From: Kyle Bentley  
(Acting) Director, City Development

Subject: Draft Plan of Condominium Application CP-2016-01  
Zoning By-law Amendment Application A 5/16  
Madison Liverpool Limited  
Block Q of Plan M-15, Parts 1 to 5, Plan WR74  
(747 Liverpool Road)

Recommendation:

1. That Zoning By-law Amendment Application A 5/16, submitted by Madison Liverpool Limited, to facilitate a residential common element condominium development on lands being Block Q of Plan M-15, Parts 1 to 5, Plan WR74, be approved, and that the draft Zoning By-law Amendment as set out in Appendix I to Report PLN 19-16 be forwarded to Council for enactment;

2. That the community benefits to be provided by Madison Liverpool Limited through the bonusing provisions of Section 37 of the Planning Act R.S.O. 1990, for lands being Block Q of Plan M-15, Parts 1 to 5, Plan WR74, be approved as outlined in Report PLN 19-16, and included in the provisions of the implementing Zoning By-law;

3. That the Mayor and City Clerk be authorized to enter into a Section 37 agreement with Madison Liverpool Limited to secure the improvement of the Frenchman's Bay Ratepayers Memorial Park as outlined in Report PLN 19-16 prior to site plan approval, in accordance with Section 37 of the Planning Act R.S.O. 1990, and on terms satisfactory to the Director, Corporate Services & City Solicitor, which agreement shall be registered against title to the subject lands; and

4. That a reserve fund entitled Section 37 be established to hold funds collected under Section 37 of the Planning Act R.S.O. 1990 for the improvement of the Frenchman's Bay Ratepayers Memorial Park.

Executive Summary: Madison Liverpool Limited has submitted applications for Zoning By-law Amendment and Draft Plan of Condominium for the development of a common element condominium on lands located on the east side of Liverpool Road, north of Commerce Street, in the Bay Ridges Neighbourhood (see Location Map, Attachment #1). These lands were the site of the Holy Redeemer Catholic Elementary School, which was officially closed in December 2015, and the building was demolished early in 2016. The applicant originally proposed a total of 71 units consisting of 14 detached dwellings, and 57 townhouse units accessed from an internal private road (see Original Submitted Concept Plan, Attachment #2).
In response to identified concerns, the applicant revised their proposal (see Revised Concept Plan, Attachment #6). The key revisions to their proposal include:

- reducing the total number of units from 71 units to 67 units
- reducing the height of the detached dwellings from 3 storeys to 2 storeys
- widening the detached dwellings to accommodate 4 vehicles (2 vehicles within a garage and 2 vehicles on the driveway)
- closing the privately owned walkway to Foxglove Avenue and conveying a portion of the walkway to the abutting landowners
- removing the retaining walls along most of the property line that is shared with the adjacent Frenchman’s Bay Ratepayers Memorial Park, and
- providing an accessible walkway to the park

The applicant is requesting the use of the Bonus Zoning policies of the Official Plan, which allow City Council to permit an increase in density not exceeding 25 percent of the permitted density in return for the provision of specific services, facilities or matters. The applicant is proposing a 17.2 percent increase (or an equivalent of 10 units) over the permitted maximum density of 30 units per net hectare. In return for the increased density, the applicant is proposing to enhance the adjacent Frenchman’s Bay Ratepayers Memorial Park, which park is operated by the City pursuant to a long term lease.

Staff supports the revisions to the original proposal. The reduction in the total number of units, the reduction in the height of the detached dwellings, widening the detached dwellings to provide additional vehicular parking, and additional landscaping opportunities along the east property line will ensure that the residential development will be compatible with the surrounding area. In addition, the enhancement of the park is appropriate and will benefit the surrounding community.

Accordingly, staff recommends that the site specific amending by-law as set out in Appendix I, be approved and forwarded to Council for enactment. As required by the Bonus Zoning policies, the implementing zoning by-law will specify the amount of the cash contribution the applicant is to provide to the City for the park enhancement, and the requirement for an agreement, to be registered on title, between the owner and the City specifying the density increase and the benefit provided.

**Financial Implications:** No direct costs to the City are anticipated as a result of the recommendations of this report. The applicant is requesting the use of the Bonus Zoning policies of the Official Plan for increased density in return for a $275,000.00 contribution to be used to enhance the adjacent Frenchman’s Bay Ratepayers Memorial Park.

