

**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.