

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 m²
- 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)