

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

BY-LAW NO. 2006-040

being a By-Law to amend By-Law 84-63, the Comprehensive Zoning By-Law
for the Corporation of the Municipality of Clarington

WHEREAS the Council of the Corporation of the Municipality of Clarington deems it advisable to amend By-Law 84-63, as amended, of the Corporation of the former Town of Newcastle in accordance with the policies contained in Amendment #46 to the Clarington Official Plan (COPA 2005-011) to implement the Clarington Energy Business Park and the rezoning application ZBA 2005-0059;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Clarington enacts as follows:

1. Section 23 "LIGHT INDUSTRIAL (M1) ZONE" is hereby amended by introducing a new subsection 23A as follows:

"SECTION 23A

23A ENERGY PARK OFFICE (MO1) ZONE

23A.1 DEFINITIONS

For the purposes of this zone, the following definitions apply;

Business or Administrative Office shall mean an establishment in which one or more persons are employed in conducting, managing, or administering a business. The term business or administrative office includes the administrative offices of a government agency or a non-profit organization.

Convention Centre shall mean an establishment having facilities for meetings, seminars, exhibitions, workshops and other similar activities and may include dining facilities to serve participants but does not include sleeping accommodation.

Drive-Through Facility shall mean the use of land, buildings or structures, or part thereof, to provide or dispense products or services, either wholly or in part through an attendant or a window or an automated machine, to customers remaining in motor vehicles located in a stacking lane.

Energy- Related shall mean a use within a building, or structure that is directly involved in the administration, distribution, research and development, testing, or production of energy and energy related products.

Fitness Centre shall mean an establishment that provides facilities for recreational or athletic activities, including but not limited to body-building and exercise classes.

Research and Development Facility shall mean an establishment used for the purpose of conducting pure and applied research and experimentation and includes such facilities as administrative offices, laboratories, lecture rooms, display rooms, pilot units, simulating equipment and the like and service and machine shops to serve the research and development facility.

23A.2 PERMITTED USES

No person shall within the Energy Park Office (MO1) Zone use any land or erect, alter or use any building or structure except as specified hereunder:

- i) financial office without a drive-through facility;
- ii) energy-related business or administrative office;
- iii) convention centre;
- iv) day nursery;
- v) fitness centre;
- vi) hotel;
- vii) university or college facilities;
- viii) research and development facility; and,
- ix) eating establishment without a drive-through facility.

23A.3 REGULATIONS

- a) Lot Area (minimum) 1 hectare
- b) Lot Frontage (minimum) 80 metres
- c) Yard Requirements:
 - i) For lots fronting onto South Service Road
 - Front Yard 28 metres (minimum) to 31 metres (maximum)
 - Exterior Side Yard 4 metres (minimum) to 8 metres (maximum)
 - ii) For lots fronting onto Energy Drive (a future public street shown on Schedule 1)
 - Front Yard 6 metres (minimum) to 8 metres (maximum)
 - Exterior Side Yard 4 metres (minimum) to 8 metres (maximum)
 - iii) For lots fronting onto other roads
 - Front Yard 4 metres (minimum) to 8 metres (maximum)
 - Exterior Side Yard 4 metres (minimum) to 8 metres (maximum), except where the exterior side yard abuts South Service Road, then the exterior side yard shall be 28 metres (minimum) to 31 metres (maximum), or except where the exterior side yard abuts Energy Drive, then the exterior exterior side yard shall be 6 metres (minimum) to 8 metres (maximum)
 - iv) Interior Side Yard (minimum) 5 metres
 - v) Rear Yard (minimum) 10 metres, except where the rear yard abuts South Service Road, then the rear yard shall be 28 metres (minimum) to 31 metres (maximum)
- d) Lot Coverage (maximum) 60%
- e) Landscape Open Space (minimum) 20%

- f) Building Height (minimum) 12 metres on lands located within 50 metres from Courtice Road or South Service Road, otherwise 5 metres
- g) Landscaping Strip Width Requirements (minimum)
 - i) Front Yard and Exterior Side Yard 4 metres
 - ii) Interior Side Yard and Rear Yard 2 metres
- h) The length of the building façade of the first building constructed along the front lot line of a lot shall be a minimum width representing 40% the total length of the lot frontage.
- i) No outside storage or outside garbage facilities shall be permitted.
- j) Parking areas shall not be located within the required front yard or the exterior side yard."