1. **Background**

1.1 **Property Description**

The subject lands are located on the east side of Liverpool Road, north of Commerce Street, in the Bay Ridge Neighbourhood (see Location Map, Attachment #1). The subject lands have an area of approximately 1.9 hectares with approximately 110 metres of frontage along Liverpool Road. The lands were the site of the Holy Redeemer Catholic
Surrounding land uses include low density residential development consisting of detached and semi-detached dwellings and townhouse units in the form of bungalows, and one-and-a-half storey and two-storey dwellings. Abutting the subject lands to the south is the City maintained Frenchman's Bay Ratepayers Memorial Park, a single-storey office building and two detached dwellings fronting Liverpool Road.

### 1.2 Applicant's Proposal

The applicant proposes to develop the subject lands for a residential common element condominium. The original proposal included a total of 71 units consisting of 14 detached dwellings, and 57 townhouse units accessed from an internal private road (see Original Submitted Concept Plan, Attachment #2). Vehicular access to the development is from Liverpool Road, which will be aligned with Ilona Park Drive. All buildings were proposed to be 3 storeys in height with flat roofs (see Original Submitted Conceptual Elevations, Attachments #3, #4, and #5).

Based on comments received from City staff, agencies and area residents, the applicant has made a number of revisions to the original proposal. The following are the revisions to the original concept plan (see Revised Concept Plan, Attachment #6, and Revised Submitted Conceptual Elevation – Single Detached Dwelling, Attachment #7):

- reduced the total number of units from 71 units to 67 units
- reduced the number of detached dwellings from 14 units to 10 units (the number of townhouse units remain unchanged at 57 units)
- reduced the height of the detached dwellings from 3 storeys to 2 storeys
- increased the width of the detached dwellings to accommodate 4 vehicles (2 spaces within the garage and 2 spaces on the driveway)
- closed the privately owned pedestrian walkway to Foxglove Avenue and a portion of the lands are intended to be conveyed to the adjacent landowners
- reduced the front yard setback of the townhouses fronting onto Liverpool Road from 6.0 metres to 4.5 metres
- revised the townhouses that abut the Frenchman's Bay Ratepayers Memorial Park to have walkouts to the rear yards eliminating the need for retaining walls along most of the shared property line
- provided an accessible pedestrian walkway to the park

The revised proposal retains the proposed detached dwellings backing onto existing detached dwellings along Foxglove Avenue and Commerce Street; preserves a 4.5 metre wide buffer area along the eastern property line to maintain privacy for the adjacent residential lots fronting Hewson Drive and retains the required visitor parking rate of 0.25 spaces per unit.
The proposed minimum lot frontage and unit sizes are as follows:

<table>
<thead>
<tr>
<th>Lot Frontage (minimum)</th>
<th>Unit Sizes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Proposal</td>
<td>Revised Proposal</td>
</tr>
<tr>
<td>Detached dwellings</td>
<td></td>
</tr>
<tr>
<td>9.4 metres</td>
<td>13.2 metres</td>
</tr>
<tr>
<td>Townhouses</td>
<td></td>
</tr>
<tr>
<td>6.0 metres</td>
<td>6.0 metres</td>
</tr>
</tbody>
</table>

The revised concept proposing a total of 67 units is a 17.2 percent increase over the maximum density permitted by the Low Density designation of the Pickering Official Plan. The applicant is requesting the use of the Bonus Zoning policies of the Official Plan, which allow City Council to permit an increase in height or density in return for the provision of specific services, facilities or matters. The community benefit proposed by the applicant is the enhancement of the Frenchman’s Bay Ratepayers Memorial Park, which is adjacent the subject lands to the south. The City operates the park pursuant to a long term lease.

2. Comments Received

2.1 May 17, 2016 Open House; June 20, 2016 Public Information Meeting and Written Submissions

An Open House meeting was held on May 17, 2016 at the East Shore Community Centre to allow area residents an opportunity to learn about the proposal, as well as review and comment on the plans that the applicant has submitted. Approximately 22 households were represented at the meeting. The Public Information Meeting was held on June 20, 2016 at which 37 households attended to voice their comments regarding the proposed development.

