

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** December 27, 2024

**CASE NO(S).:**

OLT-23-000308

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Applicant/Appellant	VAD Retail Limited
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	OPA to permit the development of three-storey townhouse units and a seniors' campus
Reference Number:	COPA 2022-0003
Property Address:	46 Stevens Road
Municipality/UT:	Clarington/Durham
OLT Case No:	OLT-23-000308
OLT Lead Case No:	OLT-23-000308
OLT Case Name:	VAD Retail Limited v. Clarington (Municipality)

**PROCEEDING COMMENCED UNDER** section 34(11) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	ZBA to permit the development of three-storey townhouse units and a seniors' campus
Reference Number:	ZBA 2022-0019
Property Address:	46 Stevens Road
Municipality/UT:	Clarington/Durham
OLT Case No:	OLT-23-000309

**Heard:** November 19, 2024 by Video Hearing

**APPEARANCES:**

**Parties**

VAD Retail Limited

Municipality of Clarington

Region of Durham

**Counsel**Evan Barz  
Chris BarnettMark Joblin  
Austin Ray

Robert Woon

**MEMORANDUM OF ORAL DECISION DELIVERED BY N. EISAZADE ON NOVEMBER 19, 2024, AND ORDER OF THE TRIBUNAL**

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[Link to Order](#)**INTRODUCTION**

[1] This Decision arises from the appeals filed by VAD Retail Limited (“Appellant”) with respect to the failure of the Municipality of Clarington (“Municipality”), to make a decision within the requisite time frame on the applications seeking an Official Plan Amendment (“OPA”) and a Zoning By-Law Amendment (“ZBA”) with respect to the land municipally known as 46 Stevens Road (“Subject Property”), which is within the Region of Durham (“Region”). The OPA and ZBA (together the “Applications”) seek to facilitate a mixed-use development consisting of residential and special needs housing geared towards seniors.

[2] A Hearing on the merits was scheduled to commence on November 12, 2024. However, through the cooperation of the Statutory and added Parties, disposition of the matter has come before the Tribunal in the form of a settlement.

**ADDED PARTIES AND PARTICIPANTS**

[3] At a prior Case Management Conference (“CMC”) under a panel differently constituted, Party Status was granted to the Region.

[4] At that time, the Tribunal was in receipt of a Party Status Request form dated June 9, 2023, from Thorsten Koseck, as reflected at paragraph [7] of the prior CMC Order of this Tribunal dated October 24, 2023. However, and pursuant to paragraph [8] of the same Order, Mr. Koseck was granted Participant Status, and not Party Status.

[5] Participant Status was also granted to Glen Jager and Donald Muir by prior Orders dated October 24, 2023, and April 15, 2024.

[6] Prior to this Hearing, the Tribunal received communications from Mr. Koseck setting out concerns that he was in fact granted Party Status and not Participant Status, which the Hearing dates had been adjourned without his prior consultation or consent, that settlement negotiations had taken place without transparency or disclosure, and that Mr. Koseck was not available to attend the Hearing as currently scheduled. Accordingly, Mr. Koseck was seeking an adjournment of the present Hearing.

[7] This Tribunal determined that in fact, Mr. Koseck was granted Participant Status and not Party Status, as reflected at paragraph [8] of the prior CMC Decision issued October 24, 2023. As a Participant, Mr. Koseck has no standing to request an adjournment and therefore no adjournment was considered or granted. The key reasons for my finding is as follows:

- i. Counsel for the Statutory and added Parties confirmed their recollection that Mr. Koseck was granted Participant Status and not Party Status;
- ii. The reasons for the Party Status sought on Mr. Koseck’s Party Status Request form dated June 9, 2023, do not establish a *prima facie* case warranting a grant of Party Status;

- iii. The 30-day limitation period for a request to review under Rule 25.4(c) of the OLT Rules from the date of the issuance of the prior CMC Order (dated October 24, 2023) has expired.