2. Section 23 "LIGHT INDUSTRIAL (M1) ZONE" is hereby amended by introducing a new subsection 23B as follows:

"SECTION 23B

23B ENERGY PARK PRESTIGE (MO2) ZONE

23B.1 DEFINITIONS

For the purposes of this zone, the following definitions apply;

Business or Administrative Office shall mean an establishment in which one or more persons are employed in conducting, managing, or administering a business. The term business or administrative office includes the administrative offices of a government agency or a non-profit organization.

Drive-Through Facility shall mean the use of land, buildings or structures, or part thereof, to provide or dispense products or services, either wholly or in part through an attendant or a window or an automated machine, to customers remaining in motor vehicles located in a stacking lane.

Energy Industry shall mean an establishment that have as its main focus the development, commercialization and/or demonstration of energy products and services. This may include assembly, manufacturing, fabricating or processing activities that are not offensive or not likely to be offensive by reason of the amount of noise, smoke, odour, emissions, or vibration produced therein, but excludes a recycling facility, material sorting or dismantling, a waste management or processing facility, or a waste incineration facility.

Energy- Related shall mean a use within a building, or structure that is directly involved in the administration, distribution, research and development, testing, or production of energy and energy-related products.

Research and Development Facility shall mean an establishment used for the purpose of conducting pure and applied research and experimentation and includes such facilities as lecture rooms, administrative offices, laboratories, display rooms, pilot units, simulating equipment and the like and service and machine shops to serve the research and development facility.

23B.2 PERMITTED USES

No person shall within the Energy Park Prestige (MO2) Zone use any land or erect, alter or use any building or structure except as specified hereunder:

- i) financial office without a drive-through facility;
- ii) commercial or technical school;
- iii) energy-related business or administrative office;
- iv) day nursery;
- v) energy industry;
- vi) university or college facilities; and,
- vii) research and development facility.

23B.3 REGULATIONS

- a) Lot Area (minimum) 1 hectare
- b) Lot Frontage (minimum) 80 metres
- c) Yard Requirements
 - i) For lots fronting onto South Service Road
 - Front Yard 28 metres (minimum) to 31 metres (maximum)
 - Exterior Side Yard 4 metres (minimum) to 8 metres (maximum)
 - ii) For lots fronting onto other roads
 - Front Yard 4 metres (minimum) to 8 metres (maximum)
 - Exterior Side Yard 28 metres (minimum) to 31 metres (maximum)
 - iii) Interior Side Yard (minimum) 5 metres
 - iv) Rear Yard (minimum) 10 metres, except where the rear yard abuts South Service Road, then the rear yard shall be 28 metres (minimum) to 31 metres (maximum)
- d) Lot Coverage (maximum) 60%
- e) Landscape Open Space (minimum) 20%
- f) Building Height (minimum) 5 metres
- g) Landscaping Strip Width Requirements (minimum)
 - i) Front and Exterior Side Yard 4 metres
 - ii) Interior Side and Rear Yard 2 metres
- h) The length of the building façade of the first building constructed along the front lot line of a lot shall be a minimum width representing 40% the total length of the lot frontage.
- i) No outside storage or outside garbage facilities shall be permitted.
- j) Parking areas shall not be located in the required front yard or the exterior side yard."

3. Section 23B.4 "SPECIAL EXCEPTIONS - ENERGY PARK PRESTIGE (MO2) ZONE" is hereby amended by introducing a new subsection 23B.4.1 as follows:

"23B.4.1 ENERGY PARK PRESTIGE EXEPTION (MO2-1) ZONE

Notwithstanding Section 23B, those lands zoned MO2-1 on the Schedules to this By-law, in addition to the uses and regulations permitted in the MO2 zone, may also be used for the purposes of an automotive auction subject to the following:

- a) Definitions:

"Automotive Auction" shall mean the use of land, buildings or structures or part thereof, used for the storage of operable motor vehicles which are to be sold on the premises by public auction.

- b) Regulations:

- | | | |
|------|--|--------------------|
| i) | Lot area (minimum) | 12 hectares |
| ii) | The maximum building area to be used for automotive auction purposes | 2400 square metres |
| iii) | Accessory uses to an automotive auction may include a car wash, a motor vehicle repair garage, and a business or administrative office." | |

4. Section 23 "LIGHT INDUSTRIAL (M1) ZONE" is hereby amended by introducing a new subsection 23C as follows:

"SECTION 23C

23C ENERGY PARK LIGHT INDUSTRIAL (ML1) ZONE

23C.1 DEFINITIONS

For the purposes of this zone, the following definitions apply;

Business or Administrative Office shall mean an establishment in which one or more persons are employed in conducting, managing, or administering a business. The term business or administrative office includes the administrative offices of a government agency or a non-profit organization.

