot Frontage (minimum)30 metres
- c) Yards (minimum):
- i) Front.....6 metres
 - ii) Exterior Side6 metres
 - iii) Interior Side3 metres
 - Where the interior side lot line or rear lot line abuts a Residential Zone the minimum yard requirement shall be 20 metres.
 - iv) Rear.....10 metres
- d) Lot Coverage (maximum)..... 50 percent
- e) Landscaped Open Space (minimum) 10 percent
- f) Setback from Street Centreline:
- In accordance with the General Provisions of this By-law.
- g) Height of Building (maximum)12 metres
- h) Planting Strip:
- In accordance with the General Provisions of this By-law.

5.26.3 Use of Front and Exterior Side Yards

Required front and exterior side yards shall be open and unobstructed except that such yards may be used for the purpose of parking in accordance with the general provisions.

(By-law No. 03-61)

5.26.4 Outside Display and Sales Area and/or Open Storage

Lands used for the outside display and/or storage of goods or materials shall:

- a) Be accessory to the main use on the lot;
- b) Land used for outdoor displays and sales and/or storage of goods or materials shall comply with the required front and exterior side yard and setback requirements provided that such

- outside storage is not located closer than 6 metres to an interior side lot line where the lot line abuts a lot zoned in a residential category; (By-law No. 03-61)
- c) Not exceed 15 percent lot coverage; and
- d) Be screened from residential uses and public streets adjoining the lot by buildings, or be enclosed by plantings in conjunction with a planting strip, or be enclosed by a fence extending at least 1.8 metres in height from the finished grade.

5.26.5 **General Provisions**

In accordance with Section 4, General Provisions, of this By-law.

5.26.6 **Exception Provision - Business Park (BP) Zone**

5.26.6.1 **Business Park Exception One (BP-1) Zone**

Repealed (By-law No. 03-61)

5.26.6.2 **Business Park Exception Two (BP-2) Zone**

(Part of Lot 23, Concession 3, Richmond Boulevard, in the Geographic Township of Richmond)

Within the BP –2 Zone, the uses permitted include:

- Place of entertainment.

(By-law No. 02-65)

5.26.6.3 **Business Park Exception Three (BP-3) Zone**

(Part of Lot 22, Concession 2, in the Geographic Town of Napanee)

Within the BP-3 Zone, the uses permitted include:

- Moulding manufacturing and retail establishment.

(By-law No.05-53)

5.26.6.4 **Business Park Exception Four (BP-4) Zone**

(East side of Advance Avenue, in the Town of Napanee)

Within the BP-4 Zone, the uses permitted include:

- clinic, medical.

(By-law No. 07-25)

5.26.6.5 **Business Park Exception Five (BP-5) Zone**

(Part of Lot 22, Concession 2, in the Geographic Town of Napanee)

Within the BP-5 Zone, the uses permitted also include:

- day nursery.

(By-law No. 2009-51)

5.26.6.6 **Business Park Exception Six (BP-6) Zone**

(Part of Lot 22, Concession 2, in the Geographic Town of Napanee)

Within the BP-6 Zone, the uses permitted also include:

- “clinic, medical”.

(By-law No. 2010-27)

5.26.6.7 Business Park Exception Seven (BP-7) Zone

(127 Milligan lane; Part of Park Lot 12, Town of Greater Napanee)

Within the BP-7 Zone the following provisions apply:

a) Uses Permitted

- Uses permitted in the Business Park (BP Zone)
- Custom Cabinet Making Facility

b) Definitions:

“**Custom Cabinet Making Facility**” means a building or part of a building where the assembly of cabinets from pre-fabricated materials is performed, which may include the cutting of panels to custom lengths and sizes and painting, staining or finishing, but shall not include the processing of raw materials. The use may include an accessory office and accessory showroom for the retail sale of cabinets and related retail goods.

(By-law No. 2017-36)

5.26.6.8 Business Park Exception Eight (BP-8) Zone

(449 Milligan Lane)

- a) **THAT** in addition to the permitted uses listed in Section 5.26.1 b) – Business Park (BP) Zone, Non-Residential Uses, the following additional Non-Residential Use is also permitted:

- **Cannabis – Micro-Production Facility**

For the purposes of this site-specific permission, the following definition shall apply:

“**CANNABIS – MICRO-PRODUCTION FACILITY**” shall mean an indoor facility on which cannabis, cannabis seed or cannabis oil is grown, processed, extracted, packaged or otherwise made ready for sale, tested, destroyed, stored and/or shipped, in accordance with a valid licence issued by the Federal Government of Canada under the Cannabis Regulations, or any successor thereto, for Micro Cultivation, Micro Processing, or both, but shall not mean any property on which cannabis is grown exclusively for legal use solely by the registered owner of the Property.

- b) **THAT** in addition to the provisions of Sections 5.26.2, for the Business Park (BP) Zone, the following additional provisions shall also apply for a permitted Cannabis – Micro-Production Facility in the BP Zone:

1. Required parking shall be provided at a ratio of 1 parking space per 125 square metres of gross floor area or portion thereof;
2. The maximum Gross Floor Area for a Cannabis – Micro-Production Facility shall be 450 m²
3. The minimum setback for a Cannabis – Micro-Production Facility to any Sensitive Land Use shall be 70 metres, as measured between the closest point between any building(s) containing such uses, measured in a straight line.

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- c) **THAT** notwithstanding the provisions of Section 5.26.4, no outside display, sales or storage of Cannabis products or materials is permitted.
- d) Except as amended herein, all other provisions of By-law 02-22, as amended, shall apply.

5.27 LIGHT INDUSTRIAL (M1) ZONE

No person shall within any Light Industrial (M1) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.27.1 Uses Permitted**a) Residential Uses**

- Prohibited.

b) Non-Residential Uses

- Auction sales barn;
- Animal shelter;
- Arena;
- Assembly, manufacturing, fabrication or processing plant which is not obnoxious or a nuisance by reason of emission of contaminants as defined in the Environmental Protection Act or the Health Protection and Promotion Act;
- Athletic, fitness or health club;
- Business, professional or administrative office;
- Building supply outlet;
- Bus depot;
- Data processing and related service;
- Film and/or recording studios;
- Fire hall, police station, ambulance depot;
- Garden nursery or greenhouse;
- Laboratory and/or research and development facility;
- Medical marihuana production facility;
- Mini storage warehouse;
- Motor vehicle body shop;
- Motor vehicle repair garage;
- Motor vehicle sales (existing);
- Motor vehicle wash;
- Municipal, County, Provincial maintenance depot;
- Park;
- Parking lot;
- Printing establishment;
- Public use in accordance with the General Provisions of this By-law;
- Recreational vehicle sales and service;
- Retail and wholesale outlet accessory to a permitted use;
- Service shop merchandise;
- Towing office and garage;
- Truck or transport depot;
- Veterinary clinic;
- Warehouse or wholesale establishment;

- Water treatment plant;
- Workshop.

(By-law No. 03-61)(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law No. 2020-0016)

5.27.2 Zone Provisions

a) Lot Area (minimum) 2000 square metres

b) Lot Frontage (minimum) 30 metres

c) Yards (minimum):

- i) Front..... 15 metres
- ii) Exterior Side (minimum) 12 metres
- iii) Interior Side 6 metres

- Where the interior side lot line or rear lot line abuts a Residential Zone, the minimum yard requirement shall be 20 metres.

(By-law No. 06-53)

- iv) Rear..... 15 metres

d) Lot Coverage (maximum)..... 50 percent

e) Landscaped Open Space (minimum) 10 percent

f) Setback from Street Centreline:

- In accordance with the General Provisions of this By-law.

g) Height of Building (maximum) 12 metres

h) Plant Strip:

- In accordance with the General Provisions of this By-law.