## **EXHIBITS AND EVIDENCE**

[8] The Tribunal confirms that it has received, reviewed and considered the following materials, evidence, and submissions:

- i. The uncontested opinion evidence of Ryan Guetter, a Registered Professional Planner and full member of the Canadian Institute of Planners qualified as an expert to provide professional opinion in the area of Land Use Planning; tendered orally as well as contained within his comprehensive Affidavit affirmed November 14, 2024, with exhibits attached thereto (marked as Exhibit 1);
- ii. Participant Status Request form of Glenn Jager dated June 19, 2023, with 3-page attachment (marked as Exhibit 2);
- iii. Participant Status Request form of Donald and Evelyn Muir dated June 23, 2023, with 3-page attachment (marked as Exhibit 3);
- iv. Party Status Request form of Thornsten Koseck dated June 9, 2023 (marked as Exhibit 4);
- v. The oral submissions of Evan Barz, Counsel for the Appellant, in support of the settlement;
- vi. The oral submissions of Mark Joblin, Counsel for the Municipality, including the adoption of the evidence of Mr. Guetter, in support of the settlement;
- vii. The oral submissions of Robert Woon, Counsel for the Region, including the adoption of the evidence of Mr. Guetter, in support of the settlement;

- viii. Draft instruments in support of the proposed settlement, including the draft OPA and ZBA (Exhibits “E” and “F” to the Affidavit of Mr. Guetter, marked as Exhibit 1 at the Hearing); and,
- ix. Minutes of Settlement between the Statutory Parties executed on September 23, 2024, and November 14, 2024, respectively (Exhibit “D” to the Affidavit of Mr. Guetter, marked as Exhibit 1 at the Hearing); and,
- x. The underlying Municipal File containing all technical studies and updated reports including, but not limited to, Functional Servicing and Stormwater Management Reports; Noise Study; Sustainability Plan, Phase One of the Environmental Site Assessment Report; Phase Two of the Environmental Site Assessment; Report (collectively the Environmental Impact Study); Geotechnical Investigation Report; Hydrogeological Report; Fluvial Geomorphology Assessment Report; Archaeological Assessment; Environmental Impact Study (“EIS”); Landscape Analysis Report; Traffic Impact Study; and Site Access Review (the technical studies and updated reports aforementioned in relation to the Applications all also being publicly available through the Municipality’s website).

## **SUBJECT PROPERTY AND SITE CONTEXT**

[9] The Subject Property is approximately 8.7 hectares (“ha”) of land, with a frontage of approximately 71.14 metres (“m”) along Stevens Road, and a depth of approximately 188.20 m. It is located east of Bowmanville Avenue, north of King Street West. To the north and east, there is open space and environmental lands. Further east there is a commercial plaza. To the south there are two single-detached residential dwellings and further south, Liberty Pentecostal Church. To the west is a series of large single-detached estate homes. The portion of the Subject Property proposed to comprise urban development is approximately 3.027 ha of the total 8.7 ha of land and constitutes the southwest most portion of the site.

## APPLICATION OVERVIEW AND AMENDMENTS SOUGHT

[10] The Applications propose a mixed-use development consisting of two-storey residential townhomes and a seniors' campus comprised of an apartment building, retirement residences, long-term care facilities and associated amenity buildings.

[11] In order to facilitate the proposed development, the OPA is required, which proposes to redesignate a portion of the Subject Property from Low Density Residential to Medium Density Residential within the Brookhill Neighbourhood Secondary Plan Area. The balance of the Subject Property is proposed to be designated Environmental Protection (EP) Area.

[12] The ZBA is also required, which proposes to amend the Municipality's Zoning By-Law 84-63 by rezoning a portion of the Subject Property from "*Agricultural (A) Zone*" to "*Holding – Urban Residential Type Four Exception (H)(R4-48) Zone*". The remaining portion of the Subject Property is to be rezoned from "*Agricultural (A) Zone*" to "*Environmental Protection (EP) Zone*". Beyond the uses already permitted by section 15.1 of ZBA 84-63, the new R4-48 Special Exception Zone would provide for three additional uses including block townhouses, seniors' apartment building (as defined therein), and amenity building as accessory use to long term care facilities and/or seniors' apartment building. The ZBA would also establish site-specific parking requirements (100% more accessible parking spaces for the seniors' apartment building, 0.50 resident space per unit and 0.25 visitor space per unit for the seniors' apartment building), entire block requirements (maximum density, front/side yard requirements, building heights, landscaped open spaces etc.), as well as requirements pertaining only to the townhouse blocks (lot frontages, interior side yard, rear yard, lot coverage, height, etc.).

