

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 and to repeal Interim Control By-law 2018-083

Whereas on September 17, 2018, Council directed staff to undertake the Bowmanville Neighbourhood Character Study for the areas identified in Attachment 1 of Report PSD-078-18, and report back to Council on the results of the study;

Whereas on September 17, 2018 the Municipality passed Interim Control By-law 2018-083 pursuant to section 38 of the Planning Act;

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 to implement the findings of the Bowmanville Neighbourhood Character Study;

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 Overlay

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 Overlay 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 front lot 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) Single detached dwelling

a) With a lot area less than 650 square metres	35 percent
b) With a lot area between 650 square metres and 799 square metres	30 percent
c) With a lot area over 800 square metres	25 percent
 - ii) Semi-detached and duplex dwelling

a) For dwellings 1.5 storeys or less	35 percent
b) For dwellings greater than 1.5 storeys	30 percent

- iii) Unenclosed porch/balcony and accessory buildings and structures additional 5 percent
- iv) An area of 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, up to a maximum total area of 12.0 square metres is permitted within the front yard.
 - b) In the case of an exterior lot, up to a 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. Height of a dwelling (maximum)
 - i) Flat roof 7.5 metres
 - ii) All other roof types 8.5 metres
- g. Special Regulations
 - i) The combined maximum permitted width of garage door(s) on an attached garage:
 - a) Where facing the exterior side lot line for all dwellings 6 metres
 - b) Where facing the front lot line that is less than 15 metres 3 metres
 - c) Where facing the front lot line that is 15 metres or greater 6 metres
 - ii) A garage door(s) or carport opening(s) 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 found in the front building facade through a common entrance with the principal dwelling. Where a separate entrance is provided it must be in the side or rear yard.
- h. Exceptions

- i) Minimum front yard setback for a garage at 73 and 74 Lambs Lane is 9.8 metres.
- ii) 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.

- iii) Notwithstanding 12.2.1 e. ii) the maximum height of a dwelling at 64 Prospect Street that does not have a flat roof is 9 metres.

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. Interim Control By-law 2018-083 is repealed on the date this By-law is deemed to come into force pursuant to the Planning Act.
- 6. This By-law shall come into effect on the date of the passing hereof, subject to the provisions of Sections 34 and 38 of the Planning Act.

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

Adrian Foster, Mayor

C. Anne Greentree, Municipal Clerk