5.27.3 Use of Front and Exterior Side Yards

Required front and exterior side yards shall be open and unobstructed except that such yards may be used for the purpose of parking in accordance with the General Provisions.

5.27.4 Open Storage

(By-law No. 03-61)

Lands used for the outside display and/or storage of goods and materials shall:

- a) Be accessory to the use of the main building on the lot.
- b) Lands used for open storage of goods and materials shall comply with the required front and exterior side yard and setback requirements provided outside storage is not located closer

than 6.0 metres to an interior side lot line where the lot abuts a lot zoned in a residential category.

- c) Not exceed 20 percent of the lot area.
- d) Be screened from residential uses and public streets adjoining the lot by buildings or be enclosed by a planting strip, or be enclosed by a fence at least 1.8 metres in height from finished grade.

5.27.5 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.27.6 Exception Provisions - Light Industrial (M1) Zone

5.27.6.1 Light Industrial Exception One (M1-1) Zone

(Part of Lot 21, Concession 4, in the Geographic Township of Richmond)

Within the M1-1 Zone, the permitted uses are restricted to:

- manufacturing, assembly, and fabrication plant;
- accessory retail outlet to the above industrial operation;
- outside storage and buildings accessory to the principal industrial use are considered incidental and subordinate thereto.

5.27.6.2 Light Industrial Exception Two (M1-2) Zone

(Part of Lot 17, Concession 2, in the Geographic Township of South Fredericksburgh)

Within the M1-2 Zone, the uses permitted are restricted to:

- mini warehouse storage;
- single unit dwelling house or accessory dwelling unit.

5.27.6.3 Light Industrial Exception Three (M1-3) Zone

(109 Dairy Avenue, described as Part 5 on Plan 29R-3761, in the Geographic Town of Napanee)

Within the M1-3 Zone the uses permitted are restricted to:

- business, professional, or administrative office;
- contractors yard;
- convenience store;
- hobby shop;
- merchandise or personal service shop;
- parking lot;
- retail or wholesale outlet accessory to a permitted use;
- warehouse.

(By-law No. 02-39)

5.27.6.4 Light Industrial Exception Four (M1-4) Zone

(Part of Lot 23, described as Part 3 of Plan of Survey 29R-3666, Concession 3, in the Geographic Township of Richmond)

Within the M1-4 Zone uses permitted include the use of lands, buildings, and structures for the

manufacturing and sale of paint and related coatings.

5.27.6.5 Light Industrial Exception Five (M1-5) Zone

(Part of Lot 22, Concession 4, in the Geographic Township of Richmond)

Within the M1-5 Zone, the uses permitted are restricted to:

- one single detached dwelling house;
- motor vehicle dealership;
- recreational vehicle sales and service establishment;
- marine sales and service establishment;
- contractor’s or tradesman’s yard;
- snowmobile sales and service establishment;
- warehouse.

Provided the following requirements are complied with:

- a) Lot area (minimum)..... 2.0 hectares
 - b) Lot Frontage (minimum) 100 metres
 - c) Lot Coverage (minimum).....40%
 - d) Landscaped Open Space (minimum).....20%
- (By-law No. 07-47)

Outside Display and Sales Area

The outside display and sales area shall only be permitted in accordance with the following provisions:

- i) that the area utilized for the outside display and sales shall not exceed 30 percent of the lot area;
- ii) that the area to be used for the outside display and sales shall not be closer than 10 metres to the interior side lot line and shall comply with the minimum required front and rear yard requirements of the Light Industrial (M1) Zone.
- iii) Outside storage (maximum)30 per cent of the lot area.

5.27.6.6 Light Industrial Exception Six (M1-6) Zone

(Dairy Avenue, in the Geographic Town of Napanee)

Within the M1-6 Zone, the uses permitted include:

- the parking and maintenance of school buses.

5.27.6.7 Light Industrial Exception Seven (M1-7) Zone

(Part of Lot 23, Concession 2, Dairy Avenue, in the Geographic Town of Napanee)

Within the M1-7 Zone, the uses permitted include:

- Parking Lot.

Within the M1-3 and M1-7 Zones, where the principal use on the site is a "Parking Lot", the following provisions apply:

- a) the zones shall be deemed to be one zone for zoning purposes,
- b) notwithstanding setback requirement of By-law 02-22, the parking lot shall be located such that it is no closer than 3.0 metres to:
 - i) lands zoned in a residential category,

- ii) the road allowance of Dairy Avenue.
- c) furthermore in all other cases the parking lot setback from a lot line is 1.0 metres (minimum).
(By-law No. 02-39)

5.27.6.8 Light Industrial Exception Eight (M1-8) Zone

(Part of Lot 22, Concession 2, in the Geographic Town of Napanee)

Within the M1-8 Zone, the following provisions apply:

a) Uses Permitted

Uses Permitted also include:

- Landscaping Establishment for the sale of landscaping products and related outside storage;
- Contractor's yard;
- Landscaping;
- Eating establishment.

b) A Workshop includes the repair and maintenance of equipment.

(By-law No. 04-82) (By-law No. 08-36)

5.27.6.9 Light Industrial Exception Nine (M1-9) Zone

(Part of Lot 23, Concession 3, in the Geographic Township of Richmond)

Within the M1-9 Zone, the following provisions apply:

a) Uses Permitted

Uses permitted also include:

- A contractor's yard.

(By-law No. 06-18)

5.27.6.10 Light Industrial Exception Ten (M1-10-H) Zone

(Part of Lot 21, Concession 3, in the Geographic Township of Richmond; Described as Part of Plan of Survey 29R-659)

Within the M1-10 Zone, the following provisions apply:

a) Uses Permitted

Residential Uses

- Prohibited.

Non-Residential Uses

- Office associated with the principal use on the site;
- Parking lot;
- Public Use in accordance with the General Provisions of this By-law;
- Truck or transport depot;
- Warehouse.

b) Provisions:

- Interior side yard: Where the interior side lot line or rear lot line abuts a residential zone

or residential use the minimum yard requirement shall be 20 metres.

c) Zone Interpretation:

- Should lands within the M2-4 and M1-1 zones be developed as one development project, then the two zones may be interpreted as one zone for zoning purposes, and the applicable provisions will be those of the M1-10 zone.

d) Servicing:

- The site may be developed based on private services such as a well and subsurface sewage disposal system (septic system).

e) Holding Provisions and H Removal:

The H may be removed in accordance with Section 36 of the Planning Act when:

- The holding provision requirements contained in the General Provisions of the By-law have been satisfied; and
- The following studies or reports have been submitted and the recommendations therein approved:
 - I. Traffic report satisfactory to the County,
 - II. Noise report,
 - III. Hydrogeology and terrain analysis regarding the servicing based on private services.