## PLANNING ANALYSIS AND DECISION

[13] While there is no site plan application currently before the Tribunal for determination, the Appellant has prepared a conceptual site plan for the Subject Property as follows (Attachment G to Exhibit 1):



[14] Mr. Guetter explained that the conceptual site plan depicts the development envelope, which was extensively scrutinized by the Municipality, Region and various other commenting agencies including the Central Lake Ontario Conservation Authority (“CLOCA”) to ensure an adequate and appropriate envelope of development, with an associated 15 m buffer from the surrounding open space and environmental lands. It depicts a series of interconnected buildings including a connected seven-storey and eight-storey component with a three-storey amenity facility. The seniors’ apartment building is proposed to be ten-storeys, which is connected to the seven-storey and eight-storey component via an above-grade bridge. The proposed townhouses would be located at the most western property limit with existing tree-lined buffering and will include a transition of built form from the existing single-detached

properties to the west. The townhouses would also provide a transition in and of themselves to the seniors' campus, proposed to be located adjacent to the existing open space lands to the east.

[15] In addition, Mr. Guetter explained that the conceptual site plan depicts the proposed road improvements to Stevens Road, which is intended to connect to an internal private ring road leading to the at-grade surface parking and ramps to the underground parking. There is land dedicated to the private ring road, which will allow vehicles more manoeuvrability for ingress/egress and is an improvement to the existing Stevens Road.

[16] Mr. Guetter opined that the proposed development has sufficient regard for matters of Provincial interest under section 2 of the *Planning Act* and specifically subsections (a), (e), (f), (h), (h.1), (j), (l), (n), (o), (p), (q), (r), and (s) for the following reasons:

- i. (a): CLOCA has reviewed the Applications including the EIS with no concerns; the change in zoning from Agricultural to Environmental Protection for a large portion of the Subject Property ensures that the natural areas and features will be protected.
- ii. (e): the proposed development is supported by connections to existing infrastructure or improvements thereto and makes efficient use of said infrastructure.
- iii. (f): the development utilizes existing and/or planned infrastructure with upgrades proposed to Stevens Road for an urban cross-section.
- iv. (h): the proposed development is part of a larger planned neighbourhood and will assist in creating a complete, orderly, safe, and healthy community by adding a variety of uses with additional connections and protected adjacent open space.

- v. (h.1): the proposed development is designed to meet accessibility requirements and to accommodate seniors within Bowmanville.
- vi. (j): the proposed development provides new housing forms and ranges of affordability options including for seniors not currently located within the immediate area, including townhomes, apartments, retirement residence and long-term care facility.
- vii. (l): the proposed seniors' facility provides for new employment opportunities and alternate forms of housing within the community that will contribute to the well-being of the Province.
- viii. (n): the proposed development has been presented to the public and Municipal Council and reviewed by the Municipality, Region, and various agencies including CLOCA to ensure all technical requirements have been met and potential conflicts resolved.
- ix. (o): the proposed development is located outside of natural features and hazards and provides for appropriate buffers and engineering best practices.
- x. (p): the proposed development is located within the urban area and settlement area in Clarington and is located adjacent to an Urban Center collectively demonstrating an appropriate location for growth and development.
- xi. (q): the development has been reviewed for active transportation and accessibility of public transit and is located approximately 800m from a planned GO-Station.

- xii. (r): the proposal contemplates a high quality, compact mixed-use development that provides internal connectivity and dedicated central amenity space for future residents.
- xiii. (s): the buildings will be designed in accordance with Ontario Building Code requirements to include energy efficient features.

[17] Mr. Guetter testified that the proposed development is consistent and does not conflict with the Provincial Planning Statement 2024, and specifically key policies 2.1, 2.2, 2.9, 3.1, 3.2, 3.6, 3.9, 4.1, 4.2, and 5.2. The proposed development will facilitate a mixed-use project adding an appropriate level of intensification and will achieve a compact built form within a settlement area in turn contributing to a healthy, liveable, and safe community through introduction of a seniors' facility allowing current and future residents to age within the community. In addition, the proposal introduces residential intensification at a density that allows the efficient use of land, resources, existing transit, and active transportation infrastructure, as well as existing storm drainage and sanitary systems.

