

4: ZONE PROVISIONS

4.16 GENERAL COMMERCIAL (C3) ZONE

4.16.1 PERMITTED USES

- (B/L No. 2019-099) No person shall within a General Commercial (C3) Zone use any land or erect, alter or use any building or structure except for one or more of the following uses:
- a. Residential Uses
 - i. A dwelling unit or dwelling units, including Senior Citizen Housing, and an apartment dwelling house, located within a building with a non-residential use or non-residential uses permitted in the Downtown Commercial (C3) Zone. However, a dwelling unit or dwelling units shall occupy a maximum of 15% of the length of the main wall of the first storey of any building oriented toward Brock Street West; and,
 - ii. An dwelling unit or dwelling units, including Senior Citizen Housing, and an apartment dwelling house existing as of June 24, 2019.
 - b. Non-Residential Uses
 - i. Retail Commercial Establishment including a Department Store, and a Food Supermarket;
 - ii. Service Commercial Establishment including a Personal Service Shop;
 - iii. Funeral Home and Undertaking Establishment, exclusive of a crematorium;
 - iv. Eating Establishment;
 - v. Hospitality use;
 - vi. Office;
 - vii. Clinic;
 - viii. Place of Entertainment;
 - ix. Institutional and Non-Profit use, including a private school;
 - x. Recreation use including a fitness facility or gym;
 - xi. Parking Garage, however parking spaces are not permitted within a minimum of 10 metres of the main wall of the first storey of the building oriented to Brock Street West, Toronto Street or Main Street and such area shall be used for one or more of the Non-Residential permitted uses, although access driveways shall also be permitted within this area;
 - xii. A motor vehicle gasoline bar, motor vehicle service station, motor vehicle body shop, motor vehicle repair shop, motor vehicle sales establishment, motor vehicle wash, Drive Through Establishment, or a Drive-In Eating Establishment existing as of June 24, 2019;
 - xiii. A public use in accordance with the provisions of Section 5.18 hereof including a conservation use, park and stormwater facility; and,
 - xiv. Accessory Uses in accordance with the provisions of Section 5.1 hereof.

4.16.2 REGULATIONS FOR PERMITTED USES OTHER THAN RETAIL GASOLINE ESTABLISHMENTS

- (B/L No. 91-59 2011-094 2019-099) Notwithstanding any other regulations of this By-law, all uses including parking areas, buildings and structures in the C3 Zone lawfully existing as of June 24, 2019, including any change in use of such buildings and structures to another use permitted in Section 4.16.1 shall be permitted. In addition, any expansion of such lawfully existing building or structure which conforms to the following standards, where applicable, shall be permitted, with the exception of retail gasoline establishments which shall be subject to the regulations of Section 4.16.3. All new buildings and structures, and permitted new uses not located in lawfully existing buildings and structures, shall conform to the following regulations, with the exception of retail gasoline establishments which shall be subject to the regulations of Section 4.16.3:

- a. Minimum Lot Area Requirement

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0 square metres

- b. Minimum Lot Frontage Requirement
0 Metres
- c. Minimum Yard Requirements
The minimum yard requirement shall be 0 metres, except where a lot abuts lands in any Residential Zone or Environmental Protection Zone where the minimum yard shall be 3 metres for all uses.
- d. Maximum Yard Requirements
Maximum yard depth from Brock Street West, Toronto Street or Main Street shall be 3 metres.
- e. Minimum Building Frontage Abutting Brock Street West
All buildings or structures on lots with frontage or flankage on Brock Street West shall be oriented to front on Brock Street West with:
 - i. direct pedestrian access to the Brock Street West right-of-way from the front of the building; and,
 - ii. a minimum of 30% of the front of the building facing Brock Street West comprised of windows which may include display windows with a wall behind them, but false windows shall be prohibited.
- f. Minimum Building Height
2 storeys
- g. Maximum Building Height
4 storeys
- h. Minimum Floor Space Index
1.0
- i. Maximum Floor Space Index
3.0
- j. Open Storage
No portion of any lot shall be used for outside storage of goods and materials except in accordance with the following provisions:
 - i. open storage shall be prohibited in any front yard or exterior side yard;
 - ii. maximum lot coverage of 10%;
 - iii. screened by a solid fence or planting strip with a minimum width of 3 metres, with the exception of a seasonal outdoor garden centre; and,
 - iv. no seasonal outdoor garden centre shall be located on any required parking space.
- k. Parking
A surface parking area, not included a driveway, shall not be permitted between any building and the front lot line.
- l. Garbage and Recycling Storage
Garbage and recycling storage shall be located in a wholly enclosed building.

