

**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 m<sup>2</sup>
  - 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<br>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<br>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 Mall .....6 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 m<sup>2</sup> 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 m<sup>2</sup>
  - 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)