The following is a summary of key concerns and comments:

- commented that the proposal is too dense for the surrounding neighbourhood and that the proposed 3 storey dwelling units are not compatible with the abutting single-storey detached dwellings
- concerned about privacy for the abutting residents as a result of the proposed 3 storey units and second-storey balconies in the rear yard, and requested that balconies in the rear yard not be permitted
- commented that the proposed contemporary architectural design of the proposed dwelling units is not in keeping with the nautical theme along Liverpool Road
- concerned that the proposal will result in increased traffic and will further aggravate the existing traffic congestion on Liverpool Road
- requested that the submitted transportation brief be revised to consider traffic generated from summertime activities at the waterfront
• concerned that two parking spaces per dwelling unit is insufficient for the size of the proposed dwelling units
• concerned that the proposed number of visitor parking spaces is insufficient to support the development and visitor parking will spill over to adjacent roads
• concerned that the pedestrian walkway to Foxglove Avenue will facilitate parking to spill over onto Foxglove Avenue
• requested that the proposed retaining wall along the south property line abutting the park be reduced
• requested that the Foxglove Avenue walkway be closed and graded at the developer’s cost, and the lands conveyed to the abutting two property owners

2.2 City Departments & Agency Comments

2.2.1 Region of Durham

• the Regional Official Plan (ROP) designates the subject lands as “Living Areas”; lands within this designation shall be used predominantly for housing purposes and incorporate a variety of housing types, sizes and tenures
• the proposed development is permitted by the ROP as it supports infill development, provides an alternative housing stock and is consistent with the policies and direction of the ROP
• the Region has no objection to draft approval of the condominium plan subject to the Conditions of Draft Approval for the Condominium provided by the Region
• prior to final approval, the Region will require that the Ministry of Culture, Tourism and Sport provide a letter clearing the Stage 1 & 2 Archeological Assessment
• staff have reviewed the Phase 1 and Phase 2 Environmental Site Assessment reports, prepared by CCI Group, and acknowledge that a Record of Site Condition was filed with the Ministry of the Environment and Climate Change, as such the Region will require no further information or studies
• sanitary sewer and municipal water supply is available to service the proposed development

2.2.2 City of Pickering Engineering & Public Works Department

• no objection to the proposal
• matters with respect to grading and drainage, tree preservation and protection, fencing details and requirements, and stormwater management requirements will be further reviewed through the Site Plan Approval process
• the applicant will be required to enter into a development agreement with the City for all offsite works

2.2.3 Durham District School Board

• no objection to the development proposal
• approximately 27 elementary students could be generated from the proposed development
• the proposed development is within the boundary area of Sir John A. Macdonald Public School and Pine Ridge Secondary School
2.2.4 Durham Catholic District School Board

- no objection to the development proposal
- approximately 11 elementary students could be generated from the proposed development
- the proposed development is within the boundary area of Father Fenlon Catholic Elementary School and St. Mary Catholic Secondary School

3. Planning Analysis

3.1 Revisions to the proposal address various concerns identified by area residents and achieves compatibility with the surrounding community

The applicant has revised the proposal to address a number of concerns raised by the community and comments provided by the City and agencies.

The revised concept plan continues to propose detached dwellings backing onto existing detached dwellings along Foxglove Avenue and Commerce Street. In addition to widening the proposed detached dwellings to accommodate for 2 garage parking spaces and 2 driveway parking spaces, the applicant has reduced the height of these dwellings from 3 storeys to 2 storeys (approximately 9.0 metres in height) creating a compatible relationship between the proposed and existing detached dwellings along Foxglove Avenue, Hewson Drive and Commerce Street. The reduction in height of the proposed dwellings also addresses privacy concerns raised by the area residents.

The location of the townhouse units will have minimal adverse impact on the surrounding community. Townhouse blocks are located within the interior of the site, adjacent the Frenchman’s Bay Ratepayers Memorial Park and fronting Liverpool Road. As noted above, the applicant has reduced the front yard setbacks for the townhouse units fronting Liverpool Road from 6.0 metres to 4.5 metres. The reduced setbacks will not impact the existing residences on the west side of Liverpool Road with respect to privacy and shadowing. The reduced building setbacks will further enhance the streetscape and create a pedestrian friendly environment along Liverpool Road.

