

Staff Report

If this information is required in an alternate accessible format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

| | | | |
|-------------------------|--|-----------------------|---------------------|
| Report To: | Planning and Development Committee | | |
| Date of Meeting: | May 19, 2020 | Report Number: | PSD-015-20 |
| Submitted By: | Faye Langmaid, Acting Director of Planning Services | | |
| Reviewed By: | Andrew C. Allison, CAO | Resolution#: | PD-065-20, C-238-20 |
| File Number: | PLN 8.6.7, COPA2019-0002 & ZBA2019-0019 By-law Number: | | |
| Report Subject: | Proposed Official Plan Amendment and Rezoning to Implement the Bowmanville Neighbourhood Character Study | | |

Recommendations:

1. That Report PSD-015-20 be received;
2. That the Official Plan Amendment contained in Attachment 1 of Report PSD-015-20 be approved;
3. That the Zoning By-law Amendment contained in Attachment 2 of Report PSD-015-20, be approved;
4. That in accordance with Section 45(1.4) of the *Planning Act*, Council permit minor variance applications to be submitted for the lands subject to the Zoning By-law Amendment contained in Attachment 2, provided the application is accompanied by a character analysis;
5. That a By-law to repeal Interim Control By-law 2018-083 be forwarded to Council for adoption once the Zoning By-Law Amendment contained in Attachment 2 is in full force and effect;
6. That the Durham Regional Planning and Economic Development Department, the Ministry of Municipal Affairs and Housing and the Municipal Property Assessment Corporation be forwarded a copy of Report PSD-015-20; and
7. That all interested parties listed in Report PSD-015-20 and any delegations be advised of Council's decision.

Report Overview

The Bowmanville Neighbourhood Character Study (BNCS) began in February 2019 as a result of Council adopting Interim Control By-law 2018-083 to restrict the use of land within the study areas. Report PSD-038-19 provided an update of the Bowmanville Neighbourhood Character Study (BNCS) and requested a one-year extension to Interim Control By-law 2018-083, to September 2020.

The final study recommendations inform the recommended changes to the Official Plan and Zoning By-law 84-63 with the objective of providing direction for future development to better reflect neighbourhood character within these established residential areas.

The Interim Control By-law will be repealed subsequent to the Zoning By-law Amendment and Official Plan Amendment being approved and coming into effect.

1. Introduction

- 1.1 Over the past few years, Council and Clarington Planning staff have received several complaints from the public regarding new and replacement housing development and additions to existing housing that are viewed as being incompatible with the neighbourhood character. Through [PSD-078-18](#), staff identified a Residential Neighbourhood Character Study (the “study”) would help identify and evaluate the physical character of the established neighbourhoods experiencing the most change. Three of the established neighbourhoods identified were parts of the Elgin, Central and Memorial neighbourhoods in Bowmanville (see Figure 1).
- 1.2 MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) were retained in February 2019 to assist staff in undertaking the study. To prevent incompatible development from occurring during the study, Clarington Council adopted Interim Control By-law 2018-083 to restrict the use of land within the BNCS area on September 17, 2018. An update and one-year extension to the Interim Control By-law was approved through [PSD-038-19](#) on September 9, 2019.
- 1.3 The general work plan and timeline for the study is shown in Figure 2. The BNCS Options/Analysis and Recommendation Report by MHBC was released in December 2019. In order to implement recommendations of the study and complete the project, the Official Plan and Zoning By-law Amendments found in Attachments 1 and 2 are recommended. The recommended amendments consider input received through department and agency comments, public submissions and feedback from delegations at the January 13, 2020 Public Meeting.

