



# Public Meeting and Recommendation Report

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<b>Report To:</b>	<b>Planning and Development Committee</b>	
<b>Date of Meeting:</b>	September 15, 2024	<b>Report Number:</b> PDS-042-25
<b>Authored By:</b>	Ainsley Johnston, Planner I, Development Review Division	
<b>Submitted By:</b>	Darryl Lyons, Deputy CAO, Planning and Infrastructure Services	
<b>Reviewed By:</b>	Mary-Anne Dempster, CAO	
<b>File Number:</b>	ZBA2025-0018	<b>Resolution#:</b>
<b>Report Subject:</b>	<b>Application to amend Zoning By-law 84-63 to permit a Temporary Sales Office in Bowmanville.</b>	

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## Purpose of Report:

The purpose of this report is to provide information to the public and recommendations to Council regarding a proposed temporary sales office in Bowmanville.

## Recommendations:

1. That Report PDS-042-25 and any related communication items, be received for information only;
2. That Staff receive and consider comments from the public, review agencies, and Council with respect to the Zoning By-law Amendment application for a temporary use submitted by Tribute Tercot Brookhill 2 Inc. and continue processing the application;
3. That any further extensions beyond the three (3) year expiry date shall not be subject to another public meeting; and
4. That all interested parties listed in Report PDS-042-25 and any delegations be advised of Council's decision.

## Report Overview

The applicant is proposing to construct a new one-storey temporary sales office at 2494 Bowmanville Avenue that is intended to be used for the sale of homes within two proposed plans of subdivision located in the Brookhill Secondary Plan Area (subdivision file numbers SC-2022-0015 and SC-2022-0014). The purpose of this report is to obtain public input on the temporary use zoning by-law.

## 1. Application Details

- 1.1 Owner / Applicant: Tribute Tercot Brookhill 2 Inc. c/o Jacob Dosman.
- 1.2 Proposal: To amend Zoning By-law 84-63 to permit a new temporary sales office for a maximum of three (3) years.
- 1.3 Area: 0.692 hectares (1.71 acres)
- 1.4 Location: 2494 Bowmanville Avenue, Bowmanville, Part Lots 15 Concession 2, former Township of Darlington (see Figure 1).
- 1.5 Roll Number: 1817-010-030-00600

## 2. Background

- 2.1 On June 12, 2025, applications for a Zoning By-law Amendment for a temporary use and Site Plan were submitted by the applicant to construct a new temporary sales office within the Brookhill Secondary Plan Area. The applications were deemed complete on August 11, 2025.
- 2.2 Section 3.26 of Zoning By-law 84-63 permits temporary sales office and model homes on lands in a draft approved plan of subdivision, without the need for a rezoning. The Owner is requesting permission for a temporary use in advance of the draft approval to accelerate the construction of the sales office in order to launch sales concurrently with the draft approval date.
- 2.3 The sales office will support the sale of homes for two proposed plans of subdivision within the Brookhill Secondary Plan Area (file numbers SC-2022-0014 and SC-2022-0015) with the first phase being the subdivision on the east side of Bowmanville Avenue, opposite the sales office location. The subject lands can better accommodate a temporary sales office on the western lands as there is more developable land than the eastern subdivision (see Figure 1).

2.4 As per Clarington's Delegation of Authority By-law 2024-042, the Deputy CAO of Planning and Infrastructure Services has the authority to pass by-laws under Section 34 of the *Planning Act* that are minor in nature. This authority is granted under Section 39.2 of the *Planning Act*. However, this authority does not provide for an exemption to the public notice or public meeting requirements.



Figure 1 - Location of Sales Office in Relation to Associated Subdivision Applications

### 3. Land Characteristics and Surrounding Uses

3.1 The subject site is located at 2494 Bowmanville Avenue where the proposed temporary sales office will be situated in the southeast corner of the subject lands within the medium density block. The sales office is proposed to front Bowmanville Avenue. The parcel of land is currently vacant and being used for agricultural purposes.

3.2 The surrounding uses are as follows:

North: Vacant agricultural land; further north Nash Road

East: Bowmanville Avenue and vacant agricultural land part of proposed plan of subdivision SC-2022-0014.

South: Single detached dwellings on large lots and agricultural lands. Longworth Avenue is proposed to be extended from Bowmanville Avenue to Green Road.

West: Predominantly vacant agricultural lands proposed for redevelopment to residential uses.

3.3 A corresponding Site Plan Application has been deemed complete and was circulated with the Rezoning Application. The site plan review process is ongoing. Attachment 2 shows the proposed Site Plan for the temporary sales office. The temporary sales office is proposing vehicle access from Bowmanville Avenue and includes a parking lot with 20 parking spaces and temporary private services.