(By-law 2014-65)

5.28 GENERAL INDUSTRIAL (M2) ZONE

No person shall within any General Industrial (M2) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.28.1 Uses Permitted**a) Residential Uses**

- Prohibited.

b) Non-Residential Uses

- Abattoir;
- Agricultural produce warehouse;
- Animal shelter;
- Builders' supply outlet;
- Bulk storage tanks and related facilities;
- Business, professional or administrative office provided such use is accessory; to a permitted non-residential use specified herein;
- Contractor's yard;
- Custom workshop;
- Dry cleaning establishment or plant;
- Equipment sales and rental;
- Farm implement and equipment sales and service establishment;
- Feed mill or seed cleaning plant;
- Fire hall, police station, ambulance depot;
- Fuel depot and bulk storage and processing of petroleum products;
- Garden and nursery sales and supply establishment;
- Greenhouse, commercial;
- Laboratory and/or research facilities;
- Light manufacturing plant;
- Machine or welding shop;
- Manufacturing, processing, assembling or fabricating plant;
- Medical Marihuana Production Facility;
- Motor vehicle body shop;
- Motor vehicle repair garage;
- Motor vehicle service station;
- Municipal, county or provincial maintenance depot;
- Park;
- Printing establishment;
- Public use in accordance with the General Provisions of this By-law;
- Recycling and/or material recovering facility;
- Retail or wholesale establishment where such use is accessory and incidental to a permitted non-residential use otherwise specified herein and does not exceed 10 percent of the gross floor area of all buildings and structures;
- Salvage yard;

- Saw and/or planing mill;
- Small engine sales and service establishment;
- Telecommunication tower;
- Towing office;
- Truck or transport depot;
- Warehouse and/or mini storage warehouse;
- Water tower;
- Water treatment control plant;
- Wholesale establishment;
- Workshop.

(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law No. 2020-0016)

5.28.2 Zone Provisions

- a) Lot Area (minimum) 0.4 ha
- b) Lot Frontage (minimum)30 metres
- c) Yards (minimum):
 - i) Front..... 12 metres
 - ii) Exterior Side 12 metres
 - iii) Interior Side6 metres
Where the interior side lot line or rear lot line abuts a Residential Zone the minimum yard requirement shall be 20 metres.
 - iv) Rear.....20 metres
- d) Lot Coverage (maximum)..... 50 percent
- e) Landscaped Open Space (minimum) 10 percent
- f) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
 - Buildings and structures associated with new industrial development along Highway #33 (Loyalist Parkway) are required to be setback a minimum of 100 metres from the northern limit of the road allowance.
- g) Height of Building (maximum)12 metres
(By-law No. 03-61)
- h) Planting Strip:
 - In accordance with the General Provisions of this By-law.

5.28.3 Open Storage

(By-law No. 03-61)

Land used for the outside display and/or storage of goods or materials shall:

- a) Be accessory to the use of the main building on the lot;
- b) Lands used for open storage of goods and materials shall comply with the required front and exterior side yard and setback requirements provided that such outside storage is not located closer than 6 metres to an interior side lot line where the lot line abuts a lot zoned in a residential category;
(By-law No. 03-61)
- c) Not exceed 50 percent of the lot area; and
- d) Be screened from adjacent residential uses and public streets adjoining the lot by buildings, or be enclosed by a planting strip, and/or be enclosed by a fence extending at least 1.8 metres in height from the finished grade.

5.28.4 Use of Front and Exterior Side Yards

Front and exterior side yards shall be open and unobstructed except that such yards may be used for the purpose of parking in accordance with the general provisions in this By-law.

5.28.5 Provisions for Salvage Yards

Notwithstanding any other provision of this By-law to the contrary, within the General Industrial (M2) Zone, a salvage yard shall also comply with the following provisions:

a) Outside Storage

Outside Storage is restricted to the rear of the front wall of the principal structure on the lot and shall comply with the front, side and rear yard requirements of the General Industrial (M2) Zone.

Outside storage shall not exceed 80 percent of the total lot area.

b) Buffer Planting and Screening

Where a salvage yard or area zoned for such purposes abuts a street or road or area zoned within a Residential, Community Facility, Commercial, Agricultural, Rural or Open Space Zone, a buffer which has a minimum width of 3.0 metres, which is unbroken except for entrances and exits, shall be provided and maintained within the front, side or rear yards, adjoining such abutting lot line or portion thereof.

c) Fencing

A fence with a minimum height of 1.8 metres and as provided for in accordance with the Corporation's fence by-law.

d) Licensing

A salvage yard is prohibited until licenced where a license is required by a By-law enacted pursuant to the Municipal Act.

5.28.6 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.28.7 Exception Provisions - General Industrial (M2) Zone

5.28.7.1 General Industrial Exception One (M2-1) Zone

(Part of Lot 22, Concession 5 (Selby) in the Geographic Township of Richmond)

Within the M2-1 Zone the uses permitted are restricted to:

- buildings and structures for the storage of winter sand;
- building or structures incidental and subordinate to uses listed herein;
- municipal maintenance depot;
- outside storage of aggregate materials, culverts and equipment associated with a municipal maintenance depot;
- water reservoir.

Permitted uses are subject to the following restrictions:

- Setback of Aggregate Material or Winter Sand..... 30 metres from the
highwater mark of Selby Creek

5.28.7.2 General Industrial Exception Two (M2-2) Zone

(Lots 15 to 21, Concession 1 in the Geographic Township of South Fredericksburgh)

Within the M2-2 Zone, the following provisions apply:

a) Permitted Uses:

i) Residential:

- Prohibited.

ii) Non-Residential Uses:

- Agriculture;
- Bulk storage tanks and related facilities;
- Business or professional office provided such use is accessory and incidental to a permitted non-residential use otherwise specified herein;
- Cartage or transport depot and yard facilities;
- Equipment sales and rental, heavy;
- General contractor's or tradesman's yard and related shop facilities;
- Manufacturing, processing, assembly, or fabricating plant except any such use which, from its nature or the materials used therein, is declared to be an offensive or noxious trade, business, or manufacture under the Health Protection and Promotion Act, as amended, and, the Regulations made thereunder;
- Machine or welding shop;
- Municipal, county, or public works yard and maintenance depot;
- non-nuclear electrical power generating station and related administration buildings;
- Outside display and storage of goods and materials where such use is accessory and incidental to a permitted non-residential use otherwise specified hereunder;

- Public use or utility in accordance with the General Provisions of this By-law;
- Retail commercial outlet where such use is accessory and incidental to a permitted non-residential use otherwise specified hereunder;
- Saw mill and/or planing mill;
- Telecommunications tower.

iii) Accessory Uses:

- Uses, buildings and structures normally considered incidental and subordinate to any of the foregoing uses. Such accessory uses shall not include facilities for the storage of radioactive materials.

iv) Uses Exempted from the “H” Provisions:

The following uses may be developed within the M2-2 Zone without the need to remove the “H”:

- Agriculture;
- Non-nuclear electrical power generating station and related administration building;
- Uses, buildings and structures normally incidental and subordinate to the foregoing uses, inclusive of bulk storage facilities for petroleum or other fossil fuels but exclusive of facilities for the storage of radioactive materials.

b) Regulatory Provisions for Uses Exempted from the “H” Provisions (item 5.28.7.2(a)(iv))

Maximum height of buildings and structures:

- i) Power Generating Station inclusive of Administration Building... 60 metres
 ii) Stacks associated with Power Generating Station..... 200 metres
 iii) Accessory Building Structures and Uses..... 12 metres

iv) Special Height Provisions - Accessory Building and Structures:

Notwithstanding any provisions of this By-law to the contrary, an accessory building or structure may be erected above a height of 12 metres provided that such accessory building or structure is set back an equivalent distance from the front, side, or rear lot lines and that such accessory building is not erected closer to the street line than the minimum required yard.

c) Regulatory Provisions for all other uses listed in Section 5.28.7.2(a)(ii):

In all respects the provisions of the M2 Zone, and other relevant by-law provisions shall apply.

d) Removal of the “H” (Holding) Provisions:

The development of lands within the M2-2 Zone for the uses listed in Section 5.28.7.2(a)(ii) shall not be permitted until the “H” is removed in accordance with the provisions of Section 36 of the Planning Act and until:

- i) all applicable municipal requirements have been complied with, including confirmation that sufficient capacity is available, to accommodate proposed development in

- accordance with an approved servicing plan;
- ii) a concept plan showing the intended orderly development of the lands has been submitted and endorsed by the Town; and
- iii) all necessary agreements, including subdivision agreement, and/or site plan agreement between the Town and the owner/developer have been executed.