Also included in the revisions is the closing of the privately owned walkway to Foxglove Avenue. The applicant has advised that they will regrade the lands at their expense and convey it to the abutting two property owners. Closing the walkway addresses residents’ concerns of overflow visitor parking on adjacent streets.
To reduce privacy impacts for the residences fronting Hewson Drive, a 4.5 metre wide landscaped buffer area has been provided along the east property line. In addition, the side yard setback of the most northerly townhouse unit fronting onto Liverpool Road has been slightly increased to assist in the preservation of a mature tree.

Residents expressed concerns over the loss of privacy if second-storey balconies were permitted and requested that balconies in the rear yards of the detached dwellings not be permitted. Staff recommend that the draft by-law (see Appendix I Draft Implementing Zoning By-law) prohibit rear balconies above the first floor on the detached dwellings.

The applicant has worked with City staff to respond to the various concerns identified by area residents. The reduction in the total number of units, the reduction in the height of the detached dwellings, widening the detached dwellings to provide additional vehicular parking, and additional landscaping opportunities along the east property line will ensure the proposal is compatible with the surrounding area.

3.2 The proposal will have minimal traffic impact effects on the operation of Liverpool Road and surrounding road network

To address concerns raised by area residents related to traffic volumes generated by the recreational and commercial attractions at the waterfront, the applicant’s traffic consultant undertook additional traffic counts at the intersection of Liverpool Road and Commerce Street during the 2016 summer period around the evenings of the Waterfront Concert Series. A revised Transportation Brief, prepared by Stantec, dated August 24, 2016 was submitted that reviewed both the characteristics and operations of the existing transportation network serving the subject site, and investigated summer traffic conditions.

The revised Brief found that from a transportation perspective, the former school use represented a more intense form of development than the proposed residential development having more noticeable impacts on the existing street system, including higher volumes of pedestrian crossing traffic. The table below compares the potential peak hour trip generation by the former elementary school and the revised residential development, which illustrates that the former school generated greater traffic than the proposed residential land use during peak hours:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Vehicle Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AM Peak Hour (8 – 9 AM)</td>
</tr>
<tr>
<td><strong>Proposed Residential Development</strong> (57 Townhouse Units &amp; 10 Detached Dwellings)</td>
<td>33</td>
</tr>
<tr>
<td><strong>Former Elementary School</strong> (409 Students)</td>
<td>184</td>
</tr>
</tbody>
</table>
The revised Brief concluded that the proposed development does not require any road or traffic control improvements at the proposed site access or on Liverpool Road. The main conclusions of the Brief included that:

- existing weekday peak hour traffic conditions on Liverpool Road in the vicinity of the subject site are characterized by relatively low traffic volumes that are well within capacity
- the proposed development will have negligible impact on traffic operation on Liverpool Road, and will have less of a traffic impact compared to the former elementary school use on the site, and
- the area intersections will continue to operate at good levels of service with the additional traffic generated by the recreational and commercial attractions at the waterfront

Engineering Services have reviewed the revised Traffic Brief and concur that the proposal will not have an operational impact on Liverpool Road.

3.3 Revisions are proposed to the enhancements of the Frenchman’s Bay Ratepayers Memorial Park to address area residents' concerns

Area residents expressed a number of concerns with the applicant’s original proposed enhancements to the Frenchman’s Bay Ratepayers Memorial Park. They were concerned that the parking area proposed would be used for parking by the residents of the new development. It was also suggested that the City explore ways to reduce the proposed retaining wall along the south property line abutting the park, and to provide a pedestrian walkway to the park.

In response to comments received from area residents, City staff propose a redesign of the park that addresses many of the concerns. Changes include the removal of the soccer pitch and associated parking area, provision of an accessible pedestrian walkway to and through the park, and removal of the retaining wall for most of the property line shared with the park. The revised park design also includes walkways, play structures, a gazebo, seating areas, and a multi-use court (see Revised Conceptual Park Redevelopment Plan, Attachment #9). The applicant supports the revised park plan.

The applicant’s proposal to reprogram and enhance the Frenchman’s Bay Ratepayers Memorial Park will benefit the surrounding community as well as the broader residential community. Enhancement of the park will allow the provision of programmed outdoor space for the existing and future residents of the Bay Ridges community.