Energy Industry shall mean an establishment that have as its main focus the development, commercialization and/or demonstration of energy generation products and services. This may include assembly, manufacturing, fabricating or processing activities that are not offensive or not likely to be offensive by reason of the amount of noise, smoke, odour, emissions, or vibration produced therein, but excludes a recycling facility, material sorting or dismantling, a waste management or processing facility, or a waste incineration facility.

Energy- Related shall mean a use within a building, or structure that is directly involved in the administration, research and development, testing, or production of alternative energy sources.

Research and Development Facility shall mean an establishment used for the purpose of conducting pure and applied research and experimentation and includes such facilities as lecture rooms, administrative offices, laboratories, display rooms, pilot units, simulating equipment and the like and service and machine shops to serve the research and development facility.

23C.2 PERMITTED USES

No person shall within the Energy Park Light Industrial (ML1) Zone use any land or erect, alter or use any building or structure except as specified hereunder:

- i) energy-related business or administrative office;
- ii) energy-related commercial or technical school;
- iii) energy industry;
- iv) outside storage of goods and materials where such use is accessory and incidental to permitted use; and
- v) research and development facility.

23C.3 REGULATIONS

- a) Lot Area (minimum) 0.5 hectares
- b) Lot Frontage along Energy Drive, a future public street shown on Schedule 1 (minimum) 50 metres
Lot Frontage along other roads (minimum) 30 metres
- c) Yard Requirements
 - i) Front Yard
 - Along Energy Drive 6 metres (minimum) to 8 metres (maximum)
 - Along other roads 4 metres (minimum) to 8 metres (maximum)
 - ii) Exterior Side Yard 4 metres (minimum) to 8 metres (maximum)
 - iii) Interior Side Yard (minimum) 5 metres
 - iv) Rear Yard (minimum) 10 metres
- d) Lot Coverage (maximum) 60%
- e) Landscape Open Space (minimum) 10%
- f) Building Height (minimum) 5 metres
- g) Landscaping Strip Width Requirements (minimum)
 - i) Front Yard and Exterior Side Yard 4 metres
 - ii) Interior Side Yard and Rear Yard 2 metres
- h) The length of the building façade of the first building constructed along the front lot line of a lot shall be a minimum width representing 40% the total length of the lot frontage.
- i) Parking areas are not permitted within the required front yard or exterior side yard.

23C.4 REGULATIONS FOR SERVICING, LOADING AND GARBAGE AREAS

Servicing, loading and garbage areas shall be located in the rear or interior side yard and shall be screened from view. Servicing and loading areas in an interior side yard shall be set back a minimum of 10 metres from the front of the building.

23C.5 REGULATIONS FOR OUTSIDE STORAGE

- a) A maximum of 25% of the lot area may be used for outside storage.
 - b) Maximum height of outdoor storage area 3 metres”
 - c) Outside storage of materials shall be screened from public streets adjoining the lot by a combination of buildings, berms or landscaped open space.
5. Section 23 “LIGHT INDUSTRIAL (M1) ZONE” is hereby amended by introducing a new subsection 23D as follows:

“SECTION 23D

23D ENERGY PARK GENERAL INDUSTRIAL (ML2) ZONE

23D.1 DEFINITIONS

For the purposes of this zone, the following definitions apply;

Energy Industry shall mean an establishment that have as its main focus the development, commercialization and/or demonstration of energy products and services. This may include assembly, manufacturing, fabricating or processing activities that are not offensive or not likely to be offensive by reason of the amount of noise, smoke, odour, emissions, or vibration produced therein, but excludes a recycling facility, material sorting or dismantling, a waste management or processing facility, or a waste incineration facility.

Research and Development Facility shall mean an establishment used for the purpose of conducting pure and applied research and experimentation and includes such facilities as lecture rooms, administrative offices, laboratories, display rooms, pilot units, simulating equipment and the like and service and machine shops to serve the research and development facility.

23D.2 PERMITTED USES

No person shall within the Energy Park General Industrial (ML2) Zone use any land or erect, alter or use any building or structure except as specified hereunder:

- i) energy industry;
- ii) energy-related commercial or technical school;
- iii) outside storage of goods and materials where such use is accessory and incidental to a permitted use; and
- iv) research and development facility.