5.28.7.3 General Industrial Exception Three (M2-3) Zone

(Part of Lot 18, Concession 2 in the Geographic Township of Richmond)

Within the M2-3 Zone, the uses permitted are restricted to:

- salvage yard inclusive of sale of motor vehicle parts and accessories as accessory to the principal use.

5.28.7.4 General Industrial Exception Four (M2-4) Zone

(Part of Lot 21, Concession 3, in the Geographic Township of Richmond)

Within the M2-4 Zone, the uses permitted are restricted to:

- truck or transport depot and related facilities, buildings, and uses normally considered incidental and subordinate thereto.

5.28.7.5 General Industrial Exception Five (M2-5) Zone

(South side of CNR Mainline and west of Centre Street, in the Geographic Town of Napanee)

Within the M2-5 Zone, the following provisions apply:

a) Permitted Uses:

- uses listed in the M2 Zone;
- an existing salvage operation.

b) Crushing:

The crushing of automobiles or automobile parts shall be limited to two (2) occasions only per calendar year for a maximum combined duration of thirty-five (35) business days.

(By-law No. 03-61)

c) Definitions:

For purposes of the M2-5 Zone the following definition applies:

“Existing Salvage Operation” means land, building, structure, or part thereof used for dismantling, separating, and/or conditioning, shipping and storing of materials such as motor vehicles, machinery, aluminum cans, household appliances such as fridges and stoves.

d) Open Storage:

- Open storage may occupy up to 80% of the site.
- Setback of open storage shall be a minimum of 3 metres from the edge of the property.
- Height of storage: Outside storage of material shall not exceed a height of 2.28 metres (7.5 feet).

5.28.7.6 General Industrial Exception Six (M2-6) Zone

(Part of Lot 13, Concession 10, in the Geographic Township of Richmond)

Within the M2-6 Zone, the uses permitted are restricted to:

- accessory sale of parts;
- motor vehicle sales (used);
- salvage yard.

5.28.7.7 General Industrial Exception Seven (M2-7) Zone

(Part of Lot 14, Concession 2, in the Geographic Township of Adolphustown)

Within the M2-7 Zone, the following provisions apply:

a) Uses Permitted are restricted to:

- automobile wrecking yard;
- salvage yard.

(By-law No. 03-61)

b) Zone Provisions:

- Interior Side Yard (minimum)..... 3 metres for existing building
- Setback to Existing Residential Uses (minimum)20 metres

5.28.7.8 General Industrial Exception Eight (M2-8) Zone

(Part of Lot 23, Concession 3, in the Geographic Township of Richmond)

Within the M2-8 Zone, the uses permitted also include:

- Business and professional offices.

(By-law No. 05-76)

5.28.7.9 General Industrial Exception Nine (M2-9) Zone

(444 Advance Avenue, in the geographic Town of Napanee)

Within the M2-9 Zones, the uses permitted include a liquid waste transfer and processing facility as defined by the by-law, subject to the following provisions:

a) Provisions

Outside storage of hazardous materials is prohibited.

b) Holding Provisions & H Removal:

The ‘H’ applies to the “liquid waste transfer and processing facility use” and may be removed in accordance with the provisions of Section 36 of the Planning Act and the Holding provisions of By-law 02-22 when:

- A copy of the approved MOECC Provisional Certificate of Approval for the liquid waste transfer and processing facility is received;
- A site plan agreement dealing with applicable matters, inclusive of security fencing, outside storage, lighting and landscaping has been executed; and
- A discharge agreement has been executed, to the satisfaction of Greater Napanee Utilities, dealing with such matters as volume limitations, quality of discharge, monitoring requirements, and cost recovery treatment charges to ensure compliance with the sewer

use by-law, as amended from time to time;

(By-Law No. 10-53)

c) H Removal:

The “H” symbol has been removed from portions of those lands outlined in Schedule “10” to By-law No. 02-22, as amended by By-law No. 10-53, thereby recognizing the use of the site for a Liquid Waste Transfer and Processing Facility as per an Environmental Certificate of Approval from the Ministry of Environment.

(By-law No. 2014-71)

5.28.7.10 General Industrial Exception Ten (M2-10) Zone

(Part of Lots 23 and 24, Concession 4, in the Geographic Township of Richmond)

Within the M2-10-H Zone the following provisions apply:

d) Permitted Uses

- Soil treatment facility;
- Waste water treatment facility.

e) Provisions:

- Yards (minimum) for soil treatment facility and waste water treatment facility:
 - Front..... 365 metres
 - Interior Side Yard. 70 metres
 - Exterior Side Yard (to a road or unopened road allowance)..... 60 metres
 - Rear Yard
 - From the northernmost lot line, being that which abuts the western limit of the unopened road allowance between lots 24 and 25, Concession 4 in the Geographic Township of Richmond..... 420 metres
 - For all other rear yard lot lines the minimum rear yard shall be 70 metres.
- Accessory uses such as office, maintenance facilities, scales may be located in accordance with the provisions of Section 5.28 of the by-law.
- Planting strips shall be provided along the side yards and front yard adjacent to the lot lines. The planting strip shall be a minimum of 6 metres in width. The planting strip shall include plantings and may also include a raised berm sufficient for the purposes of screening views of the soil treatment facility and the waste water treatment facility.

f) Holding Provisions & H Removal:

- The ‘H’ may be removed in accordance with the provisions of Section 36 of the Planning Act and the Holding provision of the By-law 02-22 when:
- A copy of all required MOECC Environmental Compliance Approvals for the soil treatment facility and waste water treatment facility are provided;
- Matters outlined in section 4.16 of zoning by-law 02-22 have been addressed to the satisfaction of the Town;
- A discharge agreement has been executed, to the satisfaction of Greater Napanee Utilities, dealing with such matters as volume limitations, quality of discharge, monitoring requirements, and cost recovery treatment charges to ensure compliance with the sewer use by-law;
- Confirmation is received from the Ministry of Natural Resources and/or Quinte Conservation indicating that they are satisfied the development can proceed with respect to required approvals under the Endangered Species Act and the Fisheries Act.

(By-Law No. 2013-41)

5.28.7.11 General Industrial Exception Eleven (M2-11-H) Zone

80 Richmond Boulevard; Part of Lot 22, Concession 2, Town of Greater Napanee

Within the M2-11-H Zone the following provisions apply:

c) Uses exempted from the “H” Provision

The following uses may be permitted within the M2-11-H Zone without the need to remove the “H”:

- Warehouse
- Open Storage
- Business, professional or administrative office provided such use is accessory to a permitted non-residential M2 use permitted
- Retail or wholesale establishment where such use is accessory and incidental to a permitted non-residential M2 use and does not exceed 10 percent of the gross floor area of all buildings and structures
- Wholesale establishment

d) Removal of the “H” (Holding) Provisions

- i) The development of the lands within the M2-11-H Zone for the uses listed in Section 5.28.1(b), excluding the exempted uses listed above, shall not be permitted until the “H” is removed in accordance with the provisions of Section 36 of the *Planning Act* and the Holding provisions of By-law 02-22, the requirement for which is the provision of:

- A noise study completed to the satisfaction of the Town that evaluates the potential noise impacts and recommended noise abatement measures in compliance with accepted Provincial guidelines.

e) Provisions:

- i. Lot Area.....0.33 hectares
- ii. Front Yard (minimum).....11 metres
- iii. Rear Yard (minimum).....12 metres
- iv. Parking Location: Parking is permitted no closer than:
 - o 0 metres from the Richmond Boulevard streetline
- v. Parking Space Dimensions and Area:
 - o A standard parking space may be reduced to 2.7 metres in width and reduced to 16 square metres in area.
- vi. Parking Area Design: the minimum aisle width for parking spaces with a parking angle greater than 70 degrees shall be at least 5 m in the area between the existing building and the Richmond Boulevard streetline.
- vii. Access to the required parking spaces may be over the adjacent property at 100 Richmond Boulevard where an easement is in place to allow such access.