3.4 The applicant’s request meets the Bonus Zoning provisions of the Official Plan

The Bonus Zoning provisions of the Pickering Official Plan permit City Council to pass by-laws that grant an increase in height of a building or an increase in density not exceeding 25 percent of the density permitted by the Official Plan providing:

- the density (or height) bonus is given only in return for the provision of specific services, facilities or matters as specified in the by-law
• the surrounding areas experiencing the increased density benefit from the positive impacts of the exchange
• the effects of the density bonus are in conformity with the general intent of the Official Plan, and
• as a condition of granting a density or height increase, the owner enter into an agreement with the City that is registered on title and addresses the provision and timing of the benefit provided

The applicant’s revised proposal of 67 units is a 17.2 percent increase over the permitted maximum density of the of “Urban Residential Areas – Low Density Areas” designation of 30 units per net hectare. In return for the increased density, which will permit an additional 10 units, the applicant proposes to provide a cash contribution for the enhancement of the adjacent Frenchman’s Bay Ratepayers Memorial Park. City staff recommend that the City undertake the construction to rebuild the park to achieve cost savings, reduce administrative and design costs, and to have more control over timing for the completion of the park for late 2017.

Based on a review of the bonus zoning best practices of 13 municipalities, staff propose that the applicant’s contribution be determined as a reasonable portion of the increased value resulting from the increased density. The increased value can be determined as the difference in the price paid by the applicant for the property at the end of 2015 and the property value resulting from the increased density. Several municipalities including Mississauga, Ottawa and Vaughan use a range of 20 to 35 percent of the increase in land value to determine the applicant’s contribution. This range has attained a level of acceptance within the development industry. The cost for the City to construct the staff’s redesign of the park is estimated to be $275,000.00 including contingencies or approximately 23.4 percent of the increase in land value, which is within the range generally accepted by the industry.

As required by the Official Plan Bonus Zoning policies, it is recommended that the implementing zoning by-law specify that:

• the applicant provide a cash contribution to the City in the amount of $275,000.00 for the capital improvement to the park, and
• the required agreement between the owner and the City will be registered on title of the subject lands and will specify the amount of the capital cash contribution provided by the applicant, and the improvements to be undertaken with the contribution money

As noted above, the enhancements to the park will address comments made by the public and provide opportunities for passive and active park activities that will be enjoyed by the immediate surrounding community.

Staff intend to develop, for Council’s consideration, a policy and associated procedures for the approach described above to implement the Bonus Zoning policies of the Pickering Official Plan.
3.5 The proposal provides an opportunity for an improved Liverpool Road streetscape as envisioned by the Liverpool Road Waterfront Node Development Guidelines

The Liverpool Road Waterfront Node Development Guidelines envision streetscape improvements along Liverpool Road across the front of the proposed development that consist of wider sidewalks, banners, hanging flower baskets, tree planning and traffic calming measures. To achieve a stronger streetscape as envisioned by the Guidelines, City staff requested that the front yards for the townhouse units fronting Liverpool Road be slightly reduced. Through the Site Plan Approval process, staff will further review the proposed elevations and landscaping along Liverpool Road to ensure the policies of the Guidelines are implemented.

3.6 All Technical Matters will be addressed through the Site Plan Approval Process

The development will be subject to site plan approval. A site plan application has been received and is under review. Technical matters to be addressed through site plan approval will include, but not limited to:

- construction management/erosion and sediment control
- access
- stormwater management
- noise mitigation measures including noise warning clauses
- on-site grading
- site servicing
- fencing
- building material details
- exterior lighting
- payment of cash-in-lieu of parkland dedication
- landscaping
- street tree planting along the internal private road and the boulevard
- architectural control
- any other City and agency requirements

3.7 Draft Approval of Draft Plan of Condominium is delegated to Director, City Development

The proposal is to be developed as a common element condominium which refers to a development where each dwelling unit is individually owned (freehold ownership), and where amenities or physical features are collectively owned and maintained by the unit owners as tenants in common. The common element features include, but are not limited to, the internal private road, sidewalks, visitor parking areas, community mailboxes, and the water meter room (see Revised Draft Pan of Condominium, Attachment #8). As the subject lands are part of a registered Plan of Subdivision, the applicant proposed to create the privately owned parcels and the parcels for the common elements of the development through a process called “lifting of part lot control”.
In accordance with Council Policy and Delegation By-law 7306/01, the Director, City Development has the authority to grant draft plan approval for plans of condominium. Therefore, no further approvals are required from City Council.