4.16.3 REGULATIONS FOR PERMITTED RETAIL GASOLINE ESTABLISHMENTS

(B/L No. 91-59 2011-094 2019-099) The regulations of Section 4.17 .3 shall apply to retail gasoline establishments in the C3 Zone.

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(B/L Nos. 2019-099) All provisions of Section 5 of this By-law where applicable to the use of land, buildings or structures permitted within the Downtown Commercial (C3) Zone shall apply and be complied with the exception of Section 5.20, Sight Triangles.

4.16.5 SPECIAL ZONE CATEGORIES - DOWNTOWN COMMERCIAL (C3) ZONE

4.16.5.1 DOWNTOWN COMMERCIAL EXCEPTION NO. 1 (C3-1) ZONE

(B/L No. 2019-099) Notwithstanding the provisions of Section 4.16.1, the existing buildings and structures lawfully existing as of September 19, 2018 in the Downtown Commercial Exception No. 1 (C3-1) Zone may be used for a single or semi - detached dwelling house or any other use permitted in the C3 Zone, including the all uses permitted in Sections 4.16.1 a) and b). In addition, any expansion of such lawfully existing building or structure shall be permitted provided such expansion conforms to the following:

- a. Minimum Lot Area 1135 sq. metres
- b. Minimum Lot Frontage 22.4 metres
- c. Maximum Lot Coverage 30%
- d. Minimum Front Yard 15 metres
- e. Minimum Side Yard 4 metres
- f. Minimum Rear Yard 15 metres
- g. Maximum Coverage of All Buildings 30%
- h. Maximum Height 8 metres
- i. Minimum Landscaped Open Space 30%
- j. Non-Residential Parking Spaces
For a non-residential use, a minimum of 6 spaces shall be provided in the rear yard.
- k. Buffer Planting and Fencing
Buffer planting and fencing shall be established along the north, south and east limits of the lands in the C3-1 Zone, and any buffer planting shall have a minimum width of 1.2 metres.

4.16.5.2 HOLDING DOWNTOWN COMMERCIAL EXCEPTION NO. 2 ((H)C3-2) ZONE

- (B/L No. 2019-099)
- a. No person shall within a Holding Downtown Commercial Exception No. 2 ((H)C3-2) Zone use any land or erect, alter or use any building or structure, other than for the uses permitted in Section 4.16.1 in buildings or structures lawfully in existence as of the 13th day of November, 1989 and a carport, porch or shed for which the Lake Simcoe Region Conservation Authority has issued a permit, until the Holding (H) Symbol is removed by amendment to this By-law.
 - b. Upon removal of the Holding (H) Symbol within the Holding Downtown Commercial Exception No. 2 ((H)C3-2) Zone, as shown on Schedule "A1 and A2" of Zoning By-law 81-19, as amended, no person shall use any land or erect, alter or use any building or structure except in accordance with the provisions of Sections 4.16.1, 4.16.2, 4.16.3 and 4.16.4 of Zoning By-law 81-19.
 - c. That Council of the Corporation of the Township of Uxbridge shall not remove the Holding (H) Symbol from the Holding Downtown Commercial Exception No. 2 ((H)C3-2) Zone until the following conditions have been complied with:
 - i. A Site Plan Agreement pursuant to the Planning Act to the satisfaction of the Township of Uxbridge;
 - ii. All necessary approvals from the Lake Simcoe Region Conservation Authority, and any conditions of the Authority have been appropriately incorporated into the Site Plan Agreement and financially secured, all to the satisfaction of the Township and confirmed in writing to the Township.
 - iii. All other approvals respecting the development of the lands from all applicable Township, Regional and Provincial agencies and Ministries have been received and confirmed in writing to the Township.

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4.16.5.3 DOWNTOWN COMMERCIAL EXCEPTION NO. 3 (C3-3) ZONE

(B/L No. 2019-099) Notwithstanding the provisions of Section 4.16.1, the following uses shall be permitted in the Downtown Commercial Exception No. 3 (C3-3) Zone, in addition to the uses permitted in Section 4.16., subject to the regulations of Section 4.16.2 and 4.1.6.4:

- a. apartment dwelling house;
- b. nursing home; and,
- c. senior citizen housing.

4.16.5.4 DOWNTOWN COMMERCIAL EXCEPTION NO. 4 (C3-4) ZONE

(B/L No. 2019-099) Notwithstanding the provisions of Section 4.16.1, a parking lot shall be permitted in the Downtown Commercial Exception 4 (C3-4) Zone on the east side of Church Street, south of Brock Street West and described as Lot 5, Block F, Plan 83 in the Township of Uxbridge, in addition to the uses permitted in Section 4.16.1. Such parking lot shall be setback a minimum of 10 metres from the streetline of Church Street. The area of such setback may be used for a landscaped open space or a permitted building or structure in accordance with the provisions of Sections 4.16.1, 4.16.2 and 4.16.4. A wooden privacy fence with a minimum height of 1.8 metres shall be erected along the south property line of the subject property.