5.28.7.12 General Industrial Exception Twelve (M2-12) Zone

100 Richmond Boulevard; Part of Lot 22, Concession 2, Town of Greater Napanee

Within the M2-12 Zone the following provisions apply:

- a. Exterior Side Yard – Advance Avenue (minimum).....5 metres
- b. Exterior Side Yard – Barmish Lane (minimum).....6 metres
- c. Open Storage is permitted within any interior side yard and no closer to the streetline than the main building facing that streetline.
- d. Parking Location: Parking is permitted no closer than:

- i. 3 metres from the Barmish Lane streetline
 - ii. 0 metres from the Richmond Boulevard streetline
- e. Parking Space Dimensions and Area:
 - i. A standard parking space may be reduced to 2.7 metres in width and reduced to 16 square metres in area.
- b. Parking Area Design: the minimum aisle width for parking spaces with a parking angle of less than 30 degrees shall be at least 3 m and the minimum parking space length shall be at least 6 m.
- f. Minimum distance between the westernmost interior side lot line and a driveway accessing Barmish Lane: 0 m

5.29 RURAL INDUSTRIAL (M3) ZONE

No person shall within any Rural Industrial (M3) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.29.1 Uses Permitted

a) Residential Uses

- Accessory single detached dwelling;
- Home Occupation.

b) Non-Residential Uses

- Agricultural produce warehouse;
- Business or professional office provided such use is accessory to a permitted non-residential use specified herein;
- Farm implement and equipment sales and service establishment;
- Feed mill;
- Grain drying and cleaning operation;
- Park;
- Public use in accordance with the General Provisions of this By-law;
- Retail sales outlet where such use is accessory to a permitted non-residential use specified herein;
- Saw and/or planing mill;
- Small engine sales and service establishment;
- Veterinary clinic;
- Woodworking shop;
- Workshop.

(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law No. 2020-0016)

5.29.2 Provisions For Residential Uses

a) Separation (minimum) 10 metres from the permitted non-residential use.

b) Yards (minimum):

- i) Front.....15 metres
- ii) Exterior Side10 metres
- iii) Interior Side6 metres

The minimum interior side yard requirement for a single detached dwelling with an attached garage or carport with no rooms above shall be 1.2 metres on the side where the garage or carport is located.

- iv) Rear..... 15 metres
- c) Dwelling Unit Area (minimum)..... 90 square metres
- d) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- e) Number of Dwelling Houses per Lot (maximum)..... 1
- f) Height of Building (maximum)..... 10 metres

5.29.3 Provisions for Non-Residential Uses

- a) Lot Area (minimum)..... 0.8 ha
- b) Lot Frontage (minimum)60 metres
- c) Yards (minimum):
 - i) Front..... 15 metres
 - ii) Exterior Side 15 metres
 - iii) Interior Side6 metres
Where the interior side lot line or rear lot line abuts a Residential Zone the minimum yard requirement shall be 20 metres.
 - iv) Rear..... 15 metres
- d) Lot Coverage (maximum)..... 30 percent
- e) Landscaped Open Space (minimum) 20 percent
- f) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- g) Height of Building (maximum) 12 metres
- h) Planting Strip:
 - In accordance with the General Provisions of this By-law.

5.29.4 Use of Front and Exterior Side Yards

Required front and exterior side yards shall be open and unobstructed except that such yards may be used for the purpose of parking in accordance with the General Provisions.

5.29.5 Open Storage

Lands used for the outside display and/or storage of goods or materials shall:

- a) Be accessory to the main use on the lot;
- b) Land used for open storage of goods and materials shall comply with the required front and exterior side yard and setback requirements provided that such outside storage is not located closer than 6.0 metres to an interior side lot line where the lot line abuts a lot zoned or used for residential purposes;

- c) Not exceed of 50 percent of the lot area; and
- d) Be screened from adjacent residential uses and public streets adjoining the lot by buildings, or is enclosed by a planting strip, or be enclosed by a fence extending at least 1.8 metres in height from the finished grade.

(By-law No. 03-61)

5.29.6 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.29.7 Exception Provisions - Rural Industrial (M3) Zone

5.29.7.1 Rural Industrial Exception One (M3-1) Zone

(Part of Lot 17, Concession 9, in the Geographic Township of Richmond)

Within the M3-1 Zone, the non-residential uses are restricted to a contractor’s yard and uses considered incidental and subordinate thereto.

5.29.7.2 Rural Industrial Exception Two (M3-2) Zone

(Part of Lot 6, Concession 11, in the Geographic Township of Richmond)

Within the M3-2 Zone, the non-residential uses permitted are restricted to a contractor’s yard together with uses considered incidental and subordinate thereto.

5.29.7.3 Rural Industrial Exception Three (M3-3) Zone

(Part of Lot 7, Concession 4, in the Geographic Township of Richmond)

Within the M3-3 Zone, the non-residential uses permitted are restricted to a contractor’s yard together with uses considered incidental and subordinate thereto.

5.29.7.4 Rural Industrial Exception Four (M3-4) Zone

(Part of Lot 22, Concession 5, in the Geographic Township of Richmond)

Within the M3-4 Zone, the non-residential uses are restricted to:

- a contractor’s yard together with uses considered incidental and subordinate thereto;
- workshop.

5.29.7.5 Rural Industrial Exception Five (M3-5) Zone

(Part of Lot 19, Concession 3, in the Geographic Township of Richmond)

Within the M3-5 Zone, the uses permitted are restricted to a warehouse and/or wholesale establishment and ancillary cartage or transport facilities.

5.29.7.6 Rural Industrial Exception Six (M3-6) Zone

(Part of Lot 15, Concession 11, in the Geographic Township of Richmond)

Within the M3-6 Zone, the uses permitted are restricted to:

- i) Residential.....prohibited

- ii) Non Residential
 - Manufacture of furniture;
 - A sales outlet incidental to the primary use;
 - Uses normally considered accessory and incidental thereto;
 - Outside storage of goods and materials ancillary and incidental to a permitted use.
- iii) Ground Floor Area of all buildings (maximum).....1,000 square metres

5.29.7.7 Rural Industrial Exception Seven (M3-7) Zone

(Part of Lot 18, Concession 6, in the Geographic Township of North Fredericksburgh)

Within the M3-7 Zone, the the following provisions apply

a) Uses Permitted

Uses permitted are restricted to:

- Mini warehouse storage units;
- Public or private park;
- Office accessory to a permitted non-residential use speciefied herein;
- A public use in accordance with the general provisions of this by-law.

b) Provisions

a) Lot Area (Minimum)..... 0.4 hectares

b) Yards (minimum)

- i. Front..... 10 metres
- ii. Interior. 10 metres
- iii. Rear..... 10 metres

(By-law No. 2013-12)

5.29.7.8 Rural Industrial Exception Eight (M3-8) Zone

(Part of Lot 22, Concession 4, in the Geographic Township of Richmond)

Within the M3-8 Zone, the following provisions apply:

a) Uses Permitted

Uses permitted are restricted to:

- Agricultural equipment sales and storage;
- Auction sales barn;
- Feedmill;
- Fertilizer storage and sales;
- Grains storage;
- Office uses associated with a principal business;
- Sales of grains and related products;
- Seed cleaning and sales;
- Uses accessory to the principal uses;
- Wholesale establishment related to a feed mill operation;
- A public use in accordance with the general provisions of the By-law.

