

SECTION 6 – ZONE PROVISIONS

6.15 – General Industrial (M1) Zone

6.15 GENERAL INDUSTRIAL (M1) ZONE

6.15.1 PERMITTED USES

No person shall within a General Industrial (M1) Zone use any land or erect, alter or use any building or structure except as permitted or required herein.

6.15.1.1 Residential uses

6.15.1.1.1 Single family dwelling house in association with a non-residential use

6.15.1.1.2 Dwelling unit in part of a non-residential building

6.15.1.2 Non-Residential uses

6.15.1.2.1 Assembly, fabricating, manufacturing or processing plants

6.15.1.2.2 Builders supply

6.15.1.2.3 Bulk storage

6.15.1.2.4 Contractors yard

6.15.1.2.5 Equipment, including farm equipment, rental, sales and service

6.15.1.2.6 Feed mill or seed cleaning plant

6.15.1.2.7 Lumber yard, sawmill or planning mill

6.15.1.2.8 Machine or welding shop

6.15.1.2.9 Motor vehicle body shop

6.15.1.2.10 Motor vehicle repair garage

6.15.1.2.11 Parking lot

6.15.1.2.12 Printing or publishing establishment

6.15.1.2.13 Public works depot

6.15.1.2.14 Retail Sales, in conjunction with and secondary to an approved non-residential use

6.15.1.2.15 Truck terminal

6.15.1.2.16 Warehouse

6.15.1.2.17 Wholesale establishment

6.15.1.2.18 Workshop

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6.15.1.3 Accessory Uses

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

6.15.1.4 REGULATIONS FOR RESIDENTIAL USES

The regulations for residential uses specified in 6.5 shall apply within the General Industrial (M1) Zone. In addition, the following requirements shall apply:

6.15.1.4.1 Minimum separation

Where a dwelling house is erected on any building or structure is altered or used as a dwelling house, such dwelling house shall not be located closer than 7.5 metres to a motor vehicle body shop or repair garage or 3.0 metres to any other permitted non-residential use.

6.15.1.4.2 Secondary use

The residential uses permitted on a lot in a General Industrial (M1) Zone shall be secondary and incidental to the permitted non-residential use of the lot and shall be for the sole use of the owner, manager or other employee of the non-residential use.

6.15.1.4.3 Dwelling unit in a non-residential building

6.15.1.4.3.1 Maximum number of dwelling units: 1

6.15.1.4.3.2 Dwelling unit area:

6.15.1.4.3.2.1 Bachelor: 42 sq. metres

6.15.1.4.3.2.2 Two bedrooms: 70 sq. metres

6.15.1.4.3.2.3 More than two bedrooms: 70 sq. metres plus 9 sq. metres for each additional bedroom

6.15.1.5 REGULATIONS FOR NON-RESIDENTIAL USES

6.15.1.5.1 Minimum lot area: 2800 sq. metres

6.15.1.5.2 Minimum lot frontage: 45 metres

6.15.1.5.3 Minimum ground floor area: none

6.15.1.5.4 Maximum lot coverage: 50 percent

6.15.1.5.5 Maximum height of building: subject to federal air space restrictions

6.15.1.5.6 Minimum landscaped open space: 5 percent

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- 6.15.1.5.7 Minimum yards
 - 6.15.1.5.7.1 Front yard depth: 15 metres
 - 6.15.1.5.7.2 Exterior side yard width: 15 metres
 - 6.15.1.5.7.3 Interior side yard width: 3 metres
 - 6.15.1.5.7.4 Interior side yard width abutting a residential zone: 15 metres
 - 6.15.1.5.7.5 Rear yard depth: 12 metres
 - 6.15.1.5.7.6 Rear yard depth abutting a Residential Zone: 15 metres
- 6.15.1.5.8 Driveways
 - 6.15.1.5.8.1 Maximum width at property line: 9 metres
 - 6.15.1.5.8.2 Minimum separation between driveways: 7.5 metres
- 6.15.1.5.9 Setback from centre line of street
 - 6.15.1.5.9.1 Provincial highway: 33 metres
 - 6.15.1.5.9.2 County or collector road: 28 metres
 - 6.15.1.5.9.3 Township road: 25 metres
- 6.15.1.6 REGULATIONS FOR DETACHED ACCESSORY BUILDINGS
 - 6.15.1.6.1 Exterior side yard width: 15 metres
 - 6.15.1.6.2 Interior side yard width: 3 metres
 - 6.15.1.6.3 Rear yard: 12 metres
 - 6.15.1.6.4 Yard abutting a Residential Zone: 15 metres
- 6.15.1.7 REGULATIONS FOR OFF-STREET PARKING
 - Refer to Section 4.15
- 6.15.1.8 REGULATIONS FOR LOADING SPACES
 - Refer to Section 4.11
- 6.15.1.9 SPECIAL PROVISIONS
 - 6.15.1.9.1 Planting strips or screens