3.8 **Staff support the proposal and recommend that a zoning by-law be finalized and forwarded to Council for enactment**

The applicant is requesting to rezone the subject lands from a “R4” – One-Family Detached Dwelling Fourth Density Zone to an appropriate residential zone category to facilitate the proposal. Staff supports the rezoning application and recommends that the site specific implementing by-law, as set out in Appendix I, be approved and forwarded to Council for enactment. The implementing by-law also addresses Bonus Zoning provisions including the amount of the cash contribution to be provided by the applicant, the timing of the completion of the park construction, and the requirement for a Bonus Zoning Agreement and its registration on title of the subject lands.

3.9 **Applicant’s Comments**

The applicant concurs with the recommendations of this report.

---

**Appendix**

**Appendix I**  Draft Implementing Zoning By-law

---

**Attachments**

1. Location Map
2. Original Submitted Concept Plan
3. Original Submitted Conceptual Elevation – Single Detached Fronting on Internal Private Road
4. Original Submitted Conceptual Elevation – Rear Lane Townhouses Fronting Liverpool Road
5. Original Submitted Conceptual Elevation – Townhouses Fronting Internal Private Road
6. Revised Concept Plan
7. Revised Submitted Conceptual Elevation – Single Detached Fronting on Internal Private Road
8. Revised Draft Plan of Condominium
9. Revised Conceptual Park Redevelopment Plan
Report PLN 19-16

Subject: Madison Liverpool Limited

Prepared By:
Deborah Wyle, MCIP, RPP
Principal Planner – Development Review

Nilesh Surti, MCIP, RPP
Manager, Development Review & Urban Design

Approved/Endorsed By:
Catherine Rose, MCIP, RPP
Chief Planner

Kyle Bentley, P.Eng.
(Acting) Director, City Development

Recommended for the consideration of Pickering City Council

Tony Prevedel, P.Eng.
Chief Administrative Officer

November 21, 2016
Recommended Draft Zoning By-law
for Zoning By-law Amendment Application A 5/16
The Corporation of the City of Pickering

By-law No. XXXX/16

Being a By-law to amend Restricted Area (Zoning) By-law 2520, as amended, to implement the Official Plan of the City of Pickering, Region of Durham, Block Q, Plan M-15, Parts 1 to 5, Plan 40WR74 (A 5/16)

Whereas the Council of The Corporation of the City of Pickering received an application to rezone the subject lands being Block Q, Plan M-15, Parts 1 to 5, Plan 40WR74, in the City of Pickering to permit the development of a common element condominium consisting of detached dwellings and townhouse units accessed from a private road;

Whereas the Official Plan for the City of Pickering contains provisions relating to the authorization of increases in density of development;

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in density (or height) of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law;

Whereas Subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in density (or height) of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the subject lands has elected to provide the facilities, services and matters hereinafter set out;

And whereas the increase in density beyond that otherwise permitted on the aforesaid lands by By-law 2520, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law, and will be secured an agreement between the owner of the land and the City of Pickering;

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

1. **Schedule I**

   Schedule I to this By-law with notations and references shown thereon are hereby declared to be part of this By-law.
2. **Area Restricted**

The provisions of this By-law shall apply to those lands in, Block Q, Plan M-15, Parts 1 to 5, Plan 40WR74 in the City of Pickering, designated “S2-17”, “MD-H12” and “MD-H13” on Schedule I to this By-law.

3. **General Provisions**

No building, structure, land or part thereof shall hereafter be used, occupied, erected, moved or structurally altered except in conformity with the provisions of this By-law.

4. **Definitions**

In this By-law,

1. “Air Conditioner” means any mechanical equipment which is required for residential domestic use and which must be installed outdoors including central air conditioning units, heat pumps, heat exchange units, emergency generators and other such equipments.

