

Section 19: Recreational Commercial Zone (C5)

19.1 Permitted Uses

- (a) Marinas, Outdoor Recreation Use, Place of Entertainment, Eating Establishment, Tourist Establishment, Private Park, Private Outdoor Recreational Use, Recreational Use, Private Boat Club Facility, Private Club, Clubhouse, Driving Range, Miniature Golf Course, Assembly Hall, Recreational Camp Facility.
- (b) Uses, buildings and structures accessory to a permitted use.

19.2 Regulations for Uses Permitted in Clause (a) of Subsection 19.1

- (a) Minimum Lot Area 1,860 m² (20,021 ft²)
- (b) Minimum Lot Frontage 30 metres (98 ft.)
- (c) Maximum Lot Coverage 30%
- (d) Minimum Front Yard 30 metres
- (e) Minimum Side Yard 5.0 metres (16 ft.), except that a minimum side yard abutting a residential use or zone or an improved public street shall be 10 metres (33 ft.).
- (f) Minimum Rear Yard 8.0 metres (26 ft.), except that a minimum rear yard abutting a residential use or zone or an improved public street shall be 10 metres (33 ft.).
- (g) Maximum Height 3 storeys

19.4 Regulations for Accessory Uses Permitted in Clause (b) of Subsection 19.1

The provisions of Subsection 5.1 shall apply to accessory uses permitted in Clause (b) of Subsection 19.1.

19.5 Special Regulations for Setbacks on Provincial Highways and County Roads

See Subsection 5.16 (d).

19.6 Parking Regulations

See Subsection 5.7

19.7 Special Regulations for Yards and Setbacks (Minimum Separation Distances)

See Section 32.

33.47 A1-47 Lands within the Agricultural (A1-47) Zone, being Part of Lot 12, Concession 20, (in the former Township of Egremont) and shown on Schedule "3", shall permit, in addition to the permitted uses of the "A1" Zone, a "Public Garage". Any extension or enlargement of the "Public Garage" shall require an amendment to this By-law.

33.48 C5-48 Lands within the Recreational Commercial (C5-48) Zone, being Part of Division 5, Concession 1 EGR, (in the former Township of Egremont) and shown on Schedule "2", shall permit, in addition to the permitted uses of the "C5" Zone, a "Track for the Racing of Motor Vehicles, Salvage Yard and a Flea Market Use". Any extension or enlargement of the "Track for the Racing of Motor Vehicles and Salvage Yard" shall require an amendment to this By-law.

33.49 A1-49 Lands within the Agricultural (A1-49) Zone, being Part of Lot 6, Concession 1 EGR (in the former Township of Egremont) and shown on Schedule "2", shall permit, in addition to the permitted uses of the A1 Zone, a Driving Range, Miniature Golf Course and Outdoor Recreation Use and shall also permit a retail store and eating establishment with a maximum seating capacity of sixteen (16) persons, based on these uses being accessory to the Driving Range, Miniature Golf Course and Outdoor Recreation Use.

A residential unit, attached to the east side of the clubhouse shall be a permitted use on the subject lands. The attached residential unit will be subject to the following:

Maximum Ground Floor Area	110 m ² (1,185 ft ²)
Maximum Height	1 storey
Minimum Front Yard Setback	15 metres (50 feet)

Any extension or enlargement of the Driving Range, Miniature Golf Course, Outdoor Recreation Use or Residential Unit, shall require an amendment to this By-law.

33.50 R5-50 Lands within the Residential Type 5 (R5-50) Zone in the Hamlet of Varney (in the former Township of Egremont) and shown on Schedule "1", shall permit, in addition to the permitted uses of the "R5" Zone, a "Public Garage". Any extension or enlargement of the "Public Garage" shall require an amendment to this By-law.

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Section 5: General Provisions

5.1 Accessory Uses

(a) Permitted Uses

Where this By-law provides that land 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:

- (i) a home occupation,
- (ii) any building used for human habitation, except where specifically permitted in this By-law,
- (iii) the open storage of goods or materials, except where specifically permitted in this By-law,
- (iv) exceeds 5% of the lot coverage,
- (v) is considered an accessory structure or building if attached to the main building in any way,
- (vi) be erected prior to the main building except as permitted in Section 5.20(b) of this By-law,
- (vii) a building or structure if located entirely underground,
- (viii) exceeds 7 m in Height.