[18] It is Mr. Guetter's opinion that the Applications conform with the Region's Official Plan ("ROP"), and in particular section 4 on Housing, section 7 respecting Regional Structure, section 8 and 8B regarding Urban System and Living Areas, and section 10 respecting Greenlands System, as follows:

- i. Generally, section 4 of the Regional OP regarding Housing promotes a variety of housing options to contribute to the social and economic needs of present and future residents of the Region, which the Applications achieves through the introduction of a mixed-use development and seniors' facility on currently vacant and underdeveloped lands within a settlement area.
- ii. Section 7 regarding Regional Structure promotes development patterns that allow residents to enjoy an improved quality of life through population and

employment projections, and directing the increase of densities of new development and redevelopment to accommodate the growth. The Applications contribute to achieving the estimated population and employment targets set out therein with the introduction of both residential units and seniors' care facility, which brings with it employment opportunities. The development also assists in intensification without the need for expansion of municipal services.

- iii. Section 8 and 8B of the Region OP addresses the Urban System and distinct Urban Areas that area adaptable to volve into healthy and complete sustainable communities that balance growth in both population and employment. The Applications conform with these policies by providing a mix of built-form in the way of townhouses and housing designed for seniors' thereby contributing to the full range of housing types within the community. These uses efficiently utilize and underdeveloped site along with promote use of accessible transit services. As well, the proposal reinforces the surrounding open space and creates an attractive and safe living environment with sufficient infrastructure in close proximity to an arterial road (Bowmanville Avenue).

[19] It is Mr. Guetter's opinion that the Applications conform with the Municipality's Official Plan ("MOP"), in particular section 5 regarding Built Form, section 6 regarding the encouragement of Housing Diversity, section 9 respecting Liveable Neighbourhoods, section 14 regarding Environmental Protection Areas, section 19 with respect to Connected Transportation Systems, and section 20 regarding Stormwater Management, as follows:

- i. There is appropriate transition and compatibility respecting the physical character of the established neighbourhood given the townhomes and seniors complex is located to the east of the existing development on Munday Court comprised of rear-to-rear yard relationships to the existing single-family detached dwellings and separations with existing tree-lines.

- ii. There is a maximum height of 10 storeys for the seniors' facility with the tallest height permissions at the most eastern portion of the Subject Property encompassing a transition down to the townhomes.
- iii. The proposed development provides for a broad range of housing types and tenure and will assist the Municipality in meeting the evolving needs for people of all ages, abilities, and income groups.
- iv. The Applications provide needed seniors' housing, including special needs housing, critical in meeting the accommodation needs of the Municipality's residents.
- v. The Applications preserve and protect the ecological functions of the Natural Heritage System to the north and east of the Subject Property as set out by the EIS and Constraints Mapping, which delineates the boundaries of the Natural Heritage System, demonstrates the intent of the Natural Heritage System policies are generally met, and which were reviewed and accepted by both the Municipality and CLOCA.
- vi. The stormwater outlet pipe is designed with, *inter alia*, low-impact development measures beneath a recreational trail on the outer 5 meters of the vegetation protection zone as permitted under policies 3.4.8 and 3.4.9 of the MOP. The outfall of the stormwater pipe is designed by stormwater and slope stability engineers to include approved mitigation measures pursuant to the EIS.
- vii. The Subject Property is within an area well-serviced by existing and future public transit services, thereby making efficient use of the surrounding road network.

- viii. The public realm is enhanced through upgrades to Stevens Road to an urban cross-section, inclusive of utilities, services, and active transportation opportunities including provision of complete sidewalk connection. A pedestrian trail will also be integrated with the broader public train network.

[20] Mr. Guetter opined that while the Brookhill Neighbourhood Secondary Plan is not determinative of the matter, the Applications nonetheless also conform with it. In particular, the proposed development provides for the orientation of building front facades, recognizing the limited frontage along Stevens Road and enhances the public realm through provision for pedestrian activity. Residents and visitors of the proposed development will make efficient use of the transit and road networks. In addition, appropriate transition is provided between proposed taller buildings and adjacent low-rise residential. An internal private road is contemplated to allow for all buildings to have frontage and access and is sized appropriately for two-way vehicular movement.

[21] Mr. Guetter concluded that the Applications are appropriate, represent good planning, and are in the public interest.

[22] The Tribunal accepts the opinion evidence of Mr. Guetter as presented in both his oral and written evidence and similarly finds that the subject Applications have regard to those applicable matters of provincial interest found in section 2 of the *Planning Act*, are consistent with the Provincial Planning Statement 2024, conform to the Region Official Plan and the Municipality Official Plan, including the Brookhill Neighbourhood Secondary Plan, and otherwise reflects principles of good land use planning and is in the public interest.