### 4. Clarington Official Plan

4.1 The Clarington Official Plan designates the subject lands “Urban Residential” and is within the Bowmanville Urban Area, however, the temporary use by-law section of the Clarington Official Plan are the applicable policies to consider when reviewing a proposal for a temporary use. Temporary uses may be permitted on any lands, or within any buildings or structures, on a temporary basis, for any purpose provided that:

- a. the proposed use is temporary in nature;
- b. the proposed use is compatible with adjacent existing land uses, there is minimal impact on natural features and land characteristics, or satisfactory measures to mitigate any adverse impacts will be applied;
- c. there will be no adverse impacts on traffic or transportation facilities or services in the area;

- d. adequate access and parking are provided;
  - e. the use can be removed and the site can be restored to its original condition;
  - f. adequate sewage disposal and water services are available in compliance with provincial and regional standards; and
  - g. it does not jeopardize the long term implementation of the Plan.
- 4.2 The temporary sales office is consistent with the policies as it is temporary in nature and the site can be restored to its original condition. An associated site plan application was submitted for the proposal and will implement conditions to satisfy the Official Plan policies, such as holding securities for the landscaping, vehicle entrance location, adequate sewage and water services, etc.
- 4.3 The proposed location of the sales office within the medium density block is situated in an ideal location that would not jeopardize the long-term implementation of the subdivision plan since the low density residential units can be built in the first phase without impeding the design of the medium density block. The use will eventually cease once all the phases are complete.
- 4.4 Once draft plan approval is received on the subject lands, there would be no need for any further temporary use zoning by-law amendments as permissions in the Zoning By-law 84-63 would allow for the sales office on lands that are draft approved.

## **5. Zoning By-law 84-63**

- 5.1 Within Zoning By-law 84-63, the subject land is zoned "Agricultural (A)". A temporary sales office is only permitted on lands where draft approval has been granted. Given that draft approval of the subdivision has not been received, a rezoning is required in order to facilitate the development of a sales office on the subject lands.
- 5.2 There are also provisions in the By-law that relate to the sales office which should be considered, including a minimum of eight parking spaces and the sales office must be removed no later than two months from the date of the last sale within the plan of subdivision. The proposal shows a total of 20 parking spaces.
- 5.3 The proposed rezoning would permit a temporary sales office, for up to a maximum three years, with the ability to apply for further extensions in three-year intervals. A site-specific zone exception is proposed (see Attachment 1).

## 6. Public Notice and Submissions

- 6.1 Public notice was mailed to each landowner within 120 metres of the subject site and one Public Meeting Notice Sign was installed along the Bowmanville Avenue frontage, all in accordance with the *Planning Act*.
- 6.2 At the time of writing this report, no comments from members of the public had been received.

## 7. Departmental and Agency Comments

- 7.1 The applications were circulated to internal departments and external agencies for review and comments. At the time of writing this report, not all agency and department comments were received. As the application is minor in nature, Staff do not anticipate any adverse comments. Any outstanding issues raised can be addressed through the associated site plan application.

## 8. Discussion

- 8.1 Section 3.26 of Zoning By-law 84-63 states that a temporary sales office is only permitted on lands where draft approval has been granted. The rationale for this provision is to prevent home sales from occurring prior to the draft approval. Historically, sales were occurring without the final determination of the subdivision layout and the types of units proposed, leading to frustration and complaints from prospective homebuyers if the plans were to change. In some instances, the Municipality has approved temporary use zoning by-law amendments for sales offices on lands that were not part of a draft approved plan of subdivision. In most cases, nearby lands were owned by the same developer but were not part of the actual subdivision application.
- 8.2 In this case, the Owner has indicated that advancing the sales office approvals through the temporary use zoning by-law would allow them to accelerate their construction timelines and have the sales office open concurrently with the draft approval of the subdivision to the east (SC-2022-0014). The proposed subdivision to the east of the property is anticipated to receive draft approval before the westerly subdivision where the sales office is proposed. Essentially an offsite sales office.
- 8.3 Staff are of the opinion that allowing the sales office to be constructed before the draft approval is granted gives the Owner the ability to open the sales office concurrently with the draft approval and also allows them to use the office for the two plans of subdivision. The early start for the construction of the sales office supports the Municipality's housing pledge by accelerating the home sales and, in turn, contributes towards Clarington's Housing Targets.

- 8.4 Under Section 52 of the *Planning Act*, the Owner cannot legally go to sale until draft approval has been given under Section 51, therefore Staff have no concerns with the construction of the sales office in advance of the draft approval of the subdivision. The Owner still has to enter into a site plan agreement with the Municipality for the proposal. The Site Plan Application for the temporary sales office is ongoing and the associated drawings and documents have been circulated for review by various departments and agencies.

## 9. Financial Considerations

- 9.1 The recommendations of this report do not have any financial implications.

## 10. Strategic Plan

- 10.1 The proposed development has been reviewed against the three pillars of the Clarington Strategic Plan 2024-27. Staff gave attention to the priorities of growing resilient, sustainable, and complete communities and connecting residents through the design of safe, diverse, inclusive, and vibrant communities.

## 11. Climate Change

- 11.1 The proposed temporary sales office would facilitate the sales of new housing within Bowmanville. By utilizing underutilized or vacant land within the urban boundary minimizes the need to expand commercial uses into rural greenfield areas, protecting the natural environment and reduces transportation-related emissions due to its proximity to the established urban area.

## 12. Concurrence

- 12.1 Not Applicable.

## 13. Conclusion

The purpose of this report is to provide background information and obtain comments on the submitted application for a temporary use zoning by-law amendment for a sales office at the Statutory Public Meeting under the *Planning Act*. Staff will continue to review and process the applications, including consideration of department, agency and public responses. Provided no adverse comments are received, the Deputy CAO of Planning and Infrastructure Services will ultimately approve the final zoning by-law amendment for the temporary use, as per the delegated authority.

Attachments:

Attachment 1 – Proposed Zoning By-law Amendment and Schedule

Attachment 2 – Proposed Site Plan and Elevations

Interested Parties:

The following interested parties will be notified of Council's decision:

Jacob Dosman, Tribute Tercot Brookhill 2 Inc.