(b) Location

Except as otherwise provided herein, any accessory building or structure which is not part of the main building shall be erected in the rear or the side yard in which such accessory building or structure is situated.

(c) Accessory Structures

Notwithstanding the yard and setback provisions of this By-law to the contrary, awnings, clothes poles, flag poles, garden trellises, retaining walls, permitted signs, or similar uses shall be permitted in any required yard or in the area between the street line and the required setback.

(d) Garages

Notwithstanding any other provisions of this By-law to the contrary, detached private garage shall be permitted to be erected and used in an interior side or rear yard, provided that:

- (i) when such garage is located in an interior side yard, it shall not be closer than 1 metre to the interior side lot line, except where a common or mutual detached garage is erected simultaneously on both sides of the lot line, as one building, in which case, no interior side yard to the accessory building is required,
- (ii) when such garage is located in a rear yard, it shall not be closer than 2 metres to an interior side lot line and a rear lot line, except where a common or mutual detached garage is erected simultaneously on both sides of the lot line as one building, in which case, no rear yard or interior side yard to the accessory building is required with respect to the common or dividing wall of said building, and
- (iii) all such garages, whether located in a rear yard or side yard, shall comply with the setback provisions applicable to the principal or main building on the lot where such rear or side yard abuts a public street.

(e) Other Accessory Buildings or Structures

Notwithstanding any other provisions of this By-law to the contrary, an accessory building or structure other than a private garage shall be permitted to be erected and used in an interior side yard or rear yard, provided that:

- (i) when such accessory building or structure is located in an interior side yard or a rear yard and such building or structure does not exceed 14 square metres in area, it shall be located no closer than 1 metre to the interior side lot line or rear lot line;
- (ii) when such accessory building or structure is located in an interior side yard or rear yard and such building or structure exceeds 14 square metres in area, it shall be located no closer than 7 metres to the interior side lot line or rear lot line; and
- (iii) all such accessory buildings or structures, whether located in a rear yard or side yard, shall comply with the setback provisions applicable to the principal or main building on the lot where such rear or side yard abuts a public street.

(f) Boat House, Boat Lift, or Dock

Notwithstanding the yard and setback provisions of this By-law to the contrary, a boat house, boat lift, or dock for pleasure boats may be erected and used in the rear yard of a lot backing on a navigable waterway, provided such accessory buildings or structures are located no closer than 2 metres to the side lot line, and the documented approval of the appropriate Conservation Authority having jurisdiction has been obtained.

(g) Ornamental Structures

Notwithstanding the yard and setback provisions of this By-law to the contrary, sills, chimneys, cornices, eaves, gutters, parapets, pilasters, or other ornamental structures shall be permitted to project into any required d or the area between the street line and the required setback, a maximum distance of 0.5 metres.

h) Unenclosed Porches, Balconies, Steps, or Patios

Notwithstanding the yard and setback provisions of this By-law to the contrary, unenclosed porches, balconies, steps, and patios, shall be permitted to project into any required yard a maximum of 1 metre provided that, in the case of porches, steps, or patios, such uses are not more than 2 metres above grade.

5.2 Dwelling Units Below Grade

(b) Basement

A dwelling unit, in its entirety, may be located in a basement, provided the unit meets the requirements for habitable space under the Building Code.

5.3 Height Restriction

Unless specifically permitted in zone regulations the maximum height shall be eleven (11) metres for all uses. Notwithstanding the height provisions contained herein, nothing in this By-law shall apply to prevent the erection, alteration or use of the following accessory buildings or structures, provided the main use is a permitted use within the Zone in which it is located:

A church spire
A belfry
A flag pole
A clock tower
A chimney
A water tank

A non-commercial radio
A television tower or antenna
An air conditioner duct
A grain elevator or feed mill
A barn
A silo

Gross Floor Area of Building or Structures	Minimum Number of Spaces Required
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0 to 500 square metres	1
500 to 2,500 square metres	2
2,500 to 8,500 square metres	3
8,500 square metres	3*

* plus 1 additional space for each additional 9,000 square metres or fraction thereof in excess of 8,500 square metres provided, however, that in addition to the above number of loading spaces, adequate space shall be provided for the parking of vehicles awaiting access to loading spaces.