Where the interior side or rear yard of a lot in a General Industrial (M1) Zone abuts a Residential Zone, the requirements of 4.16 of this By-law

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shall apply.

6.15.1.9.2 Open storage

The outside display and storage of goods and materials where such are accessory and incidental to a permitted non-residential use is permitted in any yard or a lot in a General Industrial (M1) Zone except that in no circumstance shall such display or storage encroach upon the landscaped open space required herein.

6.15.1.9.3 Property abutting railway

Where a lot or portion thereof abuts a railway right-of-way no interior side or rear yard shall be required along that portion of such lot line which so abuts the railway right-of-way.

6.15.1.9.4 Gate house

A gate house shall be permitted in the front or side yard or in the area between the street line and the required set back of a lot in a General Industrial (M1) Zone.

6.15.1.9.5 Services

Where municipal water and/or sewer services are not available, industrial and 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 in the manufacturing, processing and/or fabrication of goods and materials, or 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 systems, 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.

M1-1 (Included in subsection 5.1)

(2003-41) 5.1 Notwithstanding the provisions of Section 6.15.1.2 within the area zoned M1-1 the permitted uses shall be restricted to a contractor’s yard and mini-storage facility.

M1-2 (Included in subsection 5.2)

5.2 That part of Lot 2, Concession 2 lying to the south of Cloverleaf Drive shown as M1-2 on Schedule A1 shall be limited to the use as a warehouse for swimming pool supplies only.

OMB File No. R880022

M1-3 (Included in subsection 5.3)

5.3 That Part of Lot 2, Concession 3 lying to the north of Cloverleaf Drive shown as M1-3 on Schedule A1 shall be limited to the use as a sales, repair and body work garage for

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automobiles, trucks, tractors, motorcycles and snowmobiles within the existing building only.

OMB File No. R880022

M1-4 (Included in subsection 5.4)

5.4 The part of Lot 1, Concession 2 lying to the south of Cloverleaf Drive shown as M1-4 on Schedule A1 shall be limited to the use as Grader Equipment Rentals only.

OMB File No. R880022

M1-5 (Included in subsection 5.5)

5.5 The part of Lot 1, Concession 3 shown as M1-5 on Schedule A1 shall be limited to the use as a storage facility for well drilling equipment.

M1-6 (Included in subsection 5.6)

5.6 That part of Lot 26, Concession 7 lying to the west of Scuttlehole Road shown as M1-6 on Schedule A6 shall be limited to the use as a trucking establishment

M1-7 (Included in subsection 5.7)

5.7 That part of Lot 19, Concession 4 lying to the west of Bethany Side Road shown as M1-7 on Schedule A5 shall be limited to the use as a storage facility for tree service equipment only.

M1-8 (Included in subsection 5.8)

5.8 That part of Lot 7, Concession 2 lying to the south of Black Diamond Road shown as M1-8 on Schedule A1 shall be limited to the use as a metal foundry and casting establishment only.

M1-9 (Included in subsection 5.9)

5.9 That part of Lot 26, Concession 3 lying to the north of the Third Concession Road shown as M1-9 on Schedule A4 shall be limited to the use as a facility for the storage of electrical equipment only.

M1-10 (Included in subsection 5.14)

5.14 That part of Lot 11, Concession 4 lying to the west of Ritz Road shown as M1-10 on Schedule A5 shall be limited to the use as a storage facility for trucks only.