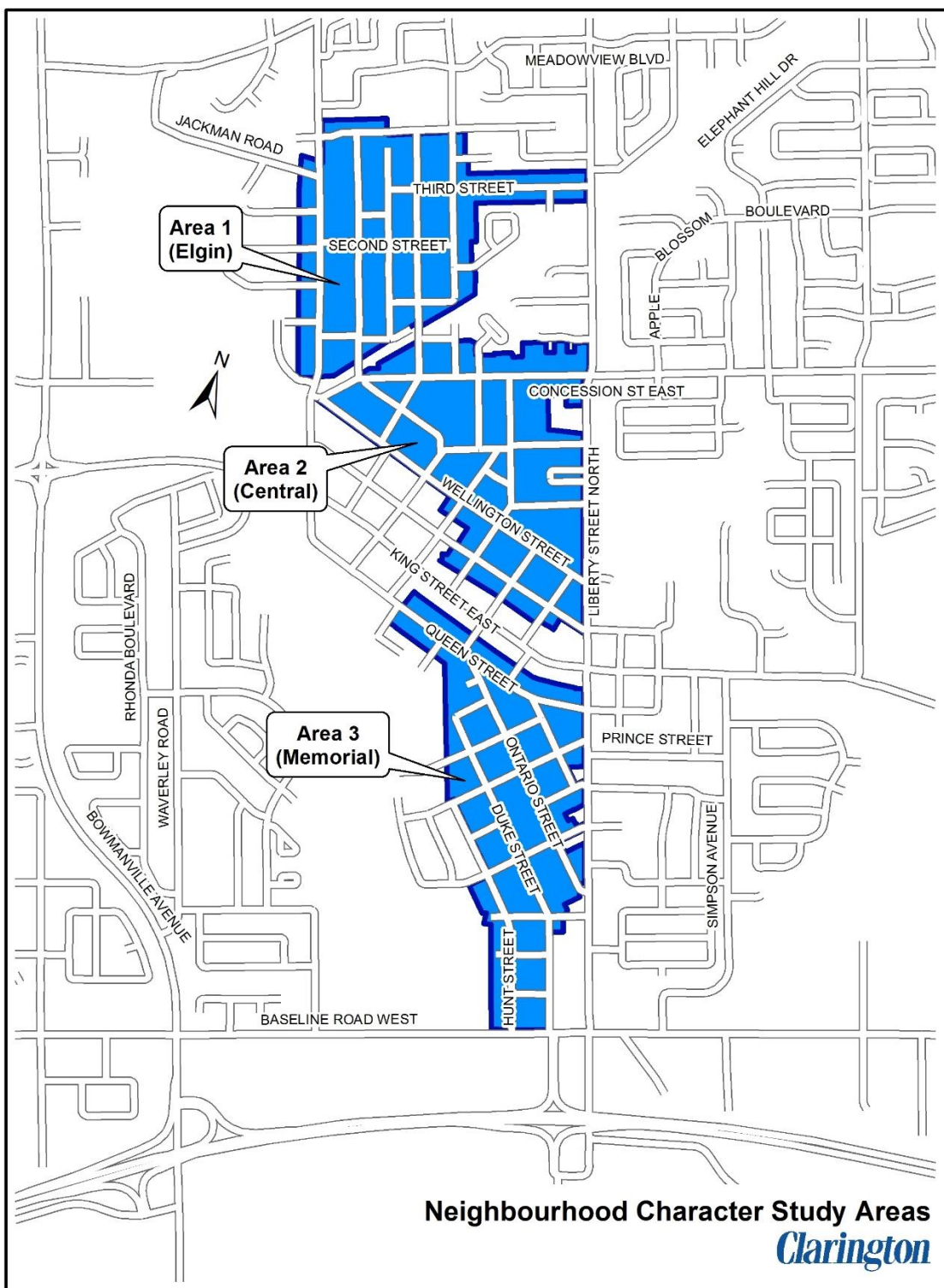


Figure 1: Bowmanville Neighbourhood Character Study Area

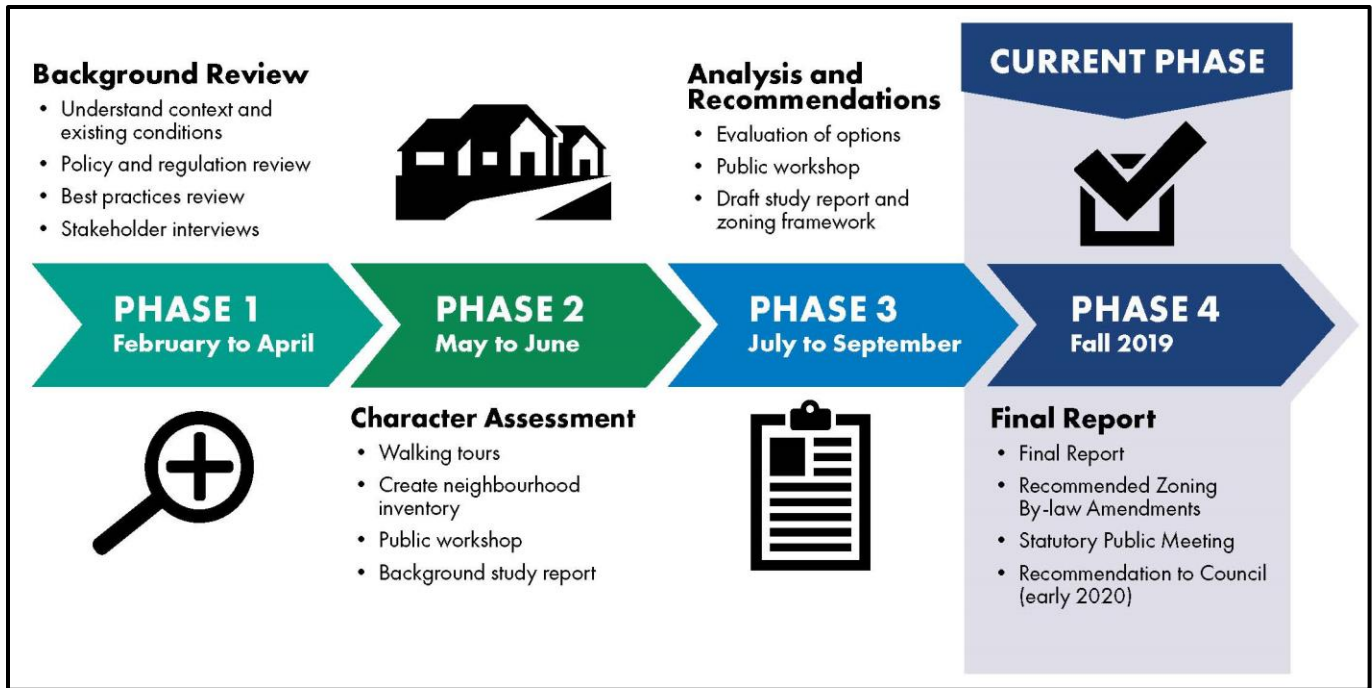


Figure 2: Bowmanville Neighbourhood Character Study Work Plan & Timeline

2. Public Submissions

Public Meeting Delegations

2.1 During the September 2019 public meeting, in response to the draft official plan amendment and zoning by-law amendment, the following comments were noted:

- A developer expressed that he cannot sell homes on 60-foot lots with a one and a half car garage. People want 3 car garages. He stated that there are no families that have only a single car.
- A property owner on Queen Street wanted lands in front of the former Goodyear lands to be excluded because it is unknown how those lands will develop. He felt the reduction in lot coverage would affect property value. This property owner also made a written submission reiterating the same concerns and asking that his property not be considered as part of the proposal.
- A resident felt developers should be able to replace small houses on large lots with bigger houses because that's what people want.

- A resident was concerned the proposal does not account for climate change. She is concerned that increased coverage of land and taking down trees will cause increased flooding and contribute to temperature increases.
- A resident pointed out that neighbourhoods have been developed around the car and we have the opportunity to rethink this focus. She asked if it is possible to have multiple homes on lots in Study Area 2 if stringent planning measurements are met.
- A resident appreciated the work and local feedback on the study. He wanted to know how best practices were used. He does not want to see development directed away from the downtown and be allowed around the 407.
- A resident who wants to sever her lot to gain funds to renovate her existing house expressed concern that developers will not want her severed lot because of the restrictions. She wondered if variances would be able to go ahead.
- A resident was concerned that the lot coverage regulations would restrict his ability to build a garage.
- The past president of Durham Home Builders Association indicated that the association was not invited to participate and were just made aware of the proposal by a member.
- A resident was concerned he may need a variance to attach his garage to his house. He indicated that he supports the concept of the proposal and indicated that the work was not done in isolation. He believes the proposal would conserve the character of the neighbourhood.
- A resident spoke in favour of the proposed height restrictions. He feels his privacy has been impacted by a newer house that was built behind his.

Summary of Written Submissions

- 2.2 A resident submitted comments indicating they lived in a neighbourhood in Toronto where smaller bungalows on larger lots were replaced with “monster homes”. Trees were removed and houses were built to take advantage of the space inside instead of outside. They now live within the study area and enjoy the green space and “village feel” of the neighbourhood.
- 2.3 Many residents are not opposed to redevelopment provided it is done with sensibility and sensitivity. They indicated the participants and leaders of the study worked very hard to come up with a serious proposal and that those living in the neighbourhood are best at determining what they are comfortable with.

- 2.4 Some residents fully support the proposal brought forward at the Public Meeting and hope developers will respect the decision. They do not want to see a lot of applications for variances. Support for a tree inventory was indicated and they were surprised that there are not rules/by-laws already in place addressing tree removal.
- 2.5 A resident submitted comments indicating that the process and final recommendation report from the consultant were very good.
- 2.6 It was indicated Clarington has set aside enough areas for residential intensification, allowing neighborhoods in central Bowmanville to be intensified with large, and in many cases, multi-family residential infill development is a poor policy choice.
- 2.7 A resident commented on rising housing and rental prices which have made large lots with their current coverage making them economically viable targets for re-development. While supporting growth, the resident believes the proposed regulations are of long-term value in maintaining the charm, character and value. These areas are important to our cultural fabric.
- 2.8 A resident who participated in the study process noted the majority of people who spoke at the Public Meeting, had not participated in previous meetings/walks organized as part of the BNCS. They noted that the information about the proposal was available on the Clarington website and could have been found by these delegates.
- 2.9 A resident suggested the Municipality could consider passing bylaws to permit "Tiny Homes" as Hamilton has. This building style could be placed on small parcels that are not suitable for regular building lots. Since younger couples find it hard to get into the home buying market this could be one way of getting into the real estate market. This could help builders when confronted with unique parcels that are not suitable for large, expensive builds.
- 2.10 A resident indicated they were in favour of creating more rental units in Clarington. They expressed we should be putting the creation of new units above aesthetics or character. This resident is opposed to the addition of the proposed policy in the Official Plan that relates to only one main entrance being visible from the street for a secondary apartment.
- 2.11 A developer indicated concerns with the proposed lot coverage as new dwellings typically include a garage. The developer feels two storey homes would be impossible to build on a small lot frontage with the proposed side yard requirements. To construct a popular bungalow with an attached double car garage, 40% lot coverage would be needed. The maximum height needs to consider walkout conditions. The developer felt landscape open space of 35% rather than 40% would be more acceptable. They requested that newly severed lots be grandfathered to allow the existing zoning regulations to apply.

- 2.12 A resident suggested architectural control guidelines may be an important factor to consider, such as the Interim Control By-law regulation of roof pitches. The resident noted, proposed zoning regulations would not be able to control all aspects of architectural design. Further it was not intended to discourage redevelopment.
- 2.13 After the release of the revised proposed zoning by-law amendment on April 22nd, a developer requested we consider a 1.5 metre rather than 1.8 metre interior side yard setback for dwellings greater than 1.5 storeys.
- 2.14 The developer noted there are residential zones that allows for lot coverage of 40% for single detached dwellings and 45% for semi-detached dwellings. He requested an explanation as to why the proposed zoning does not consider semi-detached dwellings which fall directly in line with the Provincial Affordable housing guidelines. From his perspective some of the lots in the neighbourhoods have potential for semi-detached dwellings and he would like us to consider increasing the lot coverage.
- 2.15 A resident expressed that the protection of heritage properties should be a critical role for the Municipality.
- 2.16 A property owner indicated that regulations for additional side yard setbacks for 2 storey dwellings, 50% landscape open space and limiting the garage width based on the frontage will restrict development, particularly for semi-detached dwellings. If projects are required to increase driveway size to limit car overhang and at the same time restrict the size of the driveway or hardscape area, this limits the portion of the lot a garage can cover. They believe the new zoning will restrict projects to single car garages with a single driveway. If limited to a single driveway, they expressed concern that they will no longer be able to meet the requirements for an apartment-in-house. Also, the property owner felt this was in direct opposition to the intensification initiatives. In addition, it limits the ability to increase rental stock and redevelopment feasibility. In their opinion the restrictions will encourage development of unaffordable luxury bungalows and lower the property value of the existing housing stock.
- 2.17 A resident submitted concerns that the discussion on “intensification or “compact development” as it relates to the Growth Plan requirements for intensification in existing urban areas was lacking. If protecting neighbourhoods means zero intensification, it should have been discussed. In their opinion, stable neighbourhoods need rejuvenation. The resident also expressed concern the proposal will mean some properties will become legal non-conforming.
- 2.18 A number of residents identified how important trees are to the characteristics of neighbour streetscapes. They believe tree protection should be more aggressively addressed than the recommendation for a pilot project.

- 2.19 A resident and member of the Heritage Committee reiterated his desire that the Municipality conduct a street tree inventory and implement a bylaw for individual tree protection. He noted it was his impression from the walking tours that people enjoyed the streetscape (roadways, sidewalks, boulevards). He suggested the municipality place restrictions on changing streetscapes and that some streetscapes be designated heritage landscapes.

3. Provincial Policy

Provincial Policy Statement

- 3.1 The Provincial Policy Statement encourages planning authorities to create healthy livable and safe communities by accommodating an appropriate range and mix of residential dwelling types while being sensitive to the characteristics of the neighbourhood.

Growth Plan

- 3.2 The Provincial Growth Plan encourages municipalities to manage growth by directing population growth to settlement areas, such as the Bowmanville Urban Area.
- 3.3 Municipalities are encouraged to create complete communities that offer a mix of land uses, employment and housing options, high quality open space, and access to stores and services. The Growth Plan includes policies to direct development to settlement areas and provides direction for intensification targets within Built-up Areas. The three neighbourhoods are all within the Built-up area as defined by the Growth Plan.

4. Official Plans

Durham Regional Official Plan

- 4.1 The Durham Region Official Plan supports the development of people-oriented Urban.
- 4.2 Areas that create a sense of community, promote social interaction and are esthetically pleasing.

Clarington Official Plan

- 4.3 The Clarington Official Plan envisions Clarington as “a place where each community can build on its individual character, share a common economic base and a distinct collective image”. The physical character of established residential neighbourhoods is to be enhanced while accommodating intensification that celebrates the history and character of its communities.
- 4.4 New development and redevelopment in existing neighbourhoods shall be designed to:

- a. Respect and reinforce the physical character of the established neighbourhood having regard to the pattern of lots, streets and blocks, the size and configuration of lots, building types of nearby properties, the height and scale of buildings and the setback of buildings from the street, rear and side yards;
 - b. In neighbourhoods of historical character, be consistent with the built form pattern of the area;
 - c. Adhere to all relevant Urban Design Guidelines and expectation for high-quality architectural design and sustainable building materials; and
 - d. Maximize opportunities to improve accessibility and pedestrian and cycling systems, enhance neighbourhood and transit connections, and reduce energy, water and resource use.
- 4.5 Existing neighbourhoods are stable but not static. The Municipality encourages limited intensification in accordance with the criteria noted above to ensure intensification projects are compatible with the adjacent and surrounding neighbourhood.
- 4.6 Lot creation should keep the character of the surrounding area.
- 4.7 Lands along Liberty Street are designated as a Local Corridor. The Official Plan requires corridors to be comprehensively developed to provide for residential and/or mixed-use developments with a wide array of uses in order to achieve higher densities, and transit-oriented development while being sensitive to the existing neighbourhoods. Residential development is permitted to six storeys with a minimum density of 40 units per hectare. The built form shall incorporate existing local character and scale to create a compatible and attractive built form with a distinctive community image.

5. Agency Comments

Regional Municipality of Durham

- 5.1 The Region does not have any objections to the proposed Clarington initiated Official Plan and Zoning By-law amendments. The proposed amendments address characteristics of built form in the transition of defined Bowmanville neighbourhoods and the Liberty Street Local Corridor. The Official Plan Amendment application is exempt from Regional approval.

6. Department Comments

Engineering Services

- 6.1 The Engineering Services Department is supportive of the recommendations provided in the proposed Official Plan and Zoning By-law amendments and the study reports prepared by MHBC.
- 6.2 Engineering Services is primarily concerned with additional drainage, proposed grading, parking requirements and impacts to the road network with respect to newly developed infill lots. Decreased lot coverage and increased landscape area requirements will assist in mitigating increased stormwater surface flow from newly developed lots. Side yard setbacks will provide an adequate offset from property lines to install a lot swale providing positive drainage and will minimize adverse effects to existing adjacent properties. These lot swales also have potential to provide low impact development measures by including an infiltration trench to promote groundwater infiltration.
- 6.3 The setback of 6 metres to the front of the garage will provide for one on-site parking spot. Older neighbourhoods typically do not meet our current design standards and on-street parking is limited. It is important to take this into consideration when developing an infill lot.
- 6.4 With respect to the recommendation that a street tree inventory to be completed in each of the three study areas, the Municipality completed a Street Tree Inventory in 2012. This Report should be used as a basis and updated accordingly.
- 6.5 As per the Clarington Urban Forest Strategy, the current Tree By-law 97-35 regulates woodlands between 0.2 ha and 1 ha in size; it does not regulate individual trees. A by-law regulating individual trees would require significant resources to create and enforce.

Building Services

- 6.6 The Building Services Division did not identify any concerns with the proposal.

Heritage Committee

- 6.7 Committee members provided the following comments on the BNCS for staff's consideration:
 - The Committee supports the recommendation to continue evaluating properties for inclusion on the Municipal Register. The Committee appreciates the support Council has provided to carry out this study.
 - Committee members believed the names of the three neighbourhoods used in the study do not adequately reflect each Area's history and provided alternate name suggestions.
 - The tree protection element is key. There needs to be some methodology in place to protect trees that contribute to neighbourhood character. Currently,

Clarington does not appear to have any mature tree replacement/succession plan.

- Area 1: Veterans Avenue is a key area of interest for Committee members. The Committee has been undertaking research into the significance of this street. Committee members believe a streetscape evaluation should be conducted for Veterans Avenue to identify and preserve the historical character of the properties, including trees and the narrow street design in order to protect the character through designation as a cultural heritage landscape under the Ontario Heritage Act.
- Area 2: The previous Heritage Conservation District Study was based upon an area that was too large. Committee members discussed considering smaller areas that could ensure any guidelines reflect the character of individual streets, for example, Lowe Street and Centre Street.
- Area 3: The Committee supports the recommendation as it applies to Area 3 to continue to evaluate individual properties that have potential heritage value.

7. Discussion

- 7.1 Section 1 of this report outlines the reasons for the study being undertaken because of complaints Council and staff received from the public regarding new, additions to and replacement of housing development considered incompatible with the neighbourhood character.
- 7.2 Through public submissions, staff heard from property owners/developers who have developed lots in the area and have a desire to continue to build larger homes with garages for multiple vehicles. Developers are concerned with the recommended lot coverages, landscape open space and setbacks proposed, believing the new regulations will hamper their ability to redevelop the lots. One developer would like consideration for semi-detached dwellings. There was a suggestion we consider a 1.5 metre, rather than a 1.8 metre interior side yard setback for dwellings greater than 1.5 stories.
- 7.3 Through the study, we heard residents felt current lot coverage permissions of 40 percent for single detached dwellings and 45 percent for semi-detached dwellings were too high. The residents wanted lot coverage to be related to building height. They also felt that new builds were being constructed too close to neighbouring homes and side yards should be examined in relation to building height. Through analysis of actual lot coverages in the study areas, MHBC determined that existing lots have less than 25 percent lot coverage.

- 7.4 Residents participating in the study were concerned about newer developments resulting in front yard conditions dominated by driveways and garages, with little open space. Residents emphasized this could be balanced by providing space without substantially hindering the ability to accommodate parking. MHBC found the total landscape open space in the study area averaged 62 percent in Study Area 1 and 65 percent in Study Areas 2 and 3.
- 7.5 Many of the homes in these areas do not have attached garages. The study found just under 30% of the homes have attached garages in Study Areas 1 and 2 and only 14% have them in Study Area 3. Garages can be accommodated in different ways, attaching them to the front of a house is just one option. The proposed zoning does not restrict one's ability to accommodate a one or two car attached garage where there is ample lot frontage. As noted in one of the written submissions and often heard at the workshops, people moved to this neighbourhood because they enjoy the green space and "village feel" of the neighbourhood.
- 7.6 If additional parking spaces are required, the proposed zoning by-law amendments accommodate a driveway along the length of a lot. The proposed zoning also permits a detached garage located in the rear of the yard. Both of these scenarios are consistent with what is found in the neighbourhoods.
- 7.7 It is not the intention of the proposed amendments to eliminate infilling. However, as noted in sections 4.3 and 4.4 of the report, the Official Plan encourages limited intensification (also known as infilling) in existing neighbourhoods and encourages development to fit with the character of those existing neighbourhoods.
- 7.8 One property owner/developer questioned why we had not considered architectural control to regulate architectural design since zoning regulations would not be able to control this aspect of character. In order to implement architectural control, development would have to be subject to Site Plan Control, adding an extra layer of approvals and cost to redevelopment within the study areas. If issues regarding incompatibility in architectural design persist following approval of the attached amendments, Council could direct staff to amend the Site Plan Control By-law and establish architectural control design guidelines for the areas.
- 7.9 The study areas are not laid out, designed or serviced in the same manner as newer subdivisions. One resident pointed to the fact that the Municipality has done a good job at setting aside areas where intensification is appropriate. Intensification should not be confused with gentrification. Demolishing a smaller home and replacing it with a much larger home with multiple garages does not contribute to providing additional housing units in the community.
- 7.10 In 2015, the *Planning Act* was amended to restrict minor variance applications for a two-year period after a Zoning By-law is amended. Section 45(1.4) permits Council to

declare, by resolution, to allow applications. Such a resolution is recommended to allow minor variance applications for the area of the proposed zoning by-law amendment,

- 7.11 While the proposed amendment reflects the character of the area, not all properties are the same, individual lots are different. The proposed regulations are more permissive than the actual averages for height, lot coverage and landscape open space noted in Section 7.2; however, some properties may become legal non-conforming as a result of the new regulations. If a development proposal cannot meet the regulations, a minor variance may be possible.
- 7.12 Review of a proposed Minor Variance application considers four tests spelled out by the *Planning Act*, which includes conformity with the policies of the Official Plan and the intent of the Zoning By-law regulations. The Official Plan requires development to respect and reinforce the physical character of an established neighbourhood. The proposed zoning by-law regulations have been crafted to reflect neighbourhood character. Where the zoning regulations cannot be complied with, a minor variance application could be applied for. A character analysis demonstrating how the proposed development will be compatible with the existing neighbourhood character would be required. Planning staff developed a character analysis form, used for Minor Variances and exemption requests to the Interim Control By-law 2018-083.
- 7.13 The study and the recommendations of this report reflect input of approximately 100 neighbourhood residents over the course of the study. A summary of the public engagement and consultation was provided in Report [PSD-001-20](#). The study was geared towards resident input rather than the development industry. Some participants in opposition at the public meeting had recently moved into the area.
- 7.14 While the study was not geared towards developers, staff included developers with recent projects in the area at the outset of the study. Local developers were aware of all opportunities to participate, some were interviewed by the MHBC. Planning Services staff have communicated with the Executive for the Durham Region Home Builders Association (DRHBA) as to how they can stay informed on projects within Clarington by subscribing to the Planning E-Update or by registering as an interested party for specific projects. The Planning Services Department has not received any formal comments from DRHBA. When Clarington revised its Architectural Control Design Guidelines in 2011 both the DRHBA and BILD were part of the steering committee.
- 7.15 One property owner on Queen Street requested that his property be removed from the proposal as it is in front of the former Goodyear site. His concern is that redevelopment potential would be limited. The Queen Street properties are within the limits of the Bowmanville East Town Centre Secondary Plan study area and could see changes to the zoning regulations based on the outcome of that project. The property owner is an interested party for the Secondary Plan and is encouraged to participate to understand the opportunities which may be available in the future.

- 7.16 Climate change is an important issue. The proposed modifications to the regulations will create benefits. As noted by Engineering Services, reduced lot coverage and increased landscape area and setbacks will assist in mitigating increased stormwater runoff. Maintaining existing setbacks for bungalows and increased setbacks for two storey homes will provide area for swale installation and provide opportunity to look at low impact development solutions. If someone wants to reduce setbacks or exceed lot coverage, through Committee of Adjustment, in addition to the typical review related to the four tests for a minor variance, there is ability to look at stormwater capacity and what additional measures are needed to be incorporated into the proposal to accommodate stormwater.
- 7.17 Through their comments, the Clarington Heritage Committee reiterated the priority of heritage conservation for the Municipality. Part of their mandate is to evaluate properties for the inclusion on the Municipal Register, this goes beyond individual buildings and includes their setting, including streetscapes.
- 7.18 Engineering Services noted that the regulation of individual trees would be cumbersome and would require significant resources to implement. Staff recommend this information be forwarded to the Operations Department so that it can be considered in the urban forestry service review. Once it is determined how urban forestry is to be addressed within the organizational review appropriate direction and consideration of this recommendation can occur.

8. Modifications to Proposed Amendments

- 8.1 The proposed Official Plan Amendment contained in Attachment 1 has been modified since it was presented at the Public Meeting. In addition, the modified amendment was released for additional comments on April 22, 2020. Policies regarding the Liberty Street Local Corridor are proposed to be included as exceptions rather than amending the parent Local Corridor policies. The language of the amendment has been improved, while the intention remains largely the same.
- 8.2 The Official Plan policies will assist in the assessment of development proposals to intensify the Liberty Street Local Corridor while balancing competing policies. Clarity as to the limits of the Liberty Street Local Corridor is provided.
- 8.3 Regarding apartments-in-house policies, the OPA speaks to including performance standards in the Zoning By-law for entrances to ensure development is compatible with the physical character of the established neighbourhoods.
- 8.4 A proposed policy introduces criteria for entrances to an apartment-in-house. Residents, while supportive of apartment-in-house units, identified concern with the location of second entrances. In some cases, dwellings with an apartment-in-house have the appearance of having two or more primary entrances.

- 8.5 The study did not recommend a regulation for entrances because of a concern of potential conflict with the Ontario Building Code (O.B.C). Staff conducted additional research to determine how other municipalities have regulated entrances. Further discussion with Building Services staff has occurred. Based on the additional research staff propose regulating entrances for apartment-in-house regardless of the submission concerning placing aesthetics over rental units. The proposed regulation will not hamper one's ability to create an apartment-in-house.
- 8.6 Based on further review and feedback received from departments and the public, the following adjustments have been made to the Proposed Zoning By-law Amendment contained in Attachment 2, from the one presented at the January 2020 public meeting:
- Simplified the language.
 - Added definitions of fixed grade and height of a dwelling. These definitions allow height to be measured from the midpoint of the lot at the street line, rather than from the lowest point of grade around the dwelling. This should help to control the heights from the street, where character has the biggest impact, while considering walk out conditions in the rear yard.
 - Provide a revised definition for Established Building Line. The current definition considers lots within a block. Throughout the study area the number of lots within a block varies. This additional definition sets the number of lots to consider when calculating the average setback.
 - Added a definition for Soft Landscaping, which is referenced in the regulations for landscape open space. It has been created to ensure half of a front yard will be vegetated.
 - A minimum front yard setback for the dwelling is proposed for clarity as to where a projection (e.g. porches, steps) is to be measured from. The maximum is proposed to be within 2 metres of the established building line to address areas with shallow front yards.
 - Exclude covered and unenclosed porches from lot coverage for up to 12 square metres for an interior lot and 20 square metres for a corner lot. This has been added to address comments regarding insufficient lot coverage and to encourage construction of porches. Similar to the approach in newer residential zones this will encourage front porches. Porches are a common feature to the study areas.
 - Reduce building heights to 8 metres (Study Area 1) and 8.5 metres (Study Areas 2 and 3) consistent with actual average heights in the neighbourhoods.
 - Rather than restrict the hardscaping as part of the landscape open space in the front yard, the regulation now references soft landscaping which is a term used by other municipalities and is clearly defined.

- Rather than regulate the outside width of the garage, the regulation has been modified to regulate the width of the garage doors. This will provide flexibility on the inside garage dimensions and framing of the garage. The size is proposed to be capped at 3 metres maximum for a garage door and a combined width of all garage doors at 6 metres. The regulation also proposed to limit garage doors based on lot frontage. It is not common for properties in the study area to have multiple garages, and that the residents who participated in the study stressed the importance of limiting the prominence of garages.
- Added a regulation for the height of the floor deck for an unenclosed porch consistent with regulations used in newer residential zones. This regulation helps to ensure front porches do not tower over the street but are built at a height that provides a comfortable relationship to the sidewalk and street consistent with existing homes in the neighbourhood.
- Added a regulation for entrances for apartment-in-house to be located with a common entrance with the principal dwelling in the front yard. If a separate entrance is provided it must be in the side or rear yard. MHBC final recommendation report indicated other municipalities have not regulated two front doors. However, staff conducted additional research and determined that the location of apartment-in-house entrances have been regulated by several municipalities.
- Site-specific exception zones were added for two properties located at 112 Duke Street and 10 Victoria Street as Council provided exemptions to Interim Control By-law 2018-083.

9. Conclusion

- 9.1 In consideration of all agency, staff and public comments, it is respectfully recommended that the Official Plan Amendment and Zoning By-law Amendment to implement the Bowmanville Neighbourhood Character Study be approved. Further, it is recommended that when the amendments are final and binding, staff be authorized to bring forward a by-law to repeal Interim Control By-law 2018-083.

Staff Contact: Tracey Webster, Senior Planner, 905-623-3379 x 2415 or twebster@clarington.net.

Attachments:

Attachment 1 – Proposed Official Plan Amendment
Attachment 2 – Proposed Zoning By-law Amendment

Interested Parties:

List of Interested Parties available from the Department.

Amendment Number _____

To The Municipality of Clarington Official Plan

Purpose: To amend the Clarington Official Plan to add policies that address the transition between established neighbourhoods and the Liberty Street Corridor and to address entrances for accessory apartments.

Basis: This amendment is based on application COPA2019-0002 initiated by the Municipality of Clarington and recommendations in the Bowmanville Neighbourhood Character Study prepared by MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC).

Actual

Amendment: The Clarington Official Plan is amended as follows:

1. By adding a new Section 23.19.2 iii. as follows:

“The lands on the west side of Liberty Street, identified as part of the Liberty Street Local Corridor shall function as a transitional area to the established neighbourhoods to the west of Liberty Street. Development on the west side of Liberty Street within the Local Corridor will, address the following urban design policies in addition to conforming to other policies of this document:

- a) Development within the Liberty Street Local Corridor shall not extend beyond the first established blocks west of Liberty Street, formed by the existing street network.
- b) Building heights shall not exceed a 45 degree angular plane from any adjacent lot line to the west. This will minimize the overlook of buildings over existing neighbourhoods;
- c) Provide appropriate separation between development on the west side of Liberty Street and existing neighbourhoods with buffering through landscaping and tree planting; and
- d) Provide below grade parking or screen surface parking areas from direct view from the adjacent neighbourhood to the west.”

2. By adding a new subsection to Section 6.3.5 as follows:

- “f) Where possible, the entrances to accessory apartments are to be shared with the entrance to the principal dwelling. Alternatively, the entrances to apartments shall be accessed via the side yard or rear yard so as not to have two building entrances visible from the street.

Implementation: The provisions set forth in the Municipality of Clarington Official Plan, regarding the implementation of the Plan, shall apply in regard to this Amendment.

Interpretation: The provisions set forth in the Municipality of Clarington Official Plan, regarding the interpretation of the Plan, shall apply in regard to this Amendment.

Corporation of the Municipality of Clarington

By-law Number 20____ - _____

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 Municipality of Clarington for ZBA 2019-0019;

Now Therefore Be It Resolved That, the Council of the Corporation of the Municipality of Clarington enacts as follows:

1. Section 12. Urban Residential Type One (R1) Zone is amended by adding a new section 12.2.1 as follows:

“12.2.1 Neighbourhood Character Overlays 1 and 2

The following alternate regulations shall apply to the “Urban Residential Type One (R1) Residential Zone” and all special exceptions to that zone located within the Neighbourhood Character Overlays 1 and 2 identified on Schedule ‘3’:

- a. For the purpose of Section 12.2.1, the term:
 - i) Height of Dwelling means the vertical distance, measured between the lowest fixed grade, and
 - a) In the case of a flat roof, the highest point of the roof surface,
 - b) In the case of a mansard roof, the deck roof line, and
 - c) In the case of a gable, hip or gambrel roof, the average height between the eaves and the ridge.
 - ii) Established building line means the average yard setback from the street line to existing principal buildings on one side of the street measured a minimum of four lots on either side of the lot within the same zone category.
 - iii) Fixed grade means the elevation of the ground at the street line measured at the midpoint of a lot.
 - iv) Soft landscaping means the portion of a lot comprised of any combination of flowers, grass, shrubs, sod, trees or other horticultural elements that is not covered with impervious surfaces. It does not include any buildings or structures, any hard surface areas such as, but not limited to, driveways, parking areas, decorative stonework, walkways, patios, screening or other landscape architectural elements.

b. Yard Requirements

i) Front Yard and Exterior Side Yard

- a) 6.0 metres minimum to the garage or carport
- b) Minimum to the dwelling is the established building line
- c) Maximum to the dwelling is 2.0 metres from the established building line

ii) Interior Side Yard (minimum)

- a) 3.0 metres on one side where there is no attached garage;
- b) 1.2 metres for dwellings 1.5 storeys or less; and
- c) 1.8 metres for dwellings greater than 1.5 storeys

c. Lot Coverage (maximum)

- i) For dwellings 1.5 storeys or less 35 percent
- ii) For dwellings greater than 1.5 storeys 30 percent
- iii) A covered and unenclosed porch/balcony having no habitable floor space above it is excluded from the maximum lot coverage subject to the following:
 - a) In the case of an interior lot, the maximum total area of 12.0 square metres is permitted within the front yard.
 - b) In the case of an exterior lot, the maximum total area of 20.0 square metres is permitted within the front yard and/or exterior side yard.

d. Landscaped Open Space (minimum)

- i) Overall 40 percent
- ii) Front yard 50 percent, which must be soft landscaping

e. Building Height (maximum) 8.0 metres in Overlay 1
8.5 metres in Overlay 2

f. Special Regulations

- i) The maximum permitted width of a garage door is 3 metres and the combined width of garage doors on an attached garage shall not exceed 6 metres and the following, whichever is less:
 - a) Where facing the exterior side lot line for all dwellings 25 percent of the exterior side lot line
 - b) Where facing the front lot line for single detached dwellings 25 percent of the front lot line
 - c) Where facing the front lot line for semi-detached dwellings 35 percent of the front lot line

- ii) A garage or carport doors or openings shall be setback a minimum of 1.0 metres from the front or exterior side wall of the dwelling.
- iii) Height of floor deck of an unenclosed porch above finished grade must not exceed 1.0 metres.
- iv) Entrances for an apartment-in-house can be in the front yard through a common entrance with the principal dwelling. Where a separate entrance is provided it must be in the side or rear yard.

g. Exceptions

- i) Minimum front yard setback for a garage at 73 and 74 Lambs Lane is 9.8 metres.
- ii) Maximum lot coverage for a single detached dwelling at 79 Division Street is 43 percent.
- iii) Notwithstanding 12.2.1 b. i) c., c.i), d. ii), and f. ii), 10 Victoria Street shall be subject to the following zone regulations:
 - a. Front yard setback (maximum) 6.5 metres
 - b. Lot coverage (maximum) 43 percent
 - c. Front yard landscape open space (minimum) 35 percent
 - d. A garage door may not extend in front of the front wall of the dwelling.

