

**BY-LAW NUMBER 17-56**

**OF**

**THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW**

**A By-law to regulate the use of land and the character, location and use of buildings and structures on lands municipally known as 6833 33/34 Side Road, and legally described as CON 6 E PT LOT 33, formerly Nottawasaga Township, now in the Township of Clearview.**

**WHEREAS** pursuant to Section 34 of the Planning Act R.S.O., 1990, c.P.13, as amended, the Council of the Township of Clearview has passed By-law 06-54 being the comprehensive Zoning By-law for the Township of Clearview;

**AND WHEREAS** pursuant to Section 34(17) of the Planning Act, R.S.O., 1990, c. P.13, as amended, Council determines that no further notice is required in respect of the proposed By-law;

**AND WHEREAS** the amendment is in conformity with the Township of Clearview Official Plan;

**AND WHEREAS** the Council of the Corporation of the Township of Clearview, wishes to amend By-law 06-54;

**NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW HEREBY ENACTS AS FOLLOWS:**

1. That Schedule 'A1' of Zoning By-law 06-54 is hereby amended by changing the zoning on the lands located at 6833 33/34 Side Road, CON 6 E PT LOT 33, formerly Nottawasaga, now in the Township of Clearview, from 'Agricultural' (AG) Zone to the 'Airport Industrial Exception 2' (MA-2), 'Airport Industrial Exception 3' (MA-3), 'Airport Industrial Exception 4' (MA-4), and 'Stormwater Management Facility' (SM) Zones as shown on Schedule '1' attached hereto, and forming part of this By-law.
2. That Schedule 'A1' of Zoning By-law 06-54 is hereby amended by adding two zoning overlays on the lands located at 6833 33/34 Side Road, CON 6 E PT LOT 33, formerly Nottawasaga, now in the Township of Clearview, being 'Minimum Distance Separation A (overlay)' (MDS-A) and 'Minimum Distance Separation B (overlay)' (MDS-B) as shown on Schedule '2' attached hereto, and forming part of this By-law.
3. That Section 3 'Zones and Zone Provisions' be amended by the addition of the following zones, overlays, and provisions:

### **"3.34.3 AIRPORT INDUSTRIAL ZONE EXCEPTIONS**

#### **3.34.3.2 MA-2**

(6833 33/34 Side Road, CON 6 E PT LOT 33; Airport-related Business Park)

Notwithstanding the permitted uses and zone provisions of the MA zone, the following uses and provisions shall apply to lands marked with the MA-2 exception:

#### **PERMITTED USES**

##### Primary Uses:

- Aircraft sales, service, display and rental
- Aircraft hangar
- Aircraft taxiways
- Aeronautical manufacturing, processing, repairing, fabricating and assembly operations
- Airport-related warehouse
- Airport-related light equipment sales and rental establishments
- Airport-related research establishments, including laboratories
- Airport-related offices
- Aircraft fueling station
- Aircraft or airport-related outdoor storage
- Airport-related truck/transportation or shipping terminal
- Existing agricultural uses
- Flight school

##### Accessory Uses:

- Restaurant, except a drive-through or drive-in
- Accessory outdoor storage
- Accessory retail outlet
- Accessory temporary accommodation associated with a flight school
- Accessory administrative offices

##### Prohibited Uses:

In addition to the uses generally prohibited in Section 2 of the By-law, the following uses shall also be prohibited:

- Inns, hotels and motels
- Large format commercial uses

- Residential uses
- Uses resulting in the production of steam or other exhaust, glare, the attraction of birds, the production of electronic signal interference, or any other uses which would negatively impact the long term operation and economic role of the adjacent airport

### **ZONE PROVISIONS**

Minimum Lot Area:	0.4 ha
Minimum Lot Frontage:	40 m
Minimum Front Yard:	7.5 m
Minimum Rear Yard:	5 m where adjacent to an industrial zone category 15 m where adjacent to a non-industrial zone category
Minimum Interior Side Yard:	2 m where adjacent to an industrial zone category 15 m where adjacent to a non-industrial zone category
Minimum Exterior Side Yard:	7.5 m
Maximum Lot Coverage:	60%
Maximum Height:	24 m

- Individual on-site water or sewage services shall not be permitted.
- Wet industrial/commercial uses shall only be permitted on full municipal services and shall be subject to the service design capability to handle such uses.
- Notwithstanding any general provisions to the contrary in Sections 1 and 2 of the By-law:
  - The boundaries of the MA exception zone shall be strictly scaled and shall not be subject to interpretation.
  - Maximum height requirements shall apply to all buildings, structures, monuments (including flag poles), signs, utility equipment, machinery, landscaping materials, or other vertical projection.
  - Where a building spans across multiple MA exception zone categories, the building may be terraced, stepped-back, or use height transitions in order to comply with the maximum height of the given zone.
  - Any temporary use that may cause short-term contravention of the by-law as a result of construction or site works, such as the

use of cranes or creation of excessive dust, shall be coordinated with the adjacent airport authority and the Township of Clearview prior to such a use being commenced or established.

- Obstruction lighting shall be installed on all buildings and structures and any other objects where required by Transport Canada's Canadian Aviation Regulations, in accordance with federal regulations.
- Additional or altered parking provisions:
  - Aircraft hangar: a required parking ratio of one (1) space per 200 m<sup>2</sup> of gross floor area shall apply.
  - Airport-related warehouse: a required parking ratio of one (1) space per 200 m<sup>2</sup> of gross floor area shall apply.
  - Accessory temporary accommodation associated with a flight school: a required parking ratio of one (1) space per student room shall apply.
- A restaurant may be established in a detached building or may stand alone on a lot, separate from other airport-related uses. A restaurant may not be erected in a given phase prior to the construction of a primary airport-related use, and must have staff or on-site users in numbers sufficient to necessitate the need in such phase.
- An accessory retail outlet shall be permitted for the purpose of sale of goods and materials produced on the premises, and shall be limited to a maximum GFA of 10% of the total GFA of the primary use.
- Fuel sales shall be permitted provided that an agreement has been entered into with the adjacent airport authority that contemplates such sales.

### **3.34.3.3 MA-3**

(6833 33/34 Side Road, CON 6 E PT LOT 33; Airport-related Business Park)

Notwithstanding the permitted uses and zone provisions of the MA zone, the following uses and provisions shall apply to lands marked with the MA-3 exception:

Altered provision:

- The following maximum height requirement shall apply where a property is marked with an MA-3 zone exception.

Maximum Height: 10 m

All other permitted uses and provisions of the MA-2 zone shall apply.

### **3.34.3.4 MA-4**

(6833 33/34 Side Road, CON 6 E PT LOT 33; Airport-related Business Park)

Notwithstanding the permitted uses and zone provisions of the MA zone, the following uses and provisions shall apply to lands marked with the MA-4 exception:

Altered provision:

- The following maximum height requirement shall apply where a property is marked with an MA-3 zone exception.

Maximum Height: 24 m

All other permitted uses and provisions of the MA-2 zone shall apply.”

### **3.45 MINIMUM DISTANCE SEPARATION RESTRICTION OVERLAY (MDS)**

Where lands are impacted by an MDS overlay, the underlying zone provisions shall apply in addition to the following provisions.

#### **3.45.1 MDS-A**

MDS-Type A Land Use Restricted Area

No type A or B land uses, as defined by the MDS Implementation Guideline (or its successor) shall be permitted within the MDS Type A overlay, as long as the livestock facility continues to exist.

#### **3.45.2 MDS-B**

MDS-Type B Land Use Restricted Area

No type B land uses, as defined by the MDS Implementation Guideline (or its successor) shall be permitted within the MDS Type B overlay, as long as the livestock facility continues to exist.”

4. That Section 4.0 'Definitions' be amended by the addition of the following definition:

#### **“Accessory Temporary Accommodation Associated with a Flight school**

Means accommodation for short duration stay only that is associated with a permitted Flight school. Such accommodation may take the form of dormitories or small suites. Cooking facilities may be permitted in each suite. Communal cooking facilities or full facility cooking and dining facilities are also permitted.”

5. That Schedule E 'Hold Exceptions and Conditions for Removal' be amended by the addition of the following hold provision:

**"H16**

Conditions of Removal of the Holding (H16) Symbol:

- Site Plan Approval has been given by the Township and a Site Plan Agreement has been entered into with the Township.
  - Final Approval of the Plan of Subdivision has been given by the Township.
  - That the development phase in which the lands are located have been released for development pursuant to the development agreement.
  - A species at risk assessment has been completed and any necessary approvals to permit development have been obtained from the Ministry of Natural Resources.
  - Water servicing capacity has been allocated to the lands, and sewage treatment capacity has been allocated to the lands.
  - Adequate stormwater services and facilities are available to serve the development.
  - Final Township approval of a study that establishes street oriented design; establishes architectural control requirements; and provides an integrated landscaping plan."
6. That all other provisions of By-law 06-54, as amended, which are not inconsistent with the provisions of this By-law, shall continue to apply when the By-law comes into effect.
7. This By-law shall come into force and take effect in accordance with the provisions of the Planning Act R.S.O, 1990 c.P.13, as amended.

By-law Number 17-56 read a first, second and third time and finally passed this 26 day of June, 2017.

DEPUTY Benny Bell  
MAYOR

Samela Fettes  
DIRECTOR OF LEGISLATIVE SERVICES/CLERK

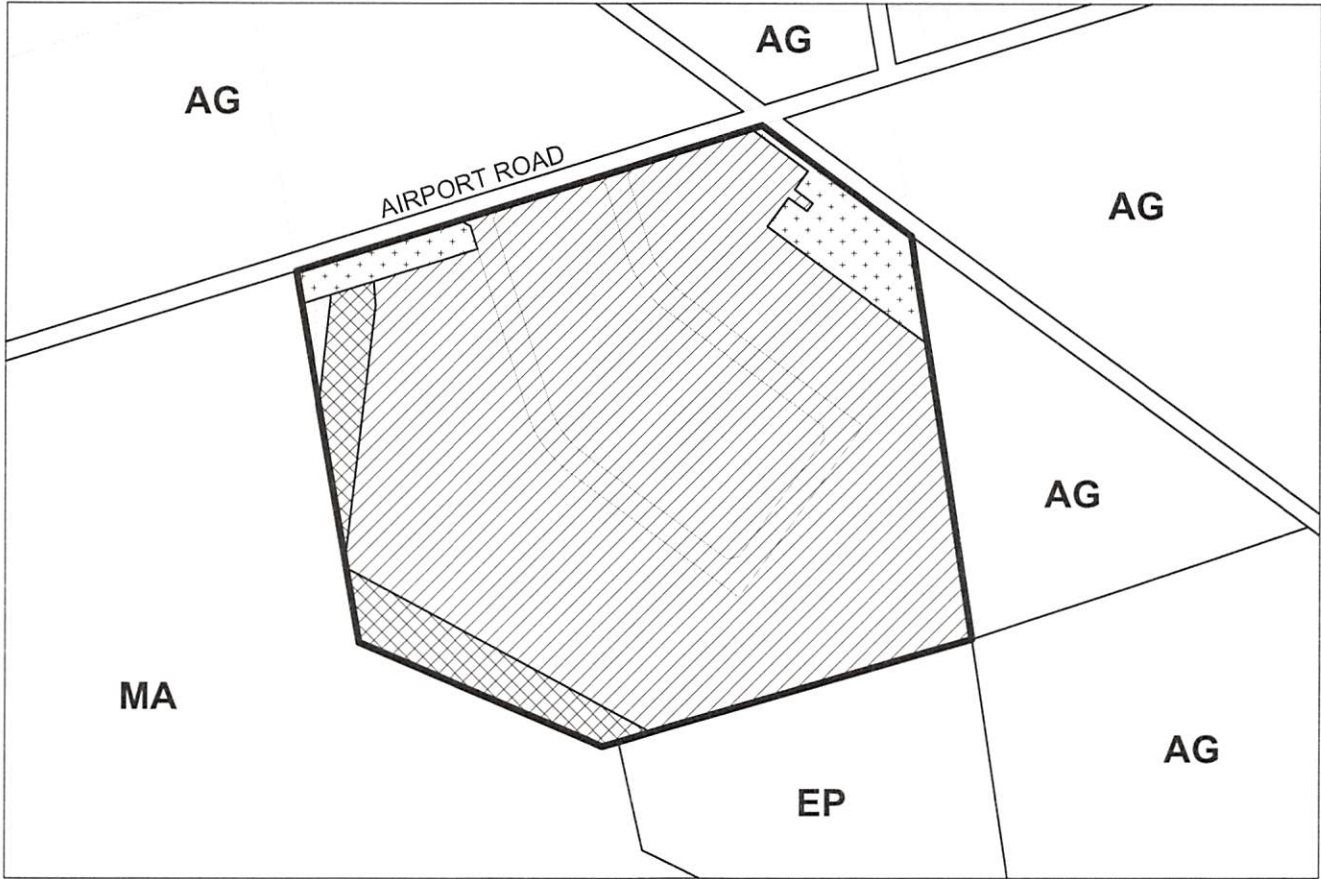


# Township of Clearview Schedule '1' - Rezoning

This is Schedule '1' to Zoning By-law No. 17-56  
passed this 16 day of June, 2017.