M1-11 (Included in subsection 5.16)

(3047) 5.16 That part of Lot 10, Concession 4, lying to the east of Highway No. 37 shown as M1-11 on Schedule A5 shall be used in accordance with the following special provisions in addition to the other relevant provisions of the M1 Zone; specifically:

5.16.1 Notwithstanding Section 1.9 of this By-law to the contrary the lot frontage for the lands zoned M1-11 may be determined utilizing the line forming the western boundary of the subject lot line even through the lands situated

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between the M1-11 Zone and the subject front lot line are zoned C1 (Highway Commercial).

- 5.16.2 Notwithstanding Section 1.9 of this By-law to the contrary a 4.57 metre right-of-way across the adjacent C1 (Highway Commercial) Zone may be utilized for the purposes of a driveway required by Section 6.15.1.5.8 of this by-law provided the lands zoned M1-11 and the adjacent lands zoned C1 are owned by the same individual.
- 5.16.3 Notwithstanding Section 1.9 of this By-law to the contrary a 4.57 metre right-of-way across the adjacent C1 (Highway Commercial) Zone may be utilized for the purposes of access required by Section 4.11.7 of this By-law to a loading or unloading space provided the lands zoned M1-11 and the adjacent lands zoned C1 are owned by the same individual.
- 5.16.4 Notwithstanding Section 1.9 of this By-law to the contrary a 4.57 metre right-of-way across the adjacent C (Highway Commercial) Zone may be utilized for the purposes of ingress and egress required by Section 4.15.4 of this by-law to parking provided the lands zoned M1-11 and the adjacent lands zoned C1 are owned by the same individual.
- 5.16.5 Notwithstanding Section 6.15.1.5.7.1 of this By-law to the contrary the minimum front yard shall be 0 metres provided the lands zoned M1-11 and the adjacent lands zoned C1 are owned by the same individual.

M1-12 (Included in subsection 5.46)

(3111)

5.46 Notwithstanding the provisions of Sections 6.15.1.5.2, 6.15.1.5.7.1, 6.15.1.5.7.2, 6.15.1.5.7.5, 6.15.1.5.9.2, 6.15.1.5.8.3 and 7.185 to the contrary, on that part of Lot 4, Concession 3, (Part 1, Plan 21R-2703), shown as M1-12 on Schedule A1 as amended, the following special provisions shall apply in addition to all other applicable provisions of this By-law:

- 5.46.1 Minimum lot frontage: 41 metres
- 5.46.2 Minimum yards
- 5.46.2.1 Front yard depth: 12 metres
- 5.46.2.2 Exterior side yard width: 12 metres
- 5.46.2.3 Rear yard depth: 5 metres
- 5.46.3 Setback from centre line of street

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5.46.3.1 County of collector road: 22 metres

5.46.3.2 Township road: 17 metres

5.46.4 Notwithstanding the text of 7.185 to the contrary, for the purposes development on lands zoned M1-12, a private sewage disposal system shall not be considered as a structure.

M1-13 (Included in subsection 5.49)

(3113) 5.49 Notwithstanding the provisions of Section 6.15, on that part of Lot 9, Concession 3, shown as M1-13 on Schedule A1 as amended, the following special provisions shall apply in addition to all other applicable provisions of this By-law:

5.49.1 Permitted uses

5.49.1.1 Non-residential uses

5.49.1.1.1 Driveway

5.49.2 Regulations for non-residential uses

5.49.2.1 Minimum lot area: 3065 square metres

5.49.2.2 Minimum lot frontage: 20.11 metres

M1-14 (Included in subsection 5.50)

(3114) 5.50 Notwithstanding the provisions of Sections 4.13, 6.16.1.4.2, 7.116.5 and 7.117.1 of this By-law to the contrary, the front lot line and lot frontage for lands zoned M1-14 shall be determined utilizing the 20.11 metre line within the M1-13 Zone abutting the Tank Farm Road, even though the lands situated between the M1-14 Zone and the subject front lot line are zoned Special General Industrial (M1-13).

