

5.28 GENERAL INDUSTRIAL (M2) ZONE

No person shall within any General Industrial (M2) Zone use any lot or erect, alter or use any building or structure except as specified hereunder:

5.28.1 Uses Permitted**a) Residential Uses**

- Prohibited.

b) Non-Residential Uses

- Abattoir;
- Agricultural produce warehouse;
- Animal shelter;
- Builders' supply outlet;
- Bulk storage tanks and related facilities;
- Business, professional or administrative office provided such use is accessory; to a permitted non-residential use specified herein;
- Contractor's yard;
- Custom workshop;
- Dry cleaning establishment or plant;
- Equipment sales and rental;
- Farm implement and equipment sales and service establishment;
- Feed mill or seed cleaning plant;
- Fire hall, police station, ambulance depot;
- Fuel depot and bulk storage and processing of petroleum products;
- Garden and nursery sales and supply establishment;
- Greenhouse, commercial;
- Laboratory and/or research facilities;
- Light manufacturing plant;
- Machine or welding shop;
- Manufacturing, processing, assembling or fabricating plant;
- Medical Marihuana Production Facility;
- Motor vehicle body shop;
- Motor vehicle repair garage;
- Motor vehicle service station;
- Municipal, county or provincial maintenance depot;
- Park;
- Printing establishment;
- Public use in accordance with the General Provisions of this By-law;
- Recycling and/or material recovering facility;
- Retail or wholesale establishment where such use is accessory and incidental to a permitted non-residential use otherwise specified herein and does not exceed 10 percent of the gross floor area of all buildings and structures;
- Salvage yard;

- Saw and/or planing mill;
- Small engine sales and service establishment;
- Telecommunication tower;
- Towing office;
- Truck or transport depot;
- Warehouse and/or mini storage warehouse;
- Water tower;
- Water treatment control plant;
- Wholesale establishment;
- Workshop.

(By-law No. 2016-0049)

c) Accessory Uses

Uses, buildings and structures accessory to any of the permitted uses in accordance with the General Provisions of this By-law, including Shipping Containers.

(By-law No. 2020-0016)

5.28.2 Zone Provisions

- a) Lot Area (minimum) 0.4 ha
- b) Lot Frontage (minimum)30 metres
- c) Yards (minimum):
 - i) Front..... 12 metres
 - ii) Exterior Side 12 metres
 - iii) Interior Side6 metres
Where the interior side lot line or rear lot line abuts a Residential Zone the minimum yard requirement shall be 20 metres.
 - iv) Rear.....20 metres
- d) Lot Coverage (maximum)..... 50 percent
- e) Landscaped Open Space (minimum) 10 percent
- f) Setback from Street Centreline:
 - In accordance with the General Provisions of this By-law.
 - Buildings and structures associated with new industrial development along Highway #33 (Loyalist Parkway) are required to be setback a minimum of 100 metres from the northern limit of the road allowance.
- g) Height of Building (maximum)12 metres
(By-law No. 03-61)
- h) Planting Strip:
 - In accordance with the General Provisions of this By-law.

5.28.3 Open Storage

(By-law No. 03-61)

Land used for the outside display and/or storage of goods or materials shall:

- a) Be accessory to the use of the main building on the lot;
- b) Lands used for open storage of goods and materials shall comply with the required front and exterior side yard and setback requirements provided that such outside storage is not located closer than 6 metres to an interior side lot line where the lot line abuts a lot zoned in a residential category;
(By-law No. 03-61)
- c) Not exceed 50 percent of the lot area; and
- d) Be screened from adjacent residential uses and public streets adjoining the lot by buildings, or be enclosed by a planting strip, and/or be enclosed by a fence extending at least 1.8 metres in height from the finished grade.

5.28.4 Use of Front and Exterior Side Yards

Front and exterior side yards shall be open and unobstructed except that such yards may be used for the purpose of parking in accordance with the general provisions in this By-law.

5.28.5 Provisions for Salvage Yards

Notwithstanding any other provision of this By-law to the contrary, within the General Industrial (M2) Zone, a salvage yard shall also comply with the following provisions:

a) Outside Storage

Outside Storage is restricted to the rear of the front wall of the principal structure on the lot and shall comply with the front, side and rear yard requirements of the General Industrial (M2) Zone.