2. “Balcony” means an attached covered or uncovered platform projecting from the face of an exterior wall, including above a porch, which is only directly accessible from within a building, usually surrounded by a balustrade or railing, and does not have direct exterior access to grade.

3. “Bay, Bow, Box Window” means a window that protrudes from the main wall, usually bowed, canted, polygonal, segmental, semicircular or square sided with window on front face in plan; one or more storeys in height, which may or may not include a foundation; may or may not include a window seat; and may include a door.

4. “Condominium, Common Element” means spaces and features owned in common by all shareholders in a condominium and may include private streets, walkways, and parking and amenity areas.

5. “Deck” means a raised platform attached to the exterior wall of a building and with direct access from within a building and from grade.

6. (a) “Dwelling” means a building or part of a building containing one or more dwelling units, but does not include a mobile home or trailer;

(b) “Dwelling, Detached” means a single dwelling which is freestanding, separate and detached from other main buildings or structures;

(c) “Dwelling, Multiple – Horizontal” means a building containing three or more dwelling units attached horizontally by an above-grade wall or walls;
(d) "Dwelling Unit" means one or more habitable rooms occupied or capable of being occupied as a single, independent, and separate housekeeping unit containing a separate kitchen and sanitary facilities.

(7) "Floor Area – Residential" means the area of the floor surface contained within the outside walls of a storey or part of a storey.

(8) "Gross Floor Area – Residential" means the aggregate of the floor areas of all storeys of a building or structure, or part thereof as the case may be, other than a private garage, an attic, or a cellar.

(9) "Height, Dwelling" means the vertical distance between the established grade, at the front of the house, and in the case of a flat roof, the highest point of the roof surface or parapet wall, or in the case of a mansard roof the deck line, or in the case of a gabled, hip or gambrel roof, the mean height between eaves and ridge.

(10) "Lands, Subject" means the lands subject of this by-law.

(11) (a) "Lot" means an area of land fronting on a street which is used or intended to be used as the site of a building, or group of buildings, as the case may be, together with any accessory buildings or structures, or a public park or open space area, regardless of whether or not such lot constitutes the whole of a lot or block on a registered plan of subdivision;

(b) "Lot Area" means the total horizontal area within the lot lines of a lot;

(c) "Lot Frontage" means the width of a lot between the side lot lines measured along a line parallel to and 7.5 metres distant from the front lot line;

(d) "Lot, Through" means a lot bounded on opposite sides by a street.

(12) "Parapet Wall" means the portion of an exterior wall extending above the roof.

(13) "Porch" means a roofed deck or portico structure attached to the exterior wall of a building. A basement may be located under the porch.

(14) "Private garage" means an enclosed or partially enclosed structure for the storage of one or more vehicles, in which structure no business or service is conducted for profit or otherwise.

(15) "Street, Private" means:

a) a right-of-way or roadway that is used by vehicles and is maintained by a condominium corporation;
b) a private road condominium, which provides access to individual freehold lots;

c) a private right-of-way over private property, that affords access to lots abutting the private street;

but is not maintained by a public body and is not a lane.

(16) "Wall, Front" means the wall of the dwelling closest to the front lot line.

(17) "Water Meter Building" means a building or structure that contains devices supplied by the Region of Durham which measures the quality of water delivered to a property.

(18) (a) "Yard" means an area of land which is appurtenant to and located on the same lot as a building or structure and is open, uncovered, and unoccupied above ground except for such accessory buildings, structures, or other uses as are specifically permitted thereon;

(b) "Front Yard" means a yard extending across the full width of a lot between the front lot line of the lot and the nearest wall of the nearest main building or structure on the lot;

(c) "Front Yard Depth" means the shortest horizontal dimension of a front yard of a lot between the front lot line and the nearest wall of the nearest main building or structure on the lot;

(d) "Rear Yard" means a yard extending across the full width of a lot between the rear lot line of the lot, or where there is no rear lot line, the junction point of the side lot lines, and the nearest wall of the nearest main building or structure on the lot;

(e) "Rear Yard Depth" means the shortest horizontal dimension of a rear yard of a lot between the rear lot line of the lot, or where there is no rear lot line, the junction point of the side lot lines, and the nearest wall of the nearest main building or structure on the lot;

(f) "Side Yard" means a yard of a lