

SECTION 6 – ZONE PROVISIONS

6.11 – Highway Commercial (C1) Zone

6.11 HIGHWAY COMMERCIAL (C1) ZONE

6.11.1 PERMITTED USES

No person shall within a Highway Commercial (C1) Zone use any land or erect, alter or use any building or structure except as permitted or required herein.

6.11.1.1 Residential uses

6.11.1.1.1 Single family dwelling house for the owner, manager or employee of the permitted non-residential use.

6.11.1.1.2 Dwelling units in part of a non-residential building secondary to the non-residential use.

6.11.1.2 Non-residential uses

6.11.1.2.1 With municipal water and sewer services

6.11.1.2.1.1 Convention centre

6.11.1.2.1.2 Hotel

6.11.1.2.1.3 Laundry or dry cleaning establishment

6.11.1.2.1.4 Motor vehicle car wash automatic

6.11.1.2.1.5 Retail commercial establishment including shopping centre.

6.11.1.2.2 Non-residential uses with private wells and sewage systems

6.11.1.2.2.1 Auction sales' barn and flea market

6.11.1.2.2.2 Bank, trust company or credit union

6.11.1.2.2.3 Builders supply outlet

6.11.1.2.2.4 Business, administrative and professional offices

6.11.1.2.2.5 Convenience store

6.11.1.2.2.6 Eating establishment including drive-in or take-out

6.11.1.2.2.7 Food super market

6.11.1.2.2.8 Funeral home

6.11.1.2.2.9 Garden centre

6.11.1.2.2.10 Hardware store

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6.11.1.2.2.11 Home-furnishings & appliance store (including paint & wallpaper store)

6.11.1.2.2.12 Lumber yard retail or wholesale

6.11.1.2.2.13 Motel not exceeding 50 rooms

6.11.1.2.2.14 Motor vehicle sales, repair and servicing (including gasoline sales)

6.11.1.2.2.15 Place of amusement, entertainment or recreation

6.11.1.2.2.16 Public use or utility

6.11.1.2.2.17 Recreational vehicle (including marine) sales, repair and service

6.11.1.2.2.18 Retail commercial establishment in compliance with 6.11.1.8.4 hereof

6.11.1.2.2.19 Veterinarian clinic

6.11.1.2.2.20 Workshop

6.11.1.3 Accessory uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with 4.1 of the By-law

6.11.1.4 REGULATIONS FOR RESIDENTIAL USES

The regulations for residential uses as specified in 6.1 and 6.5 hereof for serviced and unserviced development shall apply within the Highway Commercial (C1) Zone. In addition, the following requirements shall apply:

6.11.1.4.1 Minimum separation

Where a dwelling house is erected or any building or structure is altered or used as a dwelling house, such dwelling house shall not be located closer than:

6.11.1.4.1.1 Three (3) metres from a permitted non-residential use other than a motor vehicle repair or servicing shop.

6.11.1.4.1.2 Seven-point-five (7.5) metres from a motor vehicle repair or servicing shop.

6.11.1.4.2 Secondary use

The residential uses permitted on a lot in a Highway Commercial (C1) Zone shall be secondary and incidental to the non-residential use of the lot.

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6.11.1.4.3 Dwelling units in a non-residential building

6.11.1.4.3.1 Maximum number of dwelling units: 4

6.11.1.4.3.2 Dwelling unit area

6.11.1.4.3.2.1 Bachelor: 42 sq. metres

6.11.1.4.3.2.2 One bedroom: 55 sq. metres

6.11.1.4.3.2.3 Two bedrooms: 70 sq. metres

6.11.1.4.3.2.4 More than two bedrooms: 9 sq. metres for each bedroom above three bedrooms

6.11.1.5 REGULATIONS FOR NON-RESIDENTIAL USES

6.11.1.5.1 Minimum lot area:

6.11.1.5.1.1 Municipal services: None

6.11.1.5.1.2 Private services: 2,322 sq. metres

6.11.1.5.2 Minimum lot frontage:

6.11.1.5.2.1 Municipal services: None

6.11.1.5.2.2 Private services: 40 metres

6.11.1.5.3 Minimum ground floor area:

6.11.1.5.4 Maximum lot coverage: 50 Percent

6.11.1.5.5 Maximum height of buildings: 11 metres

6.11.1.5.6 Minimum landscaped open space:

6.11.1.5.7 Minimum yards

6.11.1.5.7.1 Front yard depth

6.11.1.5.7.1.1 Principal building: 12 metres

6.11.1.5.7.1.2 Pump Island: 4.5 metres

6.11.1.5.7.2 Exterior side yard width

6.11.1.5.7.2.1 Principal building: 12 metres

6.11.1.5.7.2.2 Pump island: 4.5 metres

6.11.1.5.7.3 Interior side yard width: 6 metres

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6.11.1.5.7.4 Interior side yard width abutting a residential zone: 9 metres

6.11.1.5.7.5 Rear yard depth: 7.5 metres

6.11.1.5.7.6 Rear yard depth abutting a residential zone: 10 metres

6.11.1.5.8 Driveways

6.11.1.5.8.1 Maximum width at front property line: 9 metres

6.11.1.5.8.2 Minimum separation between driveways: 7.5 metres

6.11.1.5.9 Setback from centre line of street:

6.11.1.5.9.1 Provincial highway: 30.4 metres

6.11.1.5.9.2 County or collector road: 25.4 metres

6.11.1.5.9.3 Township road: 22.1 metres

6.11.1.5.9.4 Where a service road is a requirement, an additional setback of 12.2 metres shall be provided.

6.11.1.6 REGULATIONS FOR DETACHED ACCESSORY BUILDINGS

6.11.1.6.1 Exterior side yard width: 12 metres

6.11.1.6.2 Interior side yard width: 3 metres

6.11.1.6.3 Rear yard depth: 3 metres

6.11.1.7 REGULATIONS FOR OFF-STREET PARKING

Refer to Section 4.15

6.11.1.8 SPECIAL PROVISIONS

6.11.1.8.1 Planting strips and screens yard

Where the interior side or rear of a lot in a Highway Commercial (C1) Zone abuts a Residential Zone, the requirements of 4.16 of this By-law shall apply.

6.11.1.8.2 Open storage

The open storage of materials other than cars, trucks or vehicles and supplies shall be permitted only to the rear of the front yard.

6.11.1.8.3 Assembly

The assembly of components which are part of a permitted use shall be permitted provided such assembly is secondary.

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6.11.1.8.4 Services

Where municipal water and/or sewer services are not available, commercial uses shall be restricted to those uses of a “dry” nature only. Uses of a dry nature shall mean those in which water is not necessary to provide a service or goods to the client group. These uses will not result in the need for water supply or sewage disposal system, beyond those requirements normally considered necessary for the personal use of employees. Furthermore, the number of employees shall not exceed the capacity of individual, on-site services in terms of both water supply and sewage disposal.

6.11.1.8.5 Boutique

An individual free standing small scale boutique-like retail store such as a jewellery store or a dress shop is not permitted in the Highway Commercial (C1) Zone. The inclusion of such uses is permitted in conjunction with other retail uses in a larger scale mall type development.

C1-2 (Included in subsection 5.174)

(3776) 5.174 Notwithstanding the provisions of Section 6.11.1.2 to the contrary on that part of Lot 22, Concession Broken Front, in the Township of Thurlow shown as C1-2 on Schedule A attached hereto, the following special provisions shall apply in addition to all other applicable provisions of this By-law:

5.174.1 Permitted non-residential commercial uses shall be restricted to a bake shop.

C1-3-h (Included in subsection 5.178)

(3791) 5.178 Notwithstanding the provisions of Section 6.11.1.2.2 to the contrary, on that part of Lot 3, Concession 4, in the Township of Thurlow shown as C1-3-h on Schedule A attached hereto, the following special provisions shall apply in addition to all other applicable provisions of this By-law:

5.178.1 The non-residential uses with private wells and sewage systems shall be restricted to the following:

Business, administrative or professional offices; motor vehicle sales, repair and servicing (including gasoline sales); builders supply outlet; auction sales barn or flea market; funeral home; home furnishings and appliance store; place of amusement entertainment or recreation; public use or utility; recreational vehicle (including marine) sales, repair and service; retail commercial establishment (in compliance with 6.11.1.8.4 of By-law 3014)

HOLDING PROVISIONS

The removal of the “holding –h” zone symbol may only be granted when the following conditions have been addressed to the satisfaction of the

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Council for Township of Thurlow:

- a) That a satisfactory stormwater management plan has been completed and approved by the township.
- b) That a satisfactory site plan control agreement has been executed.
- c) That formal approval has been granted for an adequate sewage disposal system on the subject property.

(2010-111) (NOTE TO FILE: By-Law Number 2010-111, passed June 28, 2010, removed the "h" holding symbol **from the lands described as** 203 Sunningdale Drive, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings. Back-up info in File B-77-851.)

C1-4 (Included in subsection 5.179)
(3793) 5.179 Notwithstanding the provisions of Section 6.11.1.2.2 to the contrary on that part of Lot 4, Concession 3, in the Township of Thurlow shown as C1-4 on Schedule A1 as amended, the following special provisions shall apply in addition to all other applicable provisions of this By-law:

5.179.1 The following uses are prohibited in a C1-4 Zone:

Garden centre; motor vehicle sales repair and servicing; food super market; motel; eating establishment with a total square footage in excess of 60.4 square metres (650 square feet)

C1-6
(2004-92) File No.: B-77-750
Part of Lot 3, Concession 4, (19 Vermilyea Road) formerly in the Township of Thurlow, now City of Belleville, County of Hastings

6.11.1.8.6 Notwithstanding the provisions of Subsection 6.11.1.2, within the area zoned C1-6 a general contractors office and workshop shall be the only permitted use.

C1-7
(2007-55) File No.: B-77-814
Northwest corner of Highway #62 and Cloverleaf Drive (now Millennium Parkway), formerly in the Township of Thurlow, now City of Belleville, County of Hastings

6.11.1.8.7 Notwithstanding the provisions of Subsections 6.11.1.2.1, 4.15.4, 4.15.12.1 and 6.11.1.5.5, within the area zoned C1-7 a large-format home improvement store with accessory attached garden centre shall be a permitted use, in addition to the permitted uses of Subsection 6.11.1, subject to a maximum ingress/egress width of 26.9 metres, a minimum parking space dimension of 2.75 metres by 5.5 metres and a maximum height of 15.2 metres for a parapet sign on the front façade.

C1-8

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(2010-129) File No.: B-77-884

Southeast corner of Sidney Street North and Cloverleaf Drive, part of Lots 26 and 27, Registered Plan 22, (900 Sidney Street North), formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

6.11.1.8.8 Notwithstanding the provisions of Subsection 6.11.1.2, within the area zoned C1-8 the permitted uses shall be limited to a business, administrative and professional office, a retail commercial establishment and a convenience store.

C1-h

(2008-35) File No.: B-77-836

Part of Lot 3, Concession 2, (Millennium Parkway), formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

6.11.1.8.8 Amended by By-law 2014-112 to delete in its entirety May 30, 2014

C1-9

OMB ORDER DATED MAY 30, 2014

(2014-112) File No.: B-77-923

Part of Lot 3, Concession 2, (Northwest Quadrant of Highway #62 & Provincial Highway #401 Millennium Parkway) formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

6.11.1.8.9 Within the area zoned C1-9, a casino shall be a permitted use in addition to those uses permitted by Subsection 6.11.1. For the purpose of this By-Law a casino shall mean a gaming facility approved by the Ontario Lottery and Gaming Corporation but does not include any other use or activity otherwise defined or classified in this By-Law.

C1-9-h HOLDING PROVISION

(2014-112) i) *File No.: B-77-923*

Part of Lot 3, Concession 2, (Northwest Quadrant of Highway #62 & Provincial Highway #401 Millennium Parkway) formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

6.11.1.8.9 Notwithstanding the permitted uses of the C1-9 Zone, within the area zoned C1-9-h no person shall erect or occupy any building or structure or use land for any purpose, other than the use that existed on the day of the enactment of this By-Law. The 'h' holding symbol shall be removed from the C1-9-h Zone, in accordance with Section 36 of the Planning Act R.S.O. 1990, as amended, provided that the following are addressed:

- That it has been demonstrated to the satisfaction of the City of Belleville that the lands have been legally merged in title and that a traffic impact study has been completed;
- That a scoped hydrogeological assessment of the site be undertaken to assess the impact on the water supply of local wells. This would entail establishing which properties remain privately serviced and a review of the development with respect to potential impact on these properties; and

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- For the purpose of this By-Law, a casino shall not be a permitted use unless final approval has been given by the Ontario Lottery and Gaming Corporation for a casino on the subject lands.

C1-10

(2014-71) File No.: B-77-959
6835 Highway 62, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

6.11.1.8.10 Notwithstanding the provisions of Subsection 6.11.1.2, within the area zoned C1-10 a personal service shop, a medical clinic, a day nursery and a flea market shall be permitted uses in addition to the uses permitted by Subsection 6.11.1.2.

C1-11

(2016-192) File No.: B-77-1011
Part of Lot 3, Concession 3, Township of Thurlow, Now City of Belleville, County of Hastings

6.11.1.8.11 Notwithstanding the provisions of Subsection 6.11.1.2 and Subsection 6.11.1.5.2.2, within the area zoned C1-11 an auto parts warehouse shall be a permitted use, in addition to the uses permitted by Subsection 6.11.1.2., subject to a minimum lot frontage of 5 metres.

C1-12

(2016-192) File No.: B-77-1011
Part of Lot 3, Concession 3, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

6.11.1.8.12 Notwithstanding the provisions of Subsection 6.11.1.2, within the area zoned C1-12 a day nursery shall be a permitted use, in addition to the uses permitted by Subsection 6.11.1.2.

C1-13

OMB File No.: PL170508
(2017-76) File No.: B-77-1003
970 Highway 37, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

6.11.1.8.13 Notwithstanding and in addition to the provisions of subsection 6.11.1.2, within the area zoned C1-13, a commercial storage facility with a maximum of 76 units shall be a permitted use.

The commercial storage units and privacy fence shall be subject to a minimum front yard setback of 16 m.

The storage area shall occupy a maximum of 33% of the property.

HOLDING PROVISION

Pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, c.P.13, as

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amended, this amending By-law shall apply a holding provision for those lands zoned C1-13 Highway Commercial as set out in Sections 1 and 2 of this By-law by introducing the “H” holding symbol as a suffix to the proposed zone. The holding provision, which shall preclude development of the subject lands as permitted by the amended Zone C1-13, shall not be removed until such time as the following conditions have been completed:

- a) site plan approval is received under Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, which will address, among other items, issues of the size and type of containers used for storage, privacy fencing, screening and buffering.