(By-law No. 2013-64)

5.29.7.9 Rural Industrial Exception Nine (M3-9) Zone

(1138 County Road 41 Part of Lot 21, Concession 4, in the Geographic Township of Richmond)

Within the M3-9 Zone, the following provisions apply:

a) Uses Permitted

Uses permitted include:

- Retail sales of farm implements and related equipment;
- Repair and servicing of farm implements and related equipment

5.30 EXTRACTIVE INDUSTRIAL (M4) ZONE

No person shall within any Extractive Industrial (M4) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.30.1 Uses Permitted**a) Residential Uses**

- Prohibited.

b) Non-Residential Uses

- Agriculture;
- Aggregate stockpiling;
- Conservation, forestry and reforestation;
- Facilities for the recycling of concrete and/or asphalt materials;
- Outside storage associated with an aggregate operation;
- Portable asphalt plant or portable concrete batching plant;
- Public use in accordance with the General Provisions of this By-law;
- Processing plant for the crushing, screening and primary processing of aggregate materials;
- Pit;
- Quarry;
- Wayside pit;
- Wayside quarry.

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law No. 2020-0016)

5.30.2 Regulatory Provisions**a) Yards (minimum):**

- | | | |
|------|---------------------|-----------|
| i) | Front..... | 30 metres |
| ii) | Exterior Side | 30 metres |
| iii) | Interior Side | 15 metres |
| iv) | Rear..... | 15 metres |

b) Distance Separation (minimum):

- i) No building or plant, including an aggregate screening or washing plant, a crushing plant, or a portable processing plant, or any stockpiling operation associated therewith, shall be located on the pit or quarry property within 30 metres of the boundary of the pit or quarry property or within 100 metres of a dwelling house or dwelling unit or area zoned for residential purposes where

such lands are held under distinct and separate ownership.

- ii) That part of the extractive operation involving the removal of aggregate shall be prohibited within 100 metres of a dwelling house or dwelling unit or area zoned solely for residential purposes where such lands are held under distinct ownership.
- c) A new extractive operation involving the blasting of consolidated rock or the processing of quarry stone shall be prohibited within 300 metres of a dwelling house or dwelling unit or area zoned solely for residential purposes where such lands are held under distinct and separate ownership.
- d) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- e) Planting Strip:
 - In accordance with the General Provisions of this By-law.
- f) Fencing:
 - In accordance with the Site Plan under the Aggregate Resources Act.

5.30.3 General Provisions

In accordance with Section 4, General Provisions, of this By-law

5.30.4 Exception Provisions - Extractive Industrial (M4) Zone

5.30.4.1 Extractive Industrial Exception One (M4-1) Zone

(Part of Lot 21, Concession 4, in the Geographic Township of Richmond)

Within the M4-1 Zone, the uses permitted include:

- asphalt plant;
- concrete batching plant.

5.30.4.2 Extractive Industrial Exception Two (M4-2) Zone

(Part of Lots 9 and 10, Concession 2, in the Geographic Township of Richmond)

Within the M4-2 Zone, the uses permitted are restricted to:

- agriculture;
- conservation and reforestation;
- pit and related extraction, processing, and stockpiling operations;
- stockpiling of clay.

(Amended by By-law No. 2018-0005)

5.31 WASTE MANAGEMENT INDUSTRIAL (M5) ZONE

No person shall within any Waste Management Industrial (M5) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.31.1 Uses Permitted**a) Residential Uses**

- Prohibited.

b) Non-Residential Uses

- Public use in accordance with the General Provisions of this By-law;
- Waste management facility;
- Septage facility;
- Sewage treatment facility.

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law No. 2020-0016)

5.31.2 Regulatory Provisions**a) Landfill area and Leachate Control and Treatment Works**

- i) Yards (minimum):
 - Front 100 metres
 - Exterior Side..... 100 metres
 - Interior Side..... 100 metres
 - Rear 100 metres
- ii) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- iii) Lot Coverage (maximum): Landfill Area..... 40 percent of the total lot area.

b) Buildings and Structures

- i) Yards (minimum):
 - Front 30 metres
 - Exterior side 30 metres
 - Interior side 15 metres
 - Rear 15 metres
- ii) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.

- iii) Lot Coverage (maximum) 20 percent
- iv) Height of Building (maximum) 12 metres
- v) Fencing:
 - In accordance with the municipal By-law and Certificate of Approval under the Environmental Protection Act
- c) Borrow Pit Operations and Storm Water Management Facilities
 - i) Yards (minimum)
 - Front.....30 metres
 - Exterior side.....30 metres
 - Interior side.....15 metres
 - Rear.....15 metres
 - ii) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
- d) Landscaped Open Space (minimum)..... 20 percent

5.31.3 Separation Distances

- a) Septage Lagoons
 - In accordance with the Distance Separation Requirements of the General Provisions of this By-law.
- b) Waste Management Facilities
 - In accordance with the Distance Separation Requirements of the General Provisions of this By-law.

5.31.4 Planting Requirements

- a) Notwithstanding any other provision of this By-law to the contrary, where a portion of a Waste Management Industrial (M5) Zone abuts an improved public street or road, or a limited service street or road, a planting strip, having a minimum width of 10 metres, uninterrupted except for ingress and egress driveways, shall be provided within the required front, exterior side and/or rear yards immediately adjacent the property line abutting the road or street.
- b) A required planting strip may be supplemented by an earthen berm which shall be located in the same location as the required planting strip provided that the maximum gradient of the side slopes of such earthen embankment do not exceed 2.5 to 1, provided further that such earthen berm is graded with provision for proper drainage and seeded with perennial grass.
- c) A required planting strip may be interrupted where the lands are used in association with an

easement for a public use or other similar utility or works.

5.31.5 Existing Certificates of Approval

Notwithstanding any other provision of this By-law to the contrary, where a certificate of approval has been issued to the owner and/or operator of a waste management facility in accordance with the provisions of the Environmental Protection Act, prior to the adoption of this By-law, no provision of this By-law shall apply to restrict and/or prohibit the continued use of the lands for waste management purposes in accordance with the Certificate of Approval.

5.31.6 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.31.7 Exception Provisions - Waste Management Industrial (M5) Zone

5.31.7.1 Waste Management Industrial Exception One (M5-1) Zone

(Part of Lots 1 to 3, Concession 4, in the Geographic Township of Richmond)

Within the M5-1 Zone, the following provisions apply:

a) Definition of a Waste Management Facility

“WASTE MANAGEMENT FACILITY” means an area to which solid, non-hazardous waste, garbage, refuse, exclusive of liquid industrial waste, is transferred to, transferred out of or deposited, for handling, processing, separation, storage, treatment, recycling, recovery, composting and disposal, and, for the purposes of this By-law may include landfill operations, a composting facility for leaf and yard wastes, an organic composting facility, a soil recovery and recycling facility, a material recovery facility and landfill reclamation together with such other ancillary uses and activities as administrative offices, weigh scales and scale house, equipment maintenance depots and storage buildings, borrow pit operations for landfill cover material, leachate collection and treatment facilities, landfill gas collection and treatment facilities inclusive of co-generation facilities, storm water management facilities, and, air monitoring facilities, but, for the purposes of this By-law shall not include a salvage yard.

b) Uses Permitted

Uses are restricted to:

- a public use in accordance with the General Provisions of this By-law;
- a solid, non-hazardous waste management facility in accordance with the Certificates of Approval issued by the Ministry of the Environment under the Environmental Protection Act, and/or other applicable statutes.

c) Height Exceptions

A building or structure permitted within the M5-1 Zone may exceed 12 metres in height provided that such building or structure, or portion thereof, is set back from the front, side or rear lot line, as the case may be, an additional metre for each metre, or fraction thereof, by which such building or structure, or portion thereof, exceeds 12 metres in height.

d) Landfill Area and Leachate Control and Treatment Works

Yards (minimum)

- Front100 metres
- Exterior Side.....100 metres
- Interior Side.....30 metres
- Rear30 metres

e) Special Yard Provisions

Notwithstanding the provision of this By-law to the contrary, no portion of a landfill or leachate control and treatment works shall be permitted within 150 metres of any residential dwelling existing prior to August 1, 1994.

f) Setback from County Road No. 11.....538 metres

g) Borrow Pit Location

- No borrow pit operation is permitted within 45 metres of lands zoned Community Facility (CF).

h) Fencing Requirements

The owner or operator of a waste management facility shall erect and maintain a fence, having a minimum height of 1.2 metres, which shall follow the contours of the surface of the ground along the perimeter of the lot or that portion of the lot to be used for the purposes of landfilling or other waste management activities.

i) Setback From Boundary of Environmental Protection (EP) Zone

Where lands zoned Waste Management Industrial Exception One (M5-1) Zone are adjacent an area zoned Environmental Protection (EP) Zone, no building or structure shall be located closer than 10 metres and no portion of a landfill area or leachate control and treatment system shall be located closer than 15 metres to the boundary of the Environmental Protection (EP) Zone provided that the minimum yard requirement from the lot line is complied with.

5.31.7.2 Waste Management Industrial Exception Two (M5-2) Zone

(Part of Lot 6, Concession 4, in the Geographic Township of Richmond)

Within the M5-2 Zone, the following provisions apply:

a) Uses Permitted

Within the M5-2 zone the uses permitted are restricted to:

Residential Uses

- Prohibited.

Non-Residential Uses

- sewage lagoons to be used only for the storage of hauled sewage as defined by a Provisional Certificate of Approval issued by the Ministry of Environment and Climate Change under the Environmental Protection Act;
- uses, buildings and structures accessory to the principal permitted uses;
- Public uses in accordance with the General Provisions of By-law 02-22.

a) Zone Provisions

i) Area and Frontage

- Lot area (minimum)..... 10 hectares
- Lot frontage (minimum).....380 metres
- ii) Sewage Lagoons – Regulatory Provisions
 - Front yard abutting the Johnsons Side Road (minimum).....180 metres
 - Yard abutting Environmental Protection (EP) Zone (minimum)90 metres
 - Interior side yard abutting southerly lot boundary (minimum)100 metres
 - Rear yard measured to the line separating Lot 4 form Lot 5 in Concession 4 (minimum).....450 metres
 - Lot coverage (maximum) 25 percent
(By-law No. 02-75)

5.31.7.3 Waste Management Industrial Exception Three (M5-3) Zone

(Part of Lot 1, Concession 1, in the Geographic Township of Richmond)

Within the M5-3 Zone, the uses permitted are restricted to:

- solid, non-hazardous waste management site for the disposal of brush;
- and yard wastes in accordance with the provisional Certificate of Approval No. A371204 issued by the Ministry of Environment;
- uses, building and structures considered incidental and subordinate thereto.

5.31.7.4 Waste Management Industrial Exception Four (M5-4) Zone

(Sewage Treatment facility in part of Lot 19, Concession 1, in the Geographic Township of Richmond)

Within the M5-4 Zone, the uses permitted are restricted to a sewage treatment facility.

5.31.7.5 Waste Management Industrial Exception Five (M5-5) Zone

(Part of Lot 21, Concession 7, in the Geographic Township of Richmond)

Within the M5-5 Zone, the following provisions apply:

a) Uses Permitted

Uses permitted restricted to:

- Contractor’s yard inclusive of facilities for the receipt, transfer, sorting, separation, processing and stockpiling of non-hazardous, solid waste construction, where such waste processing facilities in accordance with a Certificate of Approval issued by the Ministry of Environment and Climate Change;
- A transfer station for the purpose of transferring putrescible waste from one vehicle to another for transportation to another waster disposal site. The uses include facilities for the receipt, transfer, sorting, separation, and stockpiling of non-hazardous putrescible waste in accordance with a Certificate of Approval issued by the Ministry of Environment and Climate Change.
- Uses normally considered incidental and subordinate to the principal use.

b) Regulatory Provision for Transfer Station and Waste Processing Facilities

i) Yards	(Minimum):
Front.....	30 metres
Exterior... ..	30 metres
Interior... ..	30 metres

- Rear... 30 metres
 - ii) Land Area for waste processing facilities (maximum)..... 2 hectares
 - iii) Setback to lands zoned Environmental Protection (EP) Zone minimum.....20 metres
 - iv) Disposal of any other wastes prohibited.
- (By-law No. 04-05)

5.32 FUTURE DEVELOPMENT (D) ZONE

No person shall within any Future Development (D) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.32.1 Uses Permitted**a) Residential Uses**

- Existing single detached dwelling house;
- Home Occupation.

b) Non-Residential Uses

- Existing agricultural use;
- Park;
- Public use in accordance with the General Provisions of this By-law.

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law.

5.32.2 Provisions for Permitted Uses

The above uses are permitted only on lots which existed on the date of passing of this By-law.

5.32.3 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

6.1 ZONING ADMINISTRATION

This By-law shall be administered and enforced by the Chief Building Official or such other person as may be appointed by the council of the Corporation of the Town of Greater Napanee.

6.2 ISSUANCE OF BUILDING PERMITS

- a) No building permit shall be issued where the proposed building, structure, excavation, use or activity would be in violation of the provisions of this By-law.
- b) Where the approval of another agent or authority is required, this shall mean that the written approval of such agent or authority shall be obtained by the applicant and submitted to the Chief Building Official at such time as an application is made for a building permit.
- c) Every application for a building permit on flood prone lands shall be accompanied by a plan(s) drawn to the appropriate scale showing the following:
 - i) The location and use of all existing and proposed buildings and structures;
 - ii) Existing and final contours at 0.3 metre intervals;
 - iii) Erosion and siltation control procedures;
 - iv) The location of the floodline; and
 - v) Flood proofing measures.

6.3 BUILDING OR STRUCTURES TO BE MOVED

No building or structure requiring a building permit, for construction, shall be moved within the area affected by this By-law unless a permit has been granted from the Chief Building Official.

(By-law No. 2018-0005)

6.4 REQUESTS FOR AMENDMENTS

Request for an amendment to this By-law shall be accompanied by the Corporation's "APPLICATION FOR ZONE CHANGE".

6.5 ENFORCEMENT**6.5.1 Previous Violations Continued**

Any building or structure illegally altered, enlarged, erected or renovated, any use illegally established, or any lot illegally created prior to the date of passing of this By-law shall not become legal solely by reason of the passing of this By-law. Where any such building, structure, use or lot is in conflict with one or more of the provisions of this By-law, such building, structure, use or lot will remain illegal and shall not be deemed to be legal in the By-law, except where specifically allowed by law.

6.5.2 Remedial Action

Where any matter or thing is required to be done by a person or corporation under the provisions of

this By-law, Council may direct that in default of it being done by said person or corporation, such matter or thing may be done by the Town at the sole expense of the person or corporation and the expenses thereof with interest may be recovered by the Town in accordance with the provisions of the Municipal Act.