## **ORDER**

[23] **THE TRIBUNAL ORDERS** that the appeal is allowed, in part, and:

- i. The Official Plan for the Municipality of Clarington is amended as set out in **Attachment 1** to this Order;
- ii. The Zoning By-law 84-63 is hereby amended as set out in **Attachment 2** to this Order. The Tribunal authorizes the municipal clerk to assign a number to this by-law for record keeping purposes.

*“N. Eisazadeh”*

N. EISAZADEH  
MEMBER

### **Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

**Attachment 1****Clarington****Amendment Number 139****To The Municipality of Clarington Official Plan**

- Purpose:** To redesignate lands located within the Brookhill Neighbourhood Secondary Plan area from Low Density Residential to Medium Density Residential to permit the proposed residential and special needs housing development geared towards seniors and to permit increased building heights. The development will include block townhouses, an apartment building and special needs housing, specifically long term care facilities and its associated amenity building. The Brookhill Neighbourhood Secondary Plan land use designation on Map A – Land Use and Transportation Plan will be amended.
- Location:** The amendment applies to 46 Stevens Road in Bowmanville. The subject lands are bound by Bowmanville Creek to the north and east, Stevens Road to the south and the rear yards of Munday Court to the west. The property is legally described as Part Lots 13 and 14, Concession 1 and 2, road allowance between Concession 1 and 2, now RP10R3926, Parts 1-8; Assessment Roll Number 1817-020-010-06900. The subject lands are identified as shown on Schedule A, attached.
- Basis:** The purpose is to amend Section 6.2 of the Brookhill Secondary Plan to provide a site-specific policy on the subject lands. The amendment redesignates a portion of the subject lands from Low Density Residential to Medium Density Residential. The balance of the lands are designated Environmental Protection Area.
- This amendment is based on applications and supporting studies by VAD Retail Ltd. to permit a residential and special needs housing development geared towards seniors, including townhouses, an apartment building, special needs housing, specifically long term care facilities and an associated amenity building.
- The subject lands are bound to the north and east by environmentally protected areas. The placement of the buildings provides a gradual transition in the height of the buildings from the adjacent low density neighbourhood as the tallest buildings are sited furthest northeast. This provides the appropriate transition from the site to the greater neighbourhood.

# Clarington

The proposed residential development will provide much needed senior's housing, including special needs housing in the form of long term care facilities while minimizing land consumption and utilizing available services in an area where growth is expected to occur. Special needs housing is an important element of meeting the accommodation needs of Clarington residents and may be permitted within all designations where residential uses are permitted. Special needs housing should conform to the form and density provisions of the designation, generally be located in close proximity to services and be appropriately integrated with the surrounding area.

An Environmental Impact Study (EIS) and Constraints Mapping was submitted as part of this application. Through these documents the boundary of the Environmental Protection Area has been refined, which has been noted on the amendment mapping (Exhibit A - Map A). Policy 3.4.4. of the Official Plan notes that as part of a development application, where site specific studies result in refinements to the Environmental Protection Area boundary or extent of a natural heritage feature and/or hydrologically sensitive feature, or its related vegetation protection zone, such refinement shall not require an amendment to this Plan

**Actual  
Amendment:**

The Municipality of Clarington Official Plan is hereby amended as follows. New Text is shown with an Underline and deleted text is shown with a ~~strikethrough~~.

- Existing Section 23.19.1 of the Clarington Official Plan is hereby amended as follows:

"iv The lands known as 46 Stevens Road, Assessment Roll Number 1817-020-010-06900, legally known as Part Lots 13 and 14, Concession 1 and 2, road allowance between Concession 1 and 2, now RP10R3926, Parts 1-8, are subject to Section 6.2.2 of the Brookhill Neighbourhood Secondary Plan (as approved August 5, 2008)."

- Section 6.2 of the existing Brookhill Neighbourhood Secondary Plan (as approved on August 5, 2008) is amended by adding the following subsection:

"6.2.2. For the lands known as '46 Stevens Road' the following uses and built forms are permitted:

# Clarington

- a) The use of the subject lands within the Medium Density Residential designation is residential within a mix of building types and tenures including residential and special needs housing.
- b) The following building types are permitted:
  - i. Block townhouses; and
  - ii. An Apartment building constructed in conjunction with the special needs housing, specifically long term care facilities including associated amenities.