4.16.5.5 GENERAL COMMERCIAL EXCEPTION NO. 5 (C3-5) ZONE

(B/L Nos. 2008-103, 2011-061, 2014-041, 2019-099) Within the general Commercial exception No. 5 (C3-5) Zone on lands in the Township of Uxbridge known municipally as 4 Victoria Street and 168/144 Brock Street, as well as Part 1, Plan 40R-18184, and shown on Schedule ‘A1’ and ‘A2’ on Zoning By-law 81-19, as amended, notwithstanding the provisions of Sections 4.16.1 to 4.16.4 inclusive of Zoning By-law 81-19, as otherwise amended, to the contrary, the following provisions shall apply and be complied with respect to the lands in the Township of Uxbridge known municipally as 4 Victoria Street and 168/144 Brock Street, as well as Part 1, Plan 40R-18184:

PERMITTED USES

The permitted use in subsection 4.16.1.

REGULATIONS FOR PERMITTED USES

The lands within the Downtown Commercial Exception No.5 (C3-5) Zone and the Downtown Commercial Exception No.6 (C3-6) Zone, on lands in the Township of Uxbridge known municipally as 4 Victoria Street and 168/144 Brock Street, as well as Part 1, Plan 40R-18184, and shown on Schedule 'A1' and 'A2' of Zoning By-law 81-19, as amended, shall be treated as one lot for the purpose of these regulations including the portion of the Uxbridge Brook and the existing rail corridor included in the Downtown Commercial Exception No.6 (C3-6) Zone.

The regulations of Section 4.16.2 shall apply save and except the following:

- a. Maximum Lot Coverage of All Buildings 100%
- b. Maximum Height of Buildings 18.5 metres

The regulations of Section 5.11, Loading Space Requirements, Section 5.15a. parking Space Requirements, Section 5.15e.ii., parking Area Location on Lot, Section 5.17, Planting Strips, and, Section 5.20, Sight Triangles are not applicable to lands in the General Commercial Exception No. 5 (C3-5) Zone. However, a

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minimum of 135 parking spaces shall be provided on the lands in the C3-5 and C3-6 Zones combined.

4.16.5.6 GENERAL COMMERCIAL EXCEPTION NO.6 (C3-6) ZONE

(B/L Nos. 2011-063, 2014-041, 2019-099) Within the General Commercial Exception No.9 (C3-9) Zone on lands in the Township of Uxbridge known municipally as 4 Victoria Street and 168/144 Brock Street, as well as Part 1, Plan 40R-18184, and shown on Schedule ‘A1’ and ‘A2’ of Zoning By-law 81-19, as amended, notwithstanding the provisions of Sections 4.16.1 to 4.16.4 inclusive of Zoning By-law 81-19, as otherwise amended, to the contrary, the following provisions shall apply and be complied with respect to the lands in the Township of Uxbridge known municipally as 4 Victoria Street and 168/144 Brock Street, as well as Part 1, Plan 40R-18184:

PERMITTED USES

The only permitted uses shall be:

- a. parking;
- b. stormwater management facility;
- c. fish, wildlife and forest management;
- d. flood, erosion and siltation control works;
- e. pedestrian walkway and related facilities including lighting, bridges and benches;
- f. landscaping and related facilities such as planter boxes and benches;
- g. railway tracks;
- h. a structure containing a stairway, screen, and a maximum of two freestanding columns related to the building permitted in the C3-5 Zone, and a portion of the building permitted in the C3-5 Zone provided no part of the building, other than the foundation, is less than 3 metres above finished grade;
- i. permitted uses in subsection 4.16.1 and any other institutional or retail or service commercial use in the portion of the building permitted in the C3-5 Zone and in the buildings existing as of July 31, 2008; and,
- j. accessory uses.

PERMITTED BUILDINGS AND STRUCTURES

The only permitted buildings shall be those existing as of July 31, 2008 and the building and structures permitted in subsection h under Permitted Uses. Permitted structures shall be those essential for the permitted uses in subsections a., b., c., d., e, f, g. i. and j. under Permitted Uses.