6.5.3 Violation and Penalties

Any person or corporation who uses any lot or erects or alters a building or structure in a manner in contravention of this By-law is guilty of an offence, and upon conviction, is liable for the penalties as herein outlined:

a) Person

- i) Any person convicted of, by a Court of competent jurisdiction, a breach of this By-law shall forfeit and pay at the discretion of the convicting Justice, a penalty not exceeding the sum of Twenty Five Thousand (\$25,000.00) dollars (exclusive of costs) for the first offence; and
- ii) For a subsequent offence, a penalty not exceeding the sum of Ten Thousand (\$10,000.00) dollars (exclusive of costs) for each day or part thereof upon which the contravention has continued after the date of the first conviction.

b) Corporation

- i) Any Corporation convicted of, by a Court of competent jurisdiction, a breach of this By-law shall forfeit and pay at the discretion of the convicting Justice, a penalty not exceeding the sum of Fifty Thousand (\$50,000.00) dollars (exclusive of costs) for the first offence; and
- ii) For a subsequent offence, a penalty not exceeding the sum of Twenty-Five Thousand (\$25,000.00) dollars (exclusive of costs) for each day or part thereof upon which the contravention has continued after the date of the first conviction.

c) Continuation of Offence

Upon a conviction being entered under the provisions of subsection (a) or (b) of this Section, the Court in which the conviction was entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in this By-law, make an Order prohibiting the continuation or repetition of the offence by the person or Corporation convicted.

6.6 OCCUPANCY

a) Certificate of Occupancy

No change shall be made in the use of any land, building, structure or excavation until a Certificate of Occupancy has been issued by the Chief Building Official, to the effect that the proposed use conforms to this By-law.

b) Occupancy of Uncompleted Dwelling Houses

No dwelling house shall be used for human habitation until the Building Code Act and the regulations thereunder have been complied with and, in any event, not before the main side walls and roof have been erected and completed; and kitchen, heating and sanitary conveniences have been installed and rendered usable, safe and fit for human habitation.

6.7 INSPECTION

The Chief Building Official, Building Inspector or any other officer or employee of the Corporation, acting under the direction of the Council, in accordance with applicable law, is hereby authorized to enter, at all reasonable hours, upon any property or premises in which there is reason to believe that the provisions of this By-law are not being obeyed, for the purpose of carrying out the duties under this By-law.

The Chief Building Official, Building Inspector or other employee of the Corporation shall not enter any room or place actually being used as a dwelling without the consent of the occupier, except under the authority of a search warrant issued under the Provincial Offences Act.

6.8 REMEDIES

Where any building or structure is to be erected, altered, reconstructed, extended or part thereof is to be used, or any lot is to be used, in contravention of any requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or the Corporation pursuant to the provisions of The Planning Act or The Municipal Act.

6.9 VALIDITY

If any section, clause or provisions of this By-law, including anything contained on the Key Map and Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed.

6.10 ZONE BOUNDARIES

Where any uncertainty exists as to the location of the boundary of any of the Zones as shown on the Zoning Schedules, the following rules apply:

- a) Where Zone boundaries are indicated as approximately following lot lines, such lot lines shall be deemed to be the said boundaries.
- b) Where Zone boundaries are indicated as approximately parallel to any street and the distance from such street is not indicated, such zone boundaries shall be construed as being parallel to such street.

- c) Unless otherwise indicated on the Zoning Schedules, streets, lanes or right-of-way, such as for railroads or electrical transmission lines, shall be deemed to be in the same zone as the adjacent lands and where such streets, lanes or right-of-way separate different zones, unless otherwise indicated on the Zoning Schedules, the centrelines of these shall constitute the boundary between zones.
- d) Where any uncertainty still exists as to the zone location of such streets, lanes or right-of-way, they shall be assumed to be within the Open Space (OS) Zone.
- e) Where a zone boundary is indicated as passing through undeveloped land, then the location of such boundary shall be determined in accordance with the scale of said Zoning Schedule(s) at the original scale.
- f) Where a zone boundary is indicated as following the corporate limits of the Corporation of the Town of Greater Napanee, then such limits shall be the zone boundary.
(By-law No. 2018-0005)
- g) Where a zone boundary is indicated as following a shoreline, then such zone boundary shall follow the shoreline, and, in the event of change in the boundary of the shoreline, the zone boundary shall be construed as moving with the actual shoreline.

6.11 **ZONE PROVISIONS**

The uses permitted, the minimum size and dimensions of lots, the minimum size of yards, the minimum setback, the maximum lot coverage, the minimum landscaped open space, the maximum height of buildings, and all other zone provisions are set out in Section 5 of this By-law for the respective zones.
(By-law No. 2018-0005)

a) Uses Permitted

Uses specifically named as permitted uses in a particular zone and classified under the headings "Residential Uses" or "Non-Residential Uses" are the only uses permitted in the particular zone in which they are named and classified.

b) Reference to Permitted Uses

For the purpose of reference, all uses and related building and structures named as permitted uses and classified under the headings "Residential Uses" or "Non-Residential Uses" may be referred to as Residential or Non-Residential uses, buildings, or structures respectively.

6.12 **ZONE REPRESENTATION**

a) Zone Symbols

The zone symbols listed in Section 5.1, and outlined on the Zoning Schedules, refer to the use of land, buildings and structures and excavations permitted by this By-law in the said zone categories. Whenever in this By-law the word "Zone" is used, preceded or followed by any of the symbols, such Zone reference shall mean any area within the Corporation delineated on the Zoning Schedules and designated thereon by the symbol.

b) Special Zones and Provisions

Where the Zone Symbol designating certain lands, as shown on the Zoning Schedules, is followed by a dash and a number, for example R1-11, then special zone provisions apply to such lands. Such special provisions are found by reference to the Subsection of the Zone Provisions of each Zone classification entitled "EXCEPTION ZONE PROVISIONS". Lands zoned in this manner shall be subject to all the restrictions of the Zone, except as otherwise provided by the special zone provisions

6.13 ZONING AMENDMENT AND PUBLIC NOTIFICATION EXEMPTIONS

The Town may forego public notification in connection to Zoning By-law amendments if such amendments relate to matters which will not affect the provisions of this By-law in any material way, and may include the following matters:

- a) Altering punctuation or language to obtain a uniform mode of expression,
- b) Correcting clerical, grammatical, dimensioning or typographical errors,
- c) Altering or correcting the number and arrangement of any provisions,
- d) Inserting historical footnotes or similar annotations to indicate the origin and approval of each provision,
- e) Changing the format,
- f) Changing the reference to a Provincial Act such as The Planning Act, or updating the titles of Provincial or other agencies,
- g) Consolidating amendments, and
- h) Transferring Zoning By-law Designations to new base maps.

(By-law No. 2018-0005)

6.13 EXISTING BY-LAWS REPEALED

By-law Numbers 17-1975, 922, 415-81, 81-88, and 9-90 and all amendments thereto are hereby repealed.

ENACTMENT

THIS By-law shall come to force and take effect on its date of passing, subject to:

- the provisions of subsections 34(30) and (31) of the Planning Act, R.S.O. 1990, C.p.13, in the event a notice of appeal of this By-law is filed in accordance with subsection 34(19) of the Act; and
- not until the Official Plan for the Town of Greater Napanee has come into force and effect.

Read a first time this 8th day of April 2002.

Read a second time and finally passed this 8th day of April 2002.

Originally Signed By _____
(Mr. David Remington) Mayor

Originally Signed By _____
(Mr. Raymond Callery) Clerk-Administrator

APPENDIX 1

MDS Formula I

APPENDIX 2

MDS Formula II