OMB File No. R880022

M1-15 (Included in subsection 5.32)

5.32

(a) In that part of Lot 25, Concession 4, shown as M1-15 on Schedule A5 (being part 2 on Plan 21R-5902 save and except the most easterly 57.5 metres thereof), notwithstanding the provisions of Section 6.15.1.2 the non-residential uses shall be limited to the following only:

- i) Assembly, fabricating, manufacture and processing of goods and materials (not including foods) together with uses buildings and structures accessory thereto including a machine shop, a welding shop, a workshop, a warehouse except a retail commercial outlet as referred to in Section 7.199, and a wholesale establishment; and

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- (2010-200)
- ii) Small engine repairs.
 - iii) Postal retail outlet.
- (b) A gatehouse shall not be permitted in the M1-15 Zone.
- (c) All assembling, fabricating, manufacturing, processing and small engine repairs within the M1-15 Zone shall be carried on only within enclosed buildings.
- (d) Outside storage and display of goods and materials shall not be permitted in the following areas of the M1-15 Zone:
- i) The most southerly 150 metres; or
 - ii) The most easterly 5 metres.
- (e) All parking shall be restricted to the area of the M1-15 Zone in which outside storage and display of goods and materials is permitted, except for the following:
- i) Parking of personal vehicles of the owners or occupiers of the residential use located in the M1-15 Zone and their family members,
 - ii) Parking of one truck used in connection with the permitted non-residential uses carried on within the M1-15 Zone;
 - iii) Parking of a maximum of 5 vehicles owned or used by employees of the said permitted non-residential uses; and
 - iv) Temporary parking of vehicles engaged in delivery to or pick up from the said permitted non-residential uses for a period of time not to exceed 24 hours in duration.
- (f) Where a lesser yard than is otherwise required in the M1 Zone exists for a building existing at the date of the passing of this By-law, such lesser yard shall be deemed to comply with the requirements of the M1-15 Zone. Any future development shall comply with the requirements of the M1 Zone.
- (g) In the M1-15 Zone, maximum lot coverage by non-residential buildings shall not exceed 1400 square metres.
- (h) In the M1-15 Zone, an earth berm shall not be included in the screen referred to in the Section 4.16.3.

M1-16
(3239)

(Included in subsection 5.84)

5.84 Notwithstanding the provisions of Section 6.15.1.2 to the contrary, on that part of Lot 5, Concession 3, shown as M1-16 on Schedule A1 as amended, the following special provisions shall apply in addition to all other applicable provisions of this By-law:

- 5.84.1 Non-residential uses may also include:
- Service oriented commercial shops

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- Business and professional offices
- Restaurants and other eating establishments
- Convenience retail
- Personal service shop
- Warehousing
- Transportation and truck terminals

M1-17 (Included in subsection 5.102)

(3353) 5.102 Notwithstanding the provisions of Section 6.15.1.2 to the contrary on that part of Lot 5, Concession 3 and more specifically described as Part 7, Reference Plan 21R-8138 in the Township of Thurlow, shown as M1-17 on Schedule A1 as amended, the following special provisions shall apply in addition to all other applicable provisions of this By-law:

5.102.1 Non-residential uses may also include:

- Business, administrative and professional offices
- Eating establishment including drive-in or take-out

M1-18 (Included in subsection 5.113)

(3511) 5.113 Notwithstanding the provisions of Sections 6.15.1.5.2 to the contrary, on that part of Lot 9, Concession 3, in the Township of Thurlow as shown as M1-18 on Schedule A1 as amended, the following special provisions shall apply in addition to all other applicable provisions of this By-law:

5.113.1 Minimum lot frontage: 20 metres (65.8 feet)

M1-19 (Included in subsection 5.131)

(3602) 5.131 Notwithstanding the provisions of Sections 6.15.1.1 and 6.15.1.2 to the contrary on that part of Lot 25, Concession 7, in the Township of Thurlow shown as M1-19 on Schedule A6 as amended, the following special provisions shall apply in addition to all other applicable provisions of this By-law:

5.131.1 Permitted uses: commercial wood working shop only

M1-20 (Included in subsection 5.202)

(3914) 5.202 Notwithstanding the provisions of Sections 6.15.1.5.1 and 6.15.1.5.2 to the contrary on that part of Lots 4 and 5, Concession 3, Township of Thurlow shown as M1-20 on Schedule A attached hereto, the following special provisions shall apply in addition to all of the other applicable provisions of the M1 Zone established by By-law 3014:

5.202.1 Minimum lot area: approximately 2590 square metres

5.202.2 Minimum lot frontage: approximately 32.8 metres

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M1-21

(99-11)

6.15.1.10 Notwithstanding the Provisions of Section 6.15.1.2 and 6.15.1.5.2 on Part of Lot 33, Registered Plan No. 66, City of Belleville, County of Hastings, within the area zoned “M1-21” the following special provisions shall apply:

Permitted uses shall be limited to a towing storage area for motor vehicles, a motor vehicle repair garage, and a motor vehicle service and sales office.

Minimum Lot Frontage: 32 m

M1-22

(99-32)

File: B-77-599

Lots 1 - 11 and Lots 36 - 46, Part of the unnamed road allowance lying in front of Lots 1 - 11 and Lots 36 - 46, R.P.53, located in part of Lot 10, Concession 3, (245 Putman Industrial Rd.) formerly in the Township of Thurlow, now in the City of Belleville

6.15.1.11 Notwithstanding the provisions of Section 6.15.1.2, within the area zoned M1-22, the permitted use shall be limited to a buffer area which will not permit the processing or extraction of aggregate, but will permit bulk storage and a contractor's yard.

M1-24

6.15.1.9.14 Originated by By-law 2000-165

6.15.1.9.14 Amended by By-law 2005-216 to replace in its entirety

6.15.1.9.14 Amended by By-law 2009-2 to replace in its entirety with the following:

(2009-2) File No.: B-77-855

Part Lot 20, Concession 8, Plan 21R-19513, (Phillipston Road) formerly in the Township of Thurlow, now in the City of Belleville

Notwithstanding the provisions of Subsection 6.15.1.2, within the area zoned M1-24, a yard and construction waste composting facility, an indoor food waste composting facility, an indoor non-hazardous solid waste processing and transfer station and an indoor recycling facility shall be the only permitted uses subject to a minimum yard depth of 40 metres from the wetland located on the southern part of the property.

M1-24-h HOLDING PROVISION

(2000-165) File No.: B-77-655

(2005-216) File No.: B-77-780

(2009-2) i) File No.: B-77-855

Part Lot 20, Concession 8, Plan 21R-19513, (Phillipston Road) formerly in the Township of Thurlow, now in the City of Belleville

6.15.1.9.14 Furthermore, within the area zoned M1-24-h an indoor food waste

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composting facility, an indoor non-hazardous solid waste processing and transfer station and an indoor recycling facility shall not be permitted and the 'h' holding symbol shall not be removed until a site plan agreement has been entered into with the municipality and the Ministry of Environment have issued a Certificate of Approval.

(2015-179) (NOTE TO FILE: By-Law Number 2015-179, passed October 26, 2015, removed the "h" holding symbol **only from the lands described as** 704 Phillipston Road, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings.)

M1-25

(2001-46) File No.: B-77-660-S
Part of Lot 4, Concession 3, (291 Maitland Drive) formerly in the Township of Thurlow, now in the City of Belleville

6.15.1.9.15 Notwithstanding the provisions of Section 6.15.1.5.2, within the area zoned M1-25, the minimum lot frontage shall be 20 metres.

M1-26

(2001-95) File No.: B-77-665
Part of Lot 12, Concession 3, (South side of Casey Road) formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

6.15.1.9.16 Notwithstanding the provisions of Section 6.15.1.2, within the area zoned M1-26, a construction contractors yard shall be a permitted use.

Furthermore, notwithstanding and in addition to the requirements of Section 6.15.1.5.7, the minimum distance between the industrial use, including building, parking and storage areas, and an RR - Rural Residential Zone shall be 70 metres.

M1-27

(2005-218) File No.: B-77-782
Part of Lot 2, Concession 6, (Old Madoc Road) formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

6.15.1.9.17 Notwithstanding the provisions of Subsection 6.15.1.2, within the area zoned M1-27, the only permitted uses shall be a motor vehicle repair garage, motor vehicle body shop, equipment, including farm equipment sales and service, warehousing, truck terminal, contractors yard and nursery and landscape supply business, subject to neither sodium and/or chloride being used or stored on the subject lands.