(b) Additions to Buildings

If an addition is made to an existing building or structure which increases the floor area then loading space requirements for such a building or structure shall be provided in accordance with paragraph a) on the basis of the total floor area of the whole buildings or structure after expansion.

5.15 Planting Strip

(a) Location

Where a commercial, institutional, or industrial use is established opposite a Residential Zone or abuts a side or rear lot line in a Residential Zone, then a planting strip and/or fence adjoining such abutting lot line, or portion thereof, shall be provided on the commercial, industrial, or institutional lot, in the case of a planting strip with a minimum width of 3 metres. Conversely, when a residential use is established adjacent to a commercial, industrial, or institutional use, as described above, a similar planting strip shall be provided on the residential lot.

5.16 Setback Requirement

(a) Building in a Built-up Area

Notwithstanding the yard and setback provisions of this By-law to the contrary, where a permitted building or structure is to be erected on a lot in a built-up area where there is an established building line extending 90 metres or less on both sides of the lot, such permitted building or structure may be erected closer to the Front Lot Line than

required by this By-law, provided such permitted building or structure is not closer to the Front Lot Line than the established building line on the date of passing of this By-law.

(b) Through Lots

Where a lot which is not a corner lot has frontage on more than one street, the setback requirements contained herein shall apply on each street in accordance with the provisions of the Zone or Zones in which such lot is located.

(c) Yard and Open Space Provision for All Zones

No part of a yard or other open space required about any building for the purpose of complying with the provisions of this By-law shall be included as part of a yard or other open space similarly required for another building on the same lot.

(d) Setback and Side Yard Setback on Major Roads

Notwithstanding any other provisions of this By-law where a building or structure is located adjacent to a Provincial Highway or a County Road, setbacks shall be provided and maintained in accordance with the Ministry of Transportation and the County of Grey, safety and geometric requirements and as a minimum setback shall be provided and maintained in accordance with the following provisions:

Road

**Distances in Metres from
Centre Line of Road**

Provincial Highway No.'s 6, 10 & 89	32 metres
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Grey County Road No.'s 8, 9, 14, 23, 34, 106 & 109	23 metres
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Except lands zoned within Schedules 1, 11, 13, 20, 21, 22, 23, 25, 26, 27, 28, 32, 44 and 48.

(e) Setbacks for Watercourses

Notwithstanding any yard provision of this By-law to the contrary, no permanent building or structure in any zone shall be:

- (i) closer than 15 metres from the edge of an open municipal drain,
or

(e) Treatment of the Area of a Lot Zoned Environmental Protection (EP)

Where any lot is zoned in part in a Environmental Protection Zone (EP), no person shall erect any buildings or structures within the area zoned Environmental Protection, except as otherwise permitted in the Environmental Protection Zone. However, land zoned Environmental Protection (EP) may be included in the calculation of lot area and frontage, required yard, and lot coverage as is required for the development occurring on that portion of a lot not zoned Environmental Protection.

5.5 Lots Having Lesser Area and/or Frontage

Notwithstanding anything contained in this By-law, a parcel which lacks either the required frontage or area or both the required frontage and area for a lot, is and shall be deemed to be a lot, provided that:

- (a) The description of such a parcel is the same as in a deed registered on or prior to the date of passing of this By-law;
- (b) Such parcel could have been conveyed legally on the date of the passing of this By-law by way of deed, transfer, mortgage, charge, or agreement of sale and purchase without consent, under Section 50 of The Planning Act, R.S.O. 1990 as amended;
- (c) Such parcel has a frontage of 10 metres minimum on an improved public street;
- (d) All other provisions of this By-law are complied with; and
- (e) All relevant regulations made under the Public Health Act and all relevant requirements of the Ontario Building Code are complied with.

5.6 Movement of Buildings

No buildings shall be moved without a permit from the Chief Building Official.