The location of the permitted building types shall be regulated in the implementing zoning by-law.

- c) Townhouses shall have a maximum height of 2 storeys and all other buildings shall have a maximum height of 10 storeys, not including screened mechanical equipment, amenity area and rooftop access.

Building heights shall also be regulated in the implementing zoning by-law.

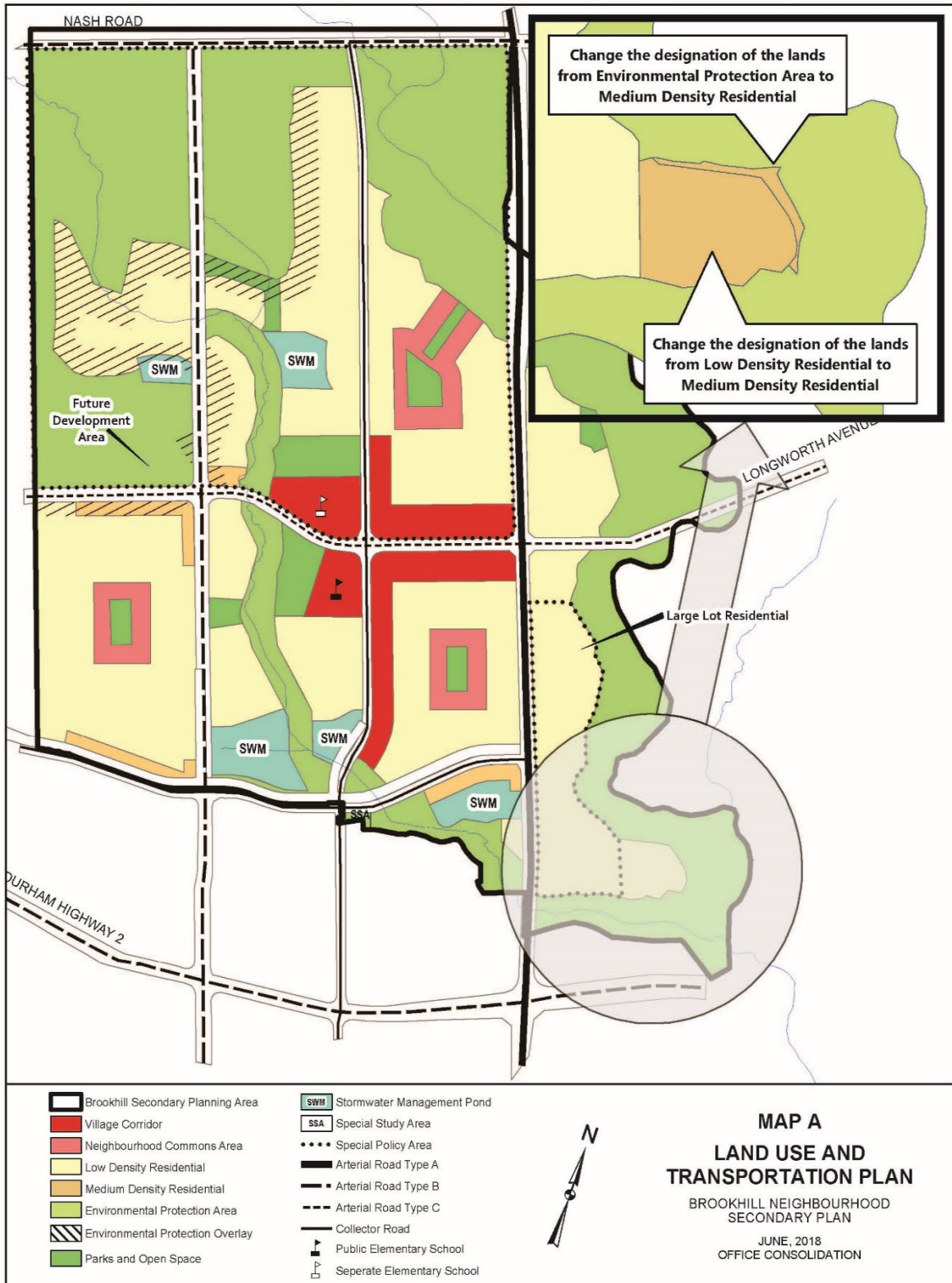
- d) The maximum density shall be specified in the implementing Zoning By-law."

- 3. Existing Map A – Land Use and Transportation Plan, of the Brookhill Neighbourhood Secondary Plan, as approved on August 5, 2008, is amended as shown on Exhibit A and attached hereto and forming part of this amendment.

**Implementation:** The provisions set forth in the Clarington Official Plan and the Brookhill Neighbourhood Secondary Plan, regarding the implementation of the Plan, shall apply in regard to this Amendment.

**Interpretation:** The provisions set forth in the Clarington Official Plan and the Brookhill Neighbourhood Secondary Plan regarding the interpretation of the Plan, shall apply in regard to this Amendment.

**Exhibit "A" To the Municipality of Clarington Official Plan Amendment No. 139,  
Map A, Landuse and Transportation Plan, Brookhill Neighbourhood Secondary Plan**



## Attachment 2

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

The Corporation of the Municipality of Clarington By-law  
Number 2024 - \_\_\_\_\_

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 ZBA2022-0019;

Now therefore the Council of the Municipality of Clarington enacts as follows:

1. Section 15.4 "Special Exceptions – Urban Residential Type Four (R4) Zone" is hereby amended by adding thereto, the following new Special Exception Zone 15.4.48 as follows:

15.4.48 Urban Residential Exception (R4-48) Zone

2. In addition to Section 3.16 b. ii), e. and Section 15.1 a. for those lands zoned R4-48 the following shall apply:
  - a. A Seniors' Apartment Building shall provide 100% more Accessible Parking spaces than prescribed in Table 3.16 b. ii)
  - b. The minimum parking space requirements for a Seniors' Apartment Building shall be 0.50 resident parking spaces per unit; Plus 0.25 visitor spaces per dwelling unit.
  - c. The following uses shall be permitted:
    - i) Block townhouses; and
    - ii) Seniors' Apartment Building defined as:  
*"An apartment building designed for retired persons which includes indoor and outdoor recreation facilities, and may include or have access to common facilities for the preparation, serving and consumption of food"*
    - iii) An amenity building as an accessory use to long term care facilities and/or senior's apartment building
3. Notwithstanding Sections 15.2 a., c., d., e., g, and h, those lands zoned R4-48 shall be subject to the following regulations and the applicable provisions not amended by the R4-48 zone.
  - a. For the entire block the following shall apply:
 

i. Density (maximum)	250 units per hectare
ii. Yard Requirements (minimum)	
a) Front Yard	0 metres
b) Rear Yard	0 metres
c) Easterly to the EP lands	1.5 metres

- iii. There shall be no minimum dwelling unit area.
- iv. Building Height (maximum)
  - a) Between 0 metres and 38 metres of the westerly lot line 2 storeys
  - b) Between 38 metres and 73 metres of the westerly lot line 7 storeys
  - c) Between 73 metres and 104 metres of the westerly lot line 8 storeys
  - d) Between 104 metres and 204 metres of the westerly lot line 10 storeys

Notwithstanding the above, screened mechanical equipment, amenity area and rooftop access are permitted above the 10<sup>th</sup> storey

- v. Landscaped Open Space (minimum) 25 percent
- vi. Lot coverage (maximum) 45 percent

b. In the case of block townhouse dwellings, the following provisions shall apply:

- i. Townhouse Width (minimum) 5 metres
- ii. Interior Side Yard 3 metres; nil where a building has a common wall with any building on an adjacent; 0 where a building is adjacent to EP lands
- iii. Exterior Side Yard 5 metres
- iv. Rear Yard 7.5 metres
- v. Height (maximum) 2 storeys
- vi. Lot Coverage for Accessory Buildings (maximum) 5 percent of Lot Area

4. Schedule '3' to By-law 84-63, as amended, is hereby further amended by changing the zone designation from:

"Agricultural (A) Zone" to "Holding - Urban Residential Type Four Exception ((H)R4-48) Zone"

"Agricultural (A) Zone" to "Environmental Protection (EP) Zone"

as illustrated on the attached Schedule "A" hereto.

For greater certainty, development and site alteration permitted within the vegetation protection zone by Policies 3.4.8 and 3.4.9 of the Clarington Official Plan (and associated grading) are not prohibited within the EP zone.

5. Schedule 'A' attached hereto shall form part of the By-law.

6. This By-law shall come into effect on the date of passing hereof, subject to the

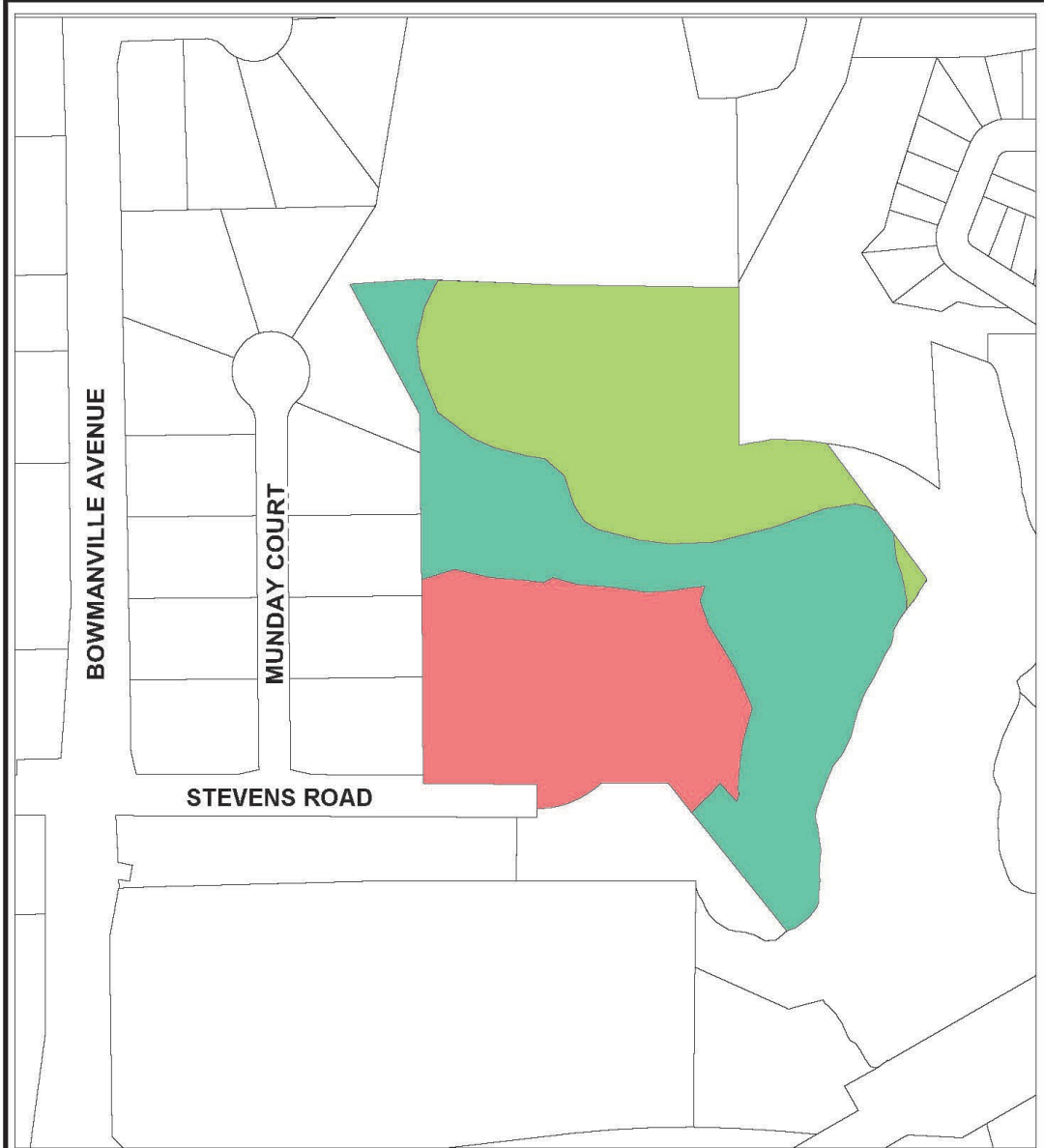
provisions of Section 34 of the Planning Act.




By-law passed in Open Council this \_day of \_\_2024.

\_\_\_\_\_  
Adrian Foster, Mayor

\_\_\_\_\_  
June Gallagher, Municipal Clerk

This is Schedule "A" to By-law 2024- , passed this day of , 2024 A.D.



-  Zoning Change From 'A' To '(H)R4-48'
-  Zoning Change From 'A' To 'EP'
-  Zoning To Remain 'EP'