23D.3 REGULATIONS

- a) Lot Area (minimum) 0.5 hectares
- b) Lot Frontage (minimum) 30 metres
- c) Yard Requirements
 - i) Front Yard and Exterior Side Yard 4 metres (minimum) to 8 metres (maximum)
 - ii) Interior Side Yard (minimum) 5 metres
 - iii) Rear Yard (minimum) 10 metres
- d) Lot Coverage (maximum) 60%
- e) Landscape Open Space (minimum) 10%

- f) Building Height (minimum) 5 metres
- g) Landscaping Strip Width Requirements (minimum)
 - i) Front Yard and Exterior Side Yard 4 metres
 - ii) Interior Side Yard and Rear Yard 2 metres
- h) The length of the building façade of the first building constructed along the front lot line of a lot shall be a minimum width representing 40% the total length of the lot frontage.
- i) Parking areas are not permitted within the required front yard or exterior side yard.

23D.4 REGULATIONS FOR SERVICING, LOADING AND GARBAGE AREAS

Servicing, loading and garbage areas shall be located in the rear or interior side yard and shall be screened from view. Servicing, loading and garbage areas in an interior side yard shall be set back a minimum of 10 metres from the front of the building.

23D.5 REGULATIONS FOR OUTSIDE STORAGE

- a) A maximum of 50% of the lot area may be used for outside storage.
- b) Maximum height of outdoor storage 5 metres"
- c) Outside storage of materials shall be screened from public streets adjoining the lot by a combination of buildings, berms or landscaped open space.

6. Section 23D.6 "SPECIAL EXCEPTIONS - ENERGY PARK GENERAL INDUSTRIAL (ML2) ZONE" is hereby amended by introducing a new subsection 23D.6.1 as follows:

"23D.6.1 ENERGY PARK GENERAL INDUSTRIAL EXEPTION (ML2-1) ZONE

Notwithstanding Section 23D, those lands zoned ML2-1 on the Schedules to this By-law, in addition to the uses and regulations permitted in the ML2 zone, may also be used for the purposes of an automotive auction and a motor vehicle wrecking yard subject to the following:

- a) Definitions:

"Automotive Auction" shall mean the use of land, buildings or structures or part thereof, used for the storage of motor vehicles which are to be sold on the premises by public auction.
- b) Regulations:
 - i) Lot area (minimum) 10 hectares
 - ii) The maximum building area to be used for automotive auction and motor wrecking 1400 square metres
 - iii) Maximum height of outside storage associated with automobile auction and motor vehicle wrecking yard 3 metres
 - iv) No portion of the lot used for outside storage shall be visible from an abutting property or an improved public street."

7. Schedule "1" to By-Law 84-63, as amended, is hereby further amended by changing the zone designation from:

"Holding – Light Industrial ((H)M1) Zone" to "Holding - Energy Park Office ((H)MO1) Zone"

"Holding – Light Industrial ((H)M1) Zone" to "Holding - Energy Park Prestige ((H)MO2) Zone"

"Holding - General Industrial ((H)M2) Zone" to "Holding - Energy Park Office ((H)MO1) Zone"

"General Industrial (M2) Zone" to "Holding - Energy Park Prestige ((H)MO2) Zone"

"General Industrial (M2) Zone" to "Holding – Energy Park General Industrial ((H)ML2) Zone"

"General Industrial (M2) Zone" to "Holding – Energy Park Prestige Exception ((H)M02-1) Zone"

"General Industrial Exception (M2-11) Zone" to "Holding – Energy Park Light Industrial ((H)ML1) Zone"

"General Industrial Exception (M2-11) Zone" to "Holding – Energy Park General Industrial ((H)ML2) Zone"

"General Industrial Exception (M2-15) Zone" to "Holding – Energy Park General Industrial Exception ((H)ML2-1) Zone"

"Holding - General Industrial ((H)M2) Zone" to "Holding – Energy Park General Industrial ((H)ML2) Zone"

"Holding - General Industrial ((H)M2) Zone" to "Holding – Energy Park Light Industrial ((H)ML1) Zone"

"Service Station Commercial Exception (C6-6) Zone" to "Holding - Energy Park Office ((H)MO1) Zone"


as shown on the attached Schedule "A" hereto.

8. Schedule "A" attached hereto shall form part of this By-Law.
9. This By-Law shall come into effect on the date of the passing hereof, subject to the provisions of Sections 17(2) and 34 (21) of the Planning Act, R.S.O. 1990.