REGULATIONS FOR PERMITTED USES

The lands within the Downtown Commercial Exception No. 5 (C3-5) Zone and the Downtown Commercial Exception No.6 (C3-6) Zone, on lands in the Township of Uxbridge known municipally as 4 Victoria Street and 168/144 Brock Street, as well as Part 1, Plan 40R-18184, and shown on Schedule 'A1' and 'A2' of Zoning By-law 81-19, as amended, shall be treated as one lot for the purpose of these regulations including the portion of the Uxbridge Brook and the existing rail corridor including the Downtown Commercial Exception No. 6 (C3-6) Zone.

The regulations of Section 4.16.2 a., b., and c. shall apply to lands in the Downtown Commercial Exception No. 6 (C3-6) Zone. In addition, any building and structure shall be set back a minimum of 15 metres from the west and north edge of the bank of the Uxbridge Brook. However, within the 15 metre setback, the uses and related structures in subsections b, c, d, e and f, under Permitted Uses shall be permitted.

The regulations of Section 5.11, Loading Space Requirements, Section 5.1.5 a. Parking

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Space Requirements, Section 5.15 e.ii., Parking Area Location on Lot, Section .17, Planting Strips, and Section 5.20, Sight Triangles are not applicable to lands in the Downtown Commercial Exception No. 6 (C3-6) Zone. However, a minimum of 135 parking spaces shall be provided on the lands in the C3-5 and C3-6 Zones combined.

4.16.5.7 HOLDING DOWNTOWN COMMERCIAL EXCEPTION NO. 7 ((H)C3-7) ZONE

(B/L No.
2019-099)

- a. Community Benefit Pursuant to Section 37 of the Planning Act for Development with a height above Four Storeys
An increase in height above four storeys may be authorized where:
 - i. Underground or in-building parking is provided for a minimum of 75% of the required parking; and/or,
 - ii. Buildings or structures of historical, contextual or architectural merit are conserved to the satisfaction of the Township; and/or,
 - iii. Natural features which form part of the Natural Heritage System are preserved to the satisfaction of the Township; and/or,
 - iv. Parkland is provided above and beyond Township requirements; and/or,
 - v. Unique urban design features, features which enhance the sustainability of the development, trails, day care or other public or quasi-public facilities are provided to the satisfaction of the Township; and/or,
 - vi. A minimum of 75% of the total residential units to be built on the lands in the C3-7 Zone shall meet the definition of affordable housing including the provision of housing for seniors and disabled. The definition of affordable housing shall be rental housing for which the rent is at or below the average market rent of a unit in the regional market area, or ownership housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.
- b. No person shall within a Holding Downtown Commercial Exception No. 7 ((H)C3-7) Zone use any land or erect, alter or use any building or structure, other than for the uses permitted in Section 4.16.1 in accordance with the regulations in Section 4.16.2. However, a Holding (H) Symbol shall apply which can only be removed by amendment to this By-law with respect to the height of any building or structure where the height shall exceed 4 storeys to a maximum of 6 storeys. The Holding (H) Symbol shall be removed by amendment to this By-law subject to the conditions in Subsection c.
- c. That Council of the Corporation of the Township of Uxbridge shall not remove the Holding (H) Symbol from the Holding Downtown Commercial Exception No. 7 ((H)C3-7) Zone until the following conditions have been complied with:
 - i. All the necessary agreements and approvals have been incorporated into an agreement with the Township, and where applicable the Region of Durham, and financially secured all to satisfaction of the Township, to provide one or more of the community benefits identified in Section 4.16.5.7 a;
 - ii. A Site Plan Agreement pursuant to the Planning Act to the satisfaction of the Township of Uxbridge;
 - iii. The Township has approved servicing allocation for the development in accordance with the Uxbridge Urban Area Servicing Allocation Policy; and,
 - iv. All other approvals respecting the development of the lands from all

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applicable Township, Regional and Provincial agencies and Ministries have been received and confirmed in writing to the Township.

4.16.5.8 HOLDING DOWNTOWN COMMERCIAL EXCEPTION NO. 8 ((H)C3-8) ZONE

(B/L No. 2019-099) The regulations of 4.16.5.2 HOLDING DOWNTOWN COMMERCIAL EXCEPTION NO. 2 ((H)C3-2) ZONE shall apply to the lands in the HOLDING DOWNTOWN EXCEPTION NO. 8 ((H)C3-8 ZONE. However, when the conditions for removal of the Holding (H) Symbol within the Holding Downtown Commercial Exception No. 2 ((H)C3-2) Zone, have been satisfied, if height above four storeys is proposed, the regulations of Section 4.16.5.7 HOLDING DOWNTOWN COMMERCIAL EXCEPTION NO. 7 ((H)C3-7) ZONE shall apply to the lands in the C3-8 Zone.