2. Section 26 is amended by adding a new section 26.8 as follows:

“26.8 Overlay Zones

In addition to the permitted uses and zoning regulations for each zone there are Overlay Zones. Where applied the Overlay Zones are read together with the zone regulations. In the event of conflict, the more restrictive regulation applies except in the case of a special exception. The Overlay Zones are shown on the Schedules to this By-law.”

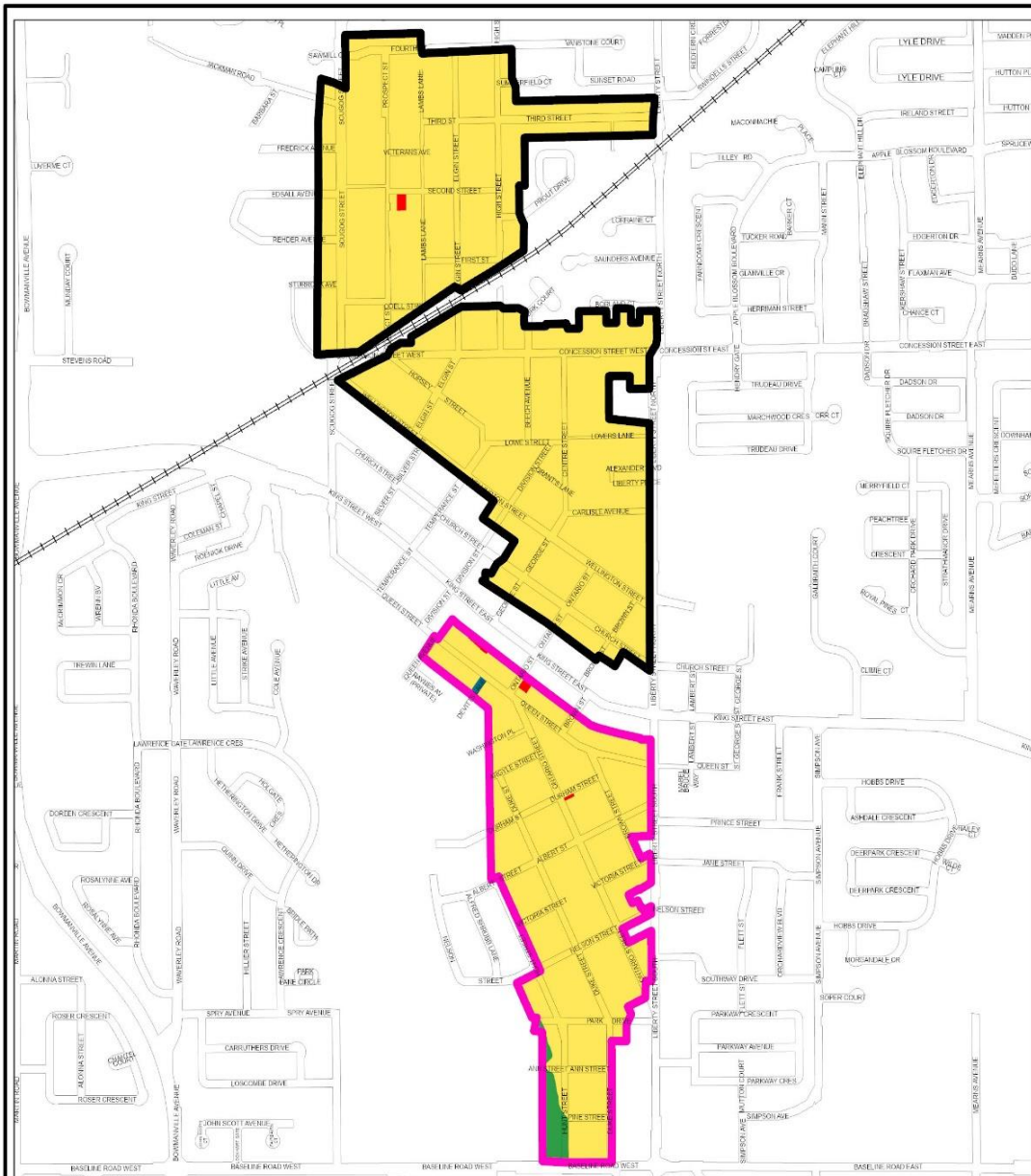
- 3. Schedule ‘3’ to By-law 84-63, as amended, is hereby further amended by adding the “Neighbourhood Character Overlay” as illustrated on the attached Schedule ‘A’ hereto.
- 4. Schedule ‘A’ attached hereto shall form part of this By-law.
- 5. This By-law shall come into effect on the date of the passing hereof, subject to the provisions of Section 34 of the Planning Act.


By-Law passed in open session this _____ day of _____, 20____

Adrian Foster, Mayor

C. Anne Greentree, Municipal Clerk

This is Schedule "A" to By-law 2019- , passed this day of , 2019 A.D.



-  Neighbourhood Character Overlay 1
-  Neighbourhood Character Overlay 2
-  Commercial
-  EP
-  Industrial
-  Residential



Adrian Foster, Mayor

Bowmanville • ZBA 2019-0019 • Schedule 3

C. Anne Greentree, Municipal Clerk