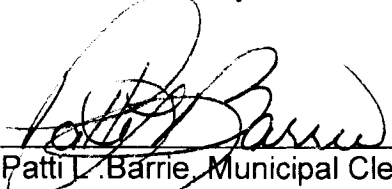
By-Law read a first time this 28 day of February 2006

By-Law read a second time this 28 day of February 2006

By-Law read a third time and finally passed this 28 day of February 2006

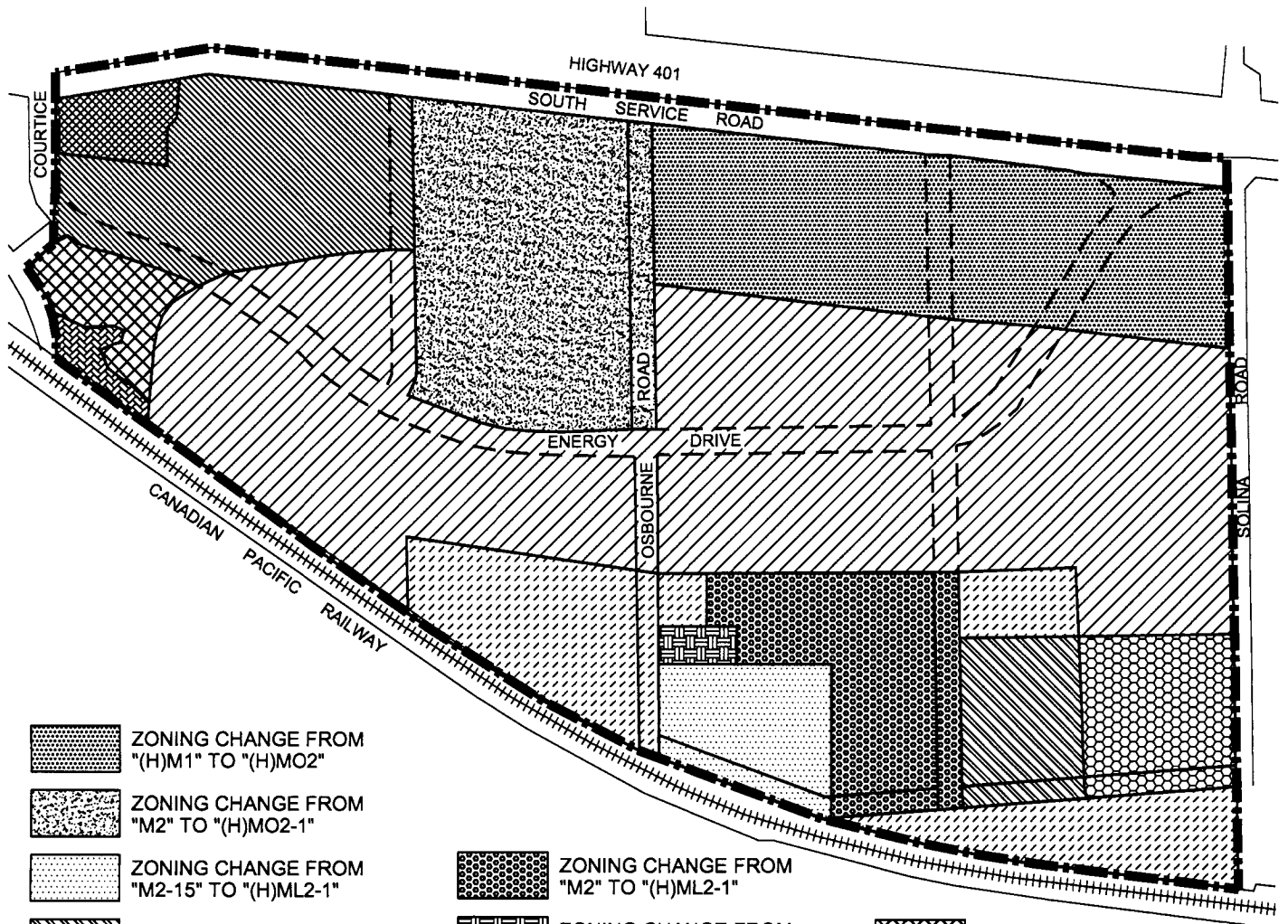


John Mutton, Mayor



Patti L. Barrie, Municipal Clerk

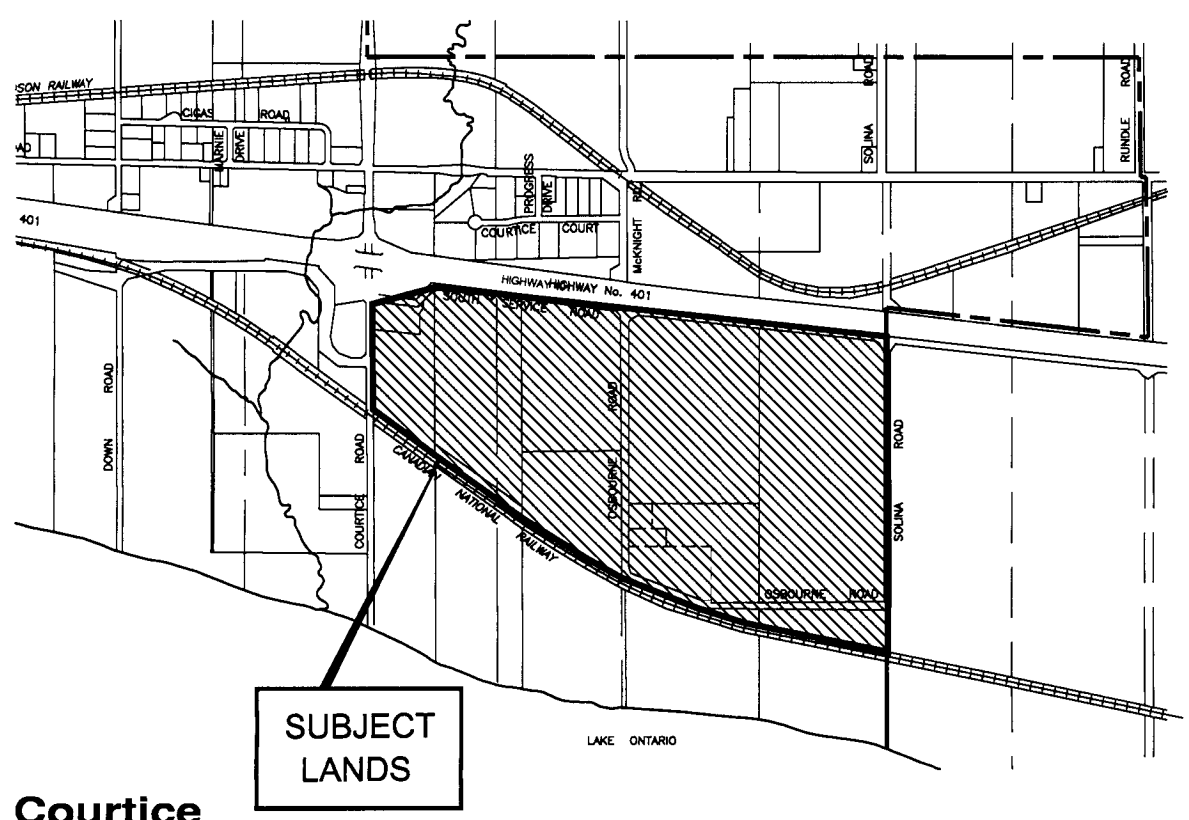
This is Schedule "A" to By-law 2006-040 ,
 passed this 27th day of February , 2006 A.D.



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|--|--|--|--|--|--|
| | ZONING CHANGE FROM "(H)M1" TO "(H)MO2" | | ZONING CHANGE FROM "M2" TO "(H)ML2-1" | | ZONING CHANGE FROM "(H)M2" TO "(H)MO1" |
| | ZONING CHANGE FROM "M2" TO "(H)MO2-1" | | ZONING CHANGE FROM "M2-15" TO "(H)ML2-1" | | ZONING CHANGE FROM "M2" TO "(H)ML2" |
| | ZONING CHANGE FROM "M2-15" TO "(H)ML2-1" | | ZONING CHANGE FROM "M2-11" TO "(H)ML2" | | ZONING CHANGE FROM "M2" TO "(H)ML2" |
| | ZONING CHANGE FROM "M2-11" TO "(H)ML2" | | ZONING CHANGE FROM "(H)M2" TO "(H)ML2" | | ZONING CHANGE FROM "M2" TO "(H)ML2" |
| | ZONING CHANGE FROM "(H)M2" TO "(H)ML2" | | ZONING CHANGE FROM "(H)M2" TO "(H)ML2" | | ZONING CHANGE FROM "M2-11" TO "(H)ML1" |
| | ZONING CHANGE FROM "(H)M2" TO "(H)ML1" | | ZONING CHANGE FROM "(H)M1" TO "(H)MO1" | | ZONING CHANGE FROM "M2-11" TO "(H)ML1" |
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John Mutton, Mayor

Patti L. Barrie, Municipal Clerk



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