Outside storage shall not exceed 80 percent of the total lot area.

b) Buffer Planting and Screening

Where a salvage yard or area zoned for such purposes abuts a street or road or area zoned within a Residential, Community Facility, Commercial, Agricultural, Rural or Open Space Zone, a buffer which has a minimum width of 3.0 metres, which is unbroken except for entrances and exits, shall be provided and maintained within the front, side or rear yards, adjoining such abutting lot line or portion thereof.

c) Fencing

A fence with a minimum height of 1.8 metres and as provided for in accordance with the Corporation's fence by-law.

d) Licensing

A salvage yard is prohibited until licenced where a license is required by a By-law enacted pursuant to the Municipal Act.

5.28.6 General Provisions

In accordance with Section 4, General Provisions, of this By-law.

5.28.7 Exception Provisions - General Industrial (M2) Zone

5.28.7.1 General Industrial Exception One (M2-1) Zone

(Part of Lot 22, Concession 5 (Selby) in the Geographic Township of Richmond)

Within the M2-1 Zone the uses permitted are restricted to:

- buildings and structures for the storage of winter sand;
- building or structures incidental and subordinate to uses listed herein;
- municipal maintenance depot;
- outside storage of aggregate materials, culverts and equipment associated with a municipal maintenance depot;
- water reservoir.

Permitted uses are subject to the following restrictions:

- Setback of Aggregate Material or Winter Sand..... 30 metres from the
highwater mark of Selby Creek

5.28.7.2 General Industrial Exception Two (M2-2) Zone

(Lots 15 to 21, Concession 1 in the Geographic Township of South Fredericksburgh)

Within the M2-2 Zone, the following provisions apply:

a) Permitted Uses:

i) Residential:

- Prohibited.

ii) Non-Residential Uses:

- Agriculture;
- Bulk storage tanks and related facilities;
- Business or professional office provided such use is accessory and incidental to a permitted non-residential use otherwise specified herein;
- Cartage or transport depot and yard facilities;
- Equipment sales and rental, heavy;
- General contractor's or tradesman's yard and related shop facilities;
- Manufacturing, processing, assembly, or fabricating plant except any such use which, from its nature or the materials used therein, is declared to be an offensive or noxious trade, business, or manufacture under the Health Protection and Promotion Act, as amended, and, the Regulations made thereunder;
- Machine or welding shop;
- Municipal, county, or public works yard and maintenance depot;
- non-nuclear electrical power generating station and related administration buildings;
- Outside display and storage of goods and materials where such use is accessory and incidental to a permitted non-residential use otherwise specified hereunder;

- Public use or utility in accordance with the General Provisions of this By-law;
- Retail commercial outlet where such use is accessory and incidental to a permitted non-residential use otherwise specified hereunder;
- Saw mill and/or planing mill;
- Telecommunications tower.

iii) Accessory Uses:

- Uses, buildings and structures normally considered incidental and subordinate to any of the foregoing uses. Such accessory uses shall not include facilities for the storage of radioactive materials.

iv) Uses Exempted from the “H” Provisions:

The following uses may be developed within the M2-2 Zone without the need to remove the “H”:

- Agriculture;
- Non-nuclear electrical power generating station and related administration building;
- Uses, buildings and structures normally incidental and subordinate to the foregoing uses, inclusive of bulk storage facilities for petroleum or other fossil fuels but exclusive of facilities for the storage of radioactive materials.

b) Regulatory Provisions for Uses Exempted from the “H” Provisions (item 5.28.7.2(a)(iv))

Maximum height of buildings and structures:

- i) Power Generating Station inclusive of Administration Building... 60 metres
- ii) Stacks associated with Power Generating Station..... 200 metres
- iii) Accessory Building Structures and Uses..... 12 metres

iv) Special Height Provisions - Accessory Building and Structures:

Notwithstanding any provisions of this By-law to the contrary, an accessory building or structure may be erected above a height of 12 metres provided that such accessory building or structure is set back an equivalent distance from the front, side, or rear lot lines and that such accessory building is not erected closer to the street line than the minimum required yard.

c) Regulatory Provisions for all other uses listed in Section 5.28.7.2(a)(ii):

In all respects the provisions of the M2 Zone, and other relevant by-law provisions shall apply.

d) Removal of the “H” (Holding) Provisions:

The development of lands within the M2-2 Zone for the uses listed in Section 5.28.7.2(a)(ii) shall not be permitted until the “H” is removed in accordance with the provisions of Section 36 of the Planning Act and until:

- i) all applicable municipal requirement have been complied with, including confirmation that sufficient capacity is available, to accommodate proposed development in

- ii) accordance with an approved servicing plan;
- iii) a concept plan showing the intended orderly development of the lands has been submitted and endorsed by the Town; and
- iii) all necessary agreements, including subdivision agreement, and/or site plan agreement between the Town and the owner/developer have been executed.

5.28.7.3 General Industrial Exception Three (M2-3) Zone

(Part of Lot 18, Concession 2 in the Geographic Township of Richmond)

Within the M2-3 Zone, the uses permitted are restricted to:

- salvage yard inclusive of sale of motor vehicle parts and accessories as accessory to the principal use.

5.28.7.4 General Industrial Exception Four (M2-4) Zone

(Part of Lot 21, Concession 3, in the Geographic Township of Richmond)

Within the M2-4 Zone, the uses permitted are restricted to:

- truck or transport depot and related facilities, buildings, and uses normally considered incidental and subordinate thereto.

5.28.7.5 General Industrial Exception Five (M2-5) Zone

(South side of CNR Mainline and west of Centre Street, in the Geographic Town of Napanee)

Within the M2-5 Zone, the following provisions apply:

a) Permitted Uses:

- uses listed in the M2 Zone;
- an existing salvage operation.

b) Crushing:

The crushing of automobiles or automobile parts shall be limited to two (2) occasions only per calendar year for a maximum combined duration of thirty-five (35) business days.

(By-law No. 03-61)

c) Definitions:

For purposes of the M2-5 Zone the following definition applies:

“Existing Salvage Operation” means land, building, structure, or part thereof used for dismantling, separating, and/or conditioning, shipping and storing of materials such as motor vehicles, machinery, aluminum cans, household appliances such as fridges and stoves.

d) Open Storage:

- Open storage may occupy up to 80% of the site.
- Setback of open storage shall be a minimum of 3 metres from the edge of the property.
- Height of storage: Outside storage of material shall not exceed a height of 2.28 metres (7.5 feet).

5.28.7.6 General Industrial Exception Six (M2-6) Zone

(Part of Lot 13, Concession 10, in the Geographic Township of Richmond)

Within the M2-6 Zone, the uses permitted are restricted to:

- accessory sale of parts;
- motor vehicle sales (used);
- salvage yard.

5.28.7.7 General Industrial Exception Seven (M2-7) Zone

(Part of Lot 14, Concession 2, in the Geographic Township of Adolphustown)

Within the M2-7 Zone, the following provisions apply:

a) Uses Permitted are restricted to:

- automobile wrecking yard;
- salvage yard.

(By-law No. 03-61)

b) Zone Provisions:

- Interior Side Yard (minimum)..... 3 metres for existing building
- Setback to Existing Residential Uses (minimum)20 metres

5.28.7.8 General Industrial Exception Eight (M2-8) Zone

(Part of Lot 23, Concession 3, in the Geographic Township of Richmond)

Within the M2-8 Zone, the uses permitted also include:

- Business and professional offices.

(By-law No. 05-76)

5.28.7.9 General Industrial Exception Nine (M2-9) Zone

(444 Advance Avenue, in the geographic Town of Napanee)

Within the M2-9 Zones, the uses permitted include a liquid waste transfer and processing facility as defined by the by-law, subject to the following provisions:

a) Provisions

Outside storage of hazardous materials is prohibited.

b) Holding Provisions & H Removal:

The 'H' applies to the "liquid waste transfer and processing facility use" and may be removed in accordance with the provisions of Section 36 of the Planning Act and the Holding provisions of By-law 02-22 when:

- A copy of the approved MOECC Provisional Certificate of Approval for the liquid waste transfer and processing facility is received;
- A site plan agreement dealing with applicable matters, inclusive of security fencing, outside storage, lighting and landscaping has been executed; and
- A discharge agreement has been executed, to the satisfaction of Greater Napanee Utilities, dealing with such matters as volume limitations, quality of discharge, monitoring requirements, and cost recovery treatment charges to ensure compliance with the sewer

use by-law, as amended from time to time;

(By-Law No. 10-53)

c) H Removal:

The “H” symbol has been removed from portions of those lands outlined in Schedule “10” to By-law No. 02-22, as amended by By-law No. 10-53, thereby recognizing the use of the site for a Liquid Waste Transfer and Processing Facility as per an Environmental Certificate of Approval from the Ministry of Environment.

(By-law No. 2014-71)

5.28.7.10 General Industrial Exception Ten (M2-10) Zone

(Part of Lots 23 and 24, Concession 4, in the Geographic Township of Richmond)

Within the M2-10-H Zone the following provisions apply:

d) Permitted Uses

- Soil treatment facility;
- Waste water treatment facility.

e) Provisions:

- Yards (minimum) for soil treatment facility and waste water treatment facility:
 - Front..... 365 metres
 - Interior Side Yard. 70 metres
 - Exterior Side Yard (to a road or unopened road allowance)..... 60 metres
 - Rear Yard
 - From the northernmost lot line, being that which abuts the western limit of the unopened road allowance between lots 24 and 25, Concession 4 in the Geographic Township of Richmond..... 420 metres
 - For all other rear yard lot lines the minimum rear yard shall be 70 metres.
- Accessory uses such as office, maintenance facilities, scales may be located in accordance with the provisions of Section 5.28 of the by-law.
- Planting strips shall be provided along the side yards and front yard adjacent to the lot lines. The planting strip shall be a minimum of 6 metres in width. The planting strip shall include plantings and may also include a raised berm sufficient for the purposes of screening views of the soil treatment facility and the waste water treatment facility.

f) Holding Provisions & H Removal:

- The ‘H’ may be removed in accordance with the provisions of Section 36 of the Planning Act and the Holding provision of the By-law 02-22 when:
- A copy of all required MOECC Environmental Compliance Approvals for the soil treatment facility and waste water treatment facility are provided;
- Matters outlined in section 4.16 of zoning by-law 02-22 have been addressed to the satisfaction of the Town;
- A discharge agreement has been executed, to the satisfaction of Greater Napanee Utilities, dealing with such matters as volume limitations, quality of discharge, monitoring requirements, and cost recovery treatment charges to ensure compliance with the sewer use by-law;
- Confirmation is received from the Ministry of Natural Resources and/or Quinte Conservation indicating that they are satisfied the development can proceed with respect to required approvals under the Endangered Species Act and the Fisheries Act.

(By-Law No. 2013-41)

5.28.7.11 General Industrial Exception Eleven (M2-11-H) Zone

80 Richmond Boulevard; Part of Lot 22, Concession 2, Town of Greater Napanee

Within the M2-11-H Zone the following provisions apply:

c) Uses exempted from the “H” Provision

The following uses may be permitted within the M2-11-H Zone without the need to remove the “H”:

- Warehouse
- Open Storage
- Business, professional or administrative office provided such use is accessory to a permitted non-residential M2 use permitted
- Retail or wholesale establishment where such use is accessory and incidental to a permitted non-residential M2 use and does not exceed 10 percent of the gross floor area of all buildings and structures
- Wholesale establishment

d) Removal of the “H” (Holding) Provisions

- i) The development of the lands within the M2-11-H Zone for the uses listed in Section 5.28.1(b), excluding the exempted uses listed above, shall not be permitted until the “H” is removed in accordance with the provisions of Section 36 of the *Planning Act* and the Holding provisions of By-law 02-22, the requirement for which is the provision of:

- A noise study completed to the satisfaction of the Town that evaluates the potential noise impacts and recommended noise abatement measures in compliance with accepted Provincial guidelines.

e) Provisions:

- i. Lot Area.....0.33 hectares
- ii. Front Yard (minimum).....11 metres
- iii. Rear Yard (minimum).....12 metres
- iv. Parking Location: Parking is permitted no closer than:
 - o 0 metres from the Richmond Boulevard streetline
- v. Parking Space Dimensions and Area:
 - o A standard parking space may be reduced to 2.7 metres in width and reduced to 16 square metres in area.
- vi. Parking Area Design: the minimum aisle width for parking spaces with a parking angle greater than 70 degrees shall be at least 5 m in the area between the existing building and the Richmond Boulevard streetline.
- vii. Access to the required parking spaces may be over the adjacent property at 100 Richmond Boulevard where an easement is in place to allow such access.

5.28.7.12 General Industrial Exception Twelve (M2-12) Zone

100 Richmond Boulevard; Part of Lot 22, Concession 2, Town of Greater Napanee

Within the M2-12 Zone the following provisions apply:

- a. Exterior Side Yard – Advance Avenue (minimum).....5 metres
- b. Exterior Side Yard – Barmish Lane (minimum).....6 metres
- c. Open Storage is permitted within any interior side yard and no closer to the streetline than the main building facing that streetline.
- d. Parking Location: Parking is permitted no closer than:

- i. 3 metres from the Barmish Lane streetline
 - ii. 0 metres from the Richmond Boulevard streetline
- e. Parking Space Dimensions and Area:
 - i. A standard parking space may be reduced to 2.7 metres in width and reduced to 16 square metres in area.
- b. Parking Area Design: the minimum aisle width for parking spaces with a parking angle of less than 30 degrees shall be at least 3 m and the minimum parking space length shall be at least 6 m.
- f. Minimum distance between the westernmost interior side lot line and a driveway accessing Barmish Lane: 0 m