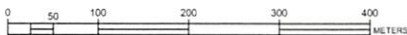
*Barry Burton*  
 (Christopher Vanderkruijs) *Barry Burton*  
 Deputy Mayor

*Pamela Fettes*  
 Pamela Fettes,  
 Director of Legislative Services/Clerk



Areas to be rezoned from Agricultural (AG), Environmental Protection (EP) and Airport Industrial (MA) zone to:

-  Airport Industrial Exception 2 (MA-2(H16)) Zone
-  Airport Industrial Exception 3 (MA-3(H16)) Zone
-  Airport Industrial Exception 4 (MA-4(H16)) Zone
-  Stormwater Management Facility (SM) Zone

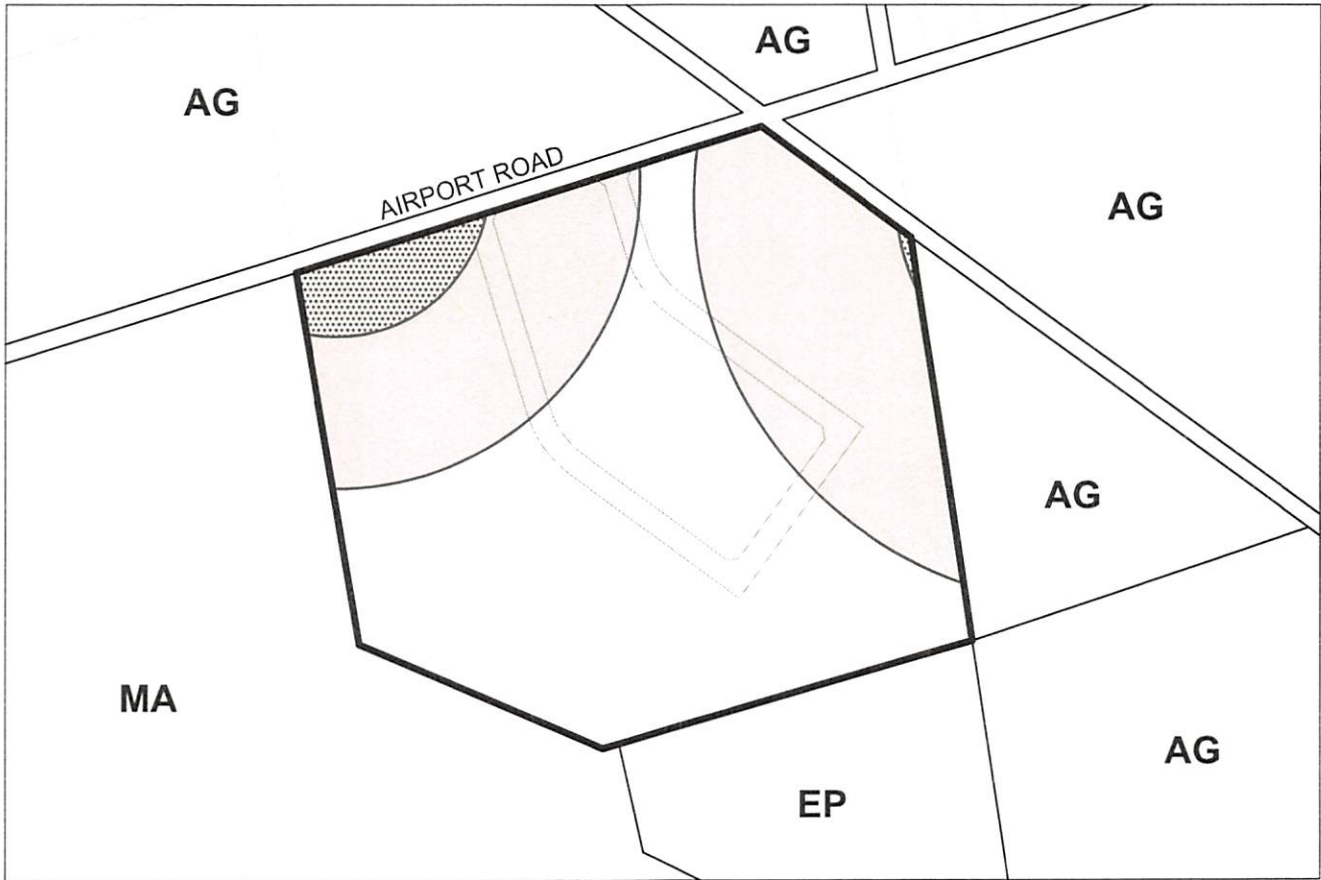


# Township of Clearview Schedule '2' - Rezoning

This is Schedule '2' to Zoning By-law No. 17-56  
passed this 16 day of June, 2017.

*Barry Burton*  
BARRY BURTON  
(Christopher Vanderkruys)  
DEPUTY Mayor

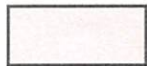
*Pamela Fettes*  
Pamela Fettes,  
Director of Legislative Services/Clerk



New Zoning Overlay:



MDS 'A' (Overlay)



MDS 'B' (Overlay)