5.7 Parking Regulations

(a) Parking Space Requirement

For every building or structure to be erected or enlarged in any Zone, off-street parking shall be provided and maintained in accordance with the following provisions:

*Should have a lower standard for different zones
A1 vs R1 vs C1*

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Type of Use	Minimum Parking Space Requirements
Accessory Apartment	1 space per dwelling unit
Amusement Arcade	1 parking space per 20 sq. metres (215 sq. feet) of gross floor area
Auditorium Arena Places of Assembly, unless specified in this Section	The greater of: 1 parking space for every eight (8) seats otherwise 4 metres (13.1 feet) of bench space of maximum seating OR 1 parking space per 20 sq. metres of (215 sq. feet) gross floor area, whichever is greater
Automobile Repair Establishment	3 per repair bay
Automobile Sales & Service Establishment	1 per 10 square metres (107.6 sq. feet) of gross floor area and 3 per repair bay
Automobile Service Station	3 per repair bay
Automotive Washing Establishments: - Self Serve - Automatic	2 per washing bay or stall 5 parking spaces per each automatic bay, which may include stacking of cars and/or vacuum stalls
Bank or Financial Institution	1 per 15 square metre (161.4 sq. feet) of gross floor area
Barber & Beauty Shop	1 per 10 square metre (107.6 sq. feet) of gross floor area
Church	1 parking space per 10 fixed seats
Contractors Yard or Shop	The greater of: 1 for every 2 employees OR 1 per 70 square metre (753.4 sq. feet) of gross floor area
Clinic or Medical Office	6 per practitioner

Club or Fraternal Organization	1 per 20 sq. metre (215.2 sq. feet) of gross floor area
Curling Rink	6 per curling sheet
Department Store	1 per 20 sq. metre (215.2 sq. feet) of gross floor area
Dwellings - Detached, Semi-detached Duplex, Converted	2 per dwelling unit
Apartment, Triplex, Fourplex	1.25 per dwelling unit plus 1 visitor parking space per 2 dwelling units or part thereof
Library	Minimum of 10 parking spaces
Senior Citizens Apartment	1 per 2 dwelling units plus 1 visitor parking space per 10 dwelling units or part thereof
Eating Establishments	1 per 4 seats of maximum seating capacity
Eating Establishment, Drive-In or Take- Out	10 spaces plus 1 space for every 4 seats
Fire Hall	5 per bay
Funeral Home	1 per 20 sq. metre (215.2 sq. feet) of gross floor area, with a minimum of 10 spaces
Home for the Aged or Rest Home	1 per 5 beds
Hospital	3 per 4 beds
Nursing Home	1 per 5 beds
Hotel, Motel, Bed and Breakfast or Guest Rooms	1 per each guest room or suite
Indoor Sports Recreation Building gross (other than an arena, bowling alley, curling rink, tennis, squash or racquet ball courts)	1 per 20 square metre (215.2 sq. feet) of floor area

Industrial Establishments	5 parking spaces plus 1 per 50 square metre (538.2 sq. feet) or fraction thereof of gross floor area
Office, General	1 per 30 sq. metre (322.9 sq. feet) of gross floor area
Public Building, except where gross specifically identified	1 per 30 square metre (322.9 sq. feet) of floor area
Retail Store	1 per 20 square metre (215.2 sq. feet) of gross floor area
Rooming or Boarding House	1 per dwelling unit and 1 per room for rent
School:	
- Nursery/Day Care Centre	3 per classroom or nursery or 1 per 60 square metre (645.8 sq. feet) of gross floor area
- Elementary	1.5 per classroom and 1 per 6 square metre (64.5 sq. feet) of assembly area
- Secondary	3 per classroom or 1 per 6 sq. metre (64.5 sq. feet) of assembly area
Commercial	1 per 20 square metre (215.2 sq. feet) of gross floor area
Service Shop, Personal Service	1 per 20 square metre (215.2 sq. feet) of gross floor area
Sports Field	The greater of: 1 per 5 seats or 3 metres (9.8 feet) of bench space of maximum seating capacity OR 1 per 800 square metre (8,611.4 sq. feet) of gross field/floor area
Social or Service Club	1 per 10 square metre (107.6 sq. feet) of gross floor area of all club buildings, plus: 2 per golfing green 4 per lawn bowling green 4 per tennis or racquet ball court 6 per curling ice sheet Where any one club provides seasonal recreational facilities such as golf (summer), tennis (summer) or curling (winter), parking

spaces for these activities shall only be provided for the season requiring the greatest in number of parking spaces

Supermarket	1 per 20 square metre (215.2 sq. feet) of gross floor area
Tavern or Public House	1 per 4 seats of maximum seating capacity
Truck Terminal	1 per 100 square metre (1,075 sq. feet) of gross floor area
Terminal Grain Elevator	1 per 70 square metre (753.4 sq. feet) of gross floor area
Utility Service Building	1 per 30 square metre (322.9 sq. feet) of gross floor area
Warehouse	1 per 185 square metre (1,991.3 sq. feet) of gross floor area
Wholesale Establishment	1 per 90 square metre(968.7 sq. feet) gross floor area
Uses permitted by this By-law,	1 per 40 square metre (430.5 sq. feet) of gross floor area other than those listed in this table

In addition to the minimum off-street parking requirements for the use noted, if a liquor licensed premise is contained within a portion thereof, then additional parking spaces shall be provided in accordance with the minimum off-street parking requirements for liquor licensed premises.

(b) Parking Space Dimension

For the purpose of this Subsection, a parking space shall have a minimum length of 5.75 metres and minimum width of 2.75 metres measured at right angles to the length.

(c) Uses Not Specified

In the case of a use not specifically mentioned in Clause a) of this Subsection, the requirements for off-street parking shall be based on the requirement for the most comparable use specified therein.

(d) Mixed Occupancies

In the case of two or more uses in the same building or on the same lot, the total requirements for off-street parking shall be the sum of the requirements for the several uses computed separately. Parking facilities for one use shall not be considered as providing required parking for any other use.

(e) Location on Other Lots

Where the owner of a building or structure proposed to provide the required parking spaces and areas in a location other than the same lot as the use that requires such spaces and areas, then such shall be located not more than 150 metres (492.2 feet) from the said lot and shall be located within the same Zone as the said lot.

(f) Use of Parking Areas

Where a parking area or parking space is permitted required by the By-law in any Zone, no person shall use such parking area or parking space for parking any motor vehicle unless such motor vehicle bears a motor vehicle licence plate or sticker which is currently valid.

(g) Change in Use

Whenever a use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise as would require an additional number of parking spaces, then such additional parking shall be provided on the same basis as Subsection 5.8, Clause (a).

(h) Restrictions in Residential Zones (R1, R2, R3, R4 and R5)

No person shall use any parking area or parking space in a Residential Zone, except in accordance with the following:

- (i) Not more than one vehicle per dwelling unit shall be a commercial motor vehicle as defined in the Highway Traffic Act, R.S.O. 1990;
- (ii) The licensed capacity of any such commercial motor vehicle shall not exceed 2,400 kilograms (5,291.1 pounds);
- (iii) Notwithstanding the foregoing, the owner or occupant or any lot, building, or structure in any Residential R1, R2, R3, R4 or R5 Zone may use any private garage of which he is the owner or occupant, erected upon any such lot for the housing or storage of one commercial motor vehicle exceeding 2,400 kilograms (5,291.1 pounds) capacity operated by himself.

(i) Access

- (i) Access to the required parking spaces and parking areas shall be provided by means of unobstructed driveways or passageways at least 3 metres, but not more than 9 metres in width;
- (ii) The aisles between parking spaces within a parking area shall have a minimum width of 6 metres;
- (iii) The maximum width of any combined ingress and egress driveway, measured along the street line, shall be 9 metres;
- (iv) The minimum distance between 2 separate driveways on one lot, measured along the street line shall be 9 metres;
- (v) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 9 metres for all Residential uses in the R1 and R2 Zones and shall be 15 metres for all other uses in any zone.
- (vi) The minimum angle of intersection between a driveway and a street line shall be 60 degrees
- (vii) Every lot shall be limited to the following number of driveways:
 - (a) two driveways, with a combined width not exceeding 30% of the lot frontage, for the first 30 metres of the lot frontage or portion thereof; and;
 - (b) one additional driveway for each additional 30 metres of lot frontage.
- (viii) No driveway shall be established closer than 1 metre to a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.

5.8 Existing Buildings

The parking area requirement referred to in this By-law shall not apply to any building lawfully in existence at the date of passing of this By-law so long as:

- (a) the building is used for a permitted use;
- (b) the floor area as it existed at such date is not increased;
- (c) any change of occupancy is to a use having the same or a lesser parking requirement according to this By-law; and

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Section 32: Minimum Separation Distances

See original by-law or MDS guidelines