M1-28

(2006-130) File No.: B-77-796
Part of Lot 9, Concession 2, part of Lots 41, 42, 46 and 47, Registered Plan 66, (Putman Industrial Road) formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings being Parts 6 and 9, Reference Plan 21R-20219

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6.15.1.9.18 Notwithstanding the provisions of Subsection 6.15.1.2, within the area zoned M1-28, an administrative, business or professional office, shall be a permitted use, in addition to the other uses permitted by Subsection 6.15.1.

M1-28-h HOLDING PROVISION

(2006-130) *i) File No.: B-77-796
Part of Lot 9, Concession 2, part of Lots 41, 42, 46 and 47, Registered Plan 66,
(Putman Industrial Road) formerly in the Township of Thurlow, now in the City
of Belleville, County of Hastings being Parts 6 and 9, Reference Plan 21R-20219*

6.15.1.9.18 Notwithstanding the provisions of Subsection 6.15.1, within the area zoned M1-28-h, no person shall erect any building or structure or use the land for any purpose other than the uses existing on the day of the passing of the M1-28-h zone. The 'h' holding symbol shall not be removed from the M1-28-h zone until a cul-de-sac has been constructed to an engineered standard to the satisfaction of the municipality in order to establish proper frontage on a public street for the subject lands.

M1-29

(2007-82) File No.: B-77-820
Part of Lots 3 and 4, Concession 4, (28 Farnham Road) formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

6.15.1.9.19 Notwithstanding the provisions of Subsection 6.15.1.2, within the area zoned M1-29, motor vehicle and recreational vehicle sales shall be permitted, in addition to the other uses permitted by Subsection 6.15.1.

M1-30

(2011-5) File No.: B-77-894
94 and 112 Latta Drive, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

6.15.1.9.20 Notwithstanding the provisions of Subsection 6.15.1.5.7.4, within the area zoned M1-30, the interior side yard width shall be 2.2 metres for the northerly building existing on the day of the passage of this By-Law.

M1-31

(2014-116) File No.: B-77-960
365 Maitland Drive, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

6.15.1.9.21 Notwithstanding the provisions of Subsection 6.15.1.2, within the area zoned M1-31, a fitness studio shall be a permitted use, in addition to the uses permitted by Subsection 6.15.1.

M1-32

(2016-41) File No.: B-77-944
25 Blessington Road, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

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6.15.1.9.22 Notwithstanding the provisions of Subsection 6.15.1, within the area zoned M1-32, the permitted uses shall be limited to a heating and plumbing shop, with the associated parking of trucks, as well as a store and lock facility.

M1-33

(2016-113) File No.: B-77-1005

86 and 93 River Road, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

6.15.1.9.23 Notwithstanding and in addition to the provisions of Subsection 6.15.1.2, within the area zoned M1-33, an assembly hall, patio, and retail commercial establishment shall be permitted.

M1-34

(2016-113)

6.15.1.9.24 Notwithstanding the provisions of Subsections 4.15.11, 4.15.12 and 6.15.1, within the area zoned M1-34, a parking lot and a private sewage disposal system associated with development in the M1-33 zone shall be the only permitted uses. The parking lot shall be subject to a minimum parking space width of 2.4 m and a minimum parking aisle width of 6.7 m.

M1-33-h HOLDING PROVISION

M1-34-h

(2016-113) *i) File No.: B-77-1005*

86 and 93 River Road, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

6.15.1.9.24 Notwithstanding the provisions of Subsection 6.15.1 within the areas zoned M1-33-h and M1-34-h, no person shall use land for an assembly hall, patio, retail commercial establishment, or parking lot. The h – holding symbol shall be removed in accordance with the provisions of the Planning Act, R.S.O., 1990, as amended, provided that site plan approval has been granted, and the owner has entered into a legal agreement with the adjacent land owner within the M1-34-h zone to permit the location of a portion of the required off-street parking spaces for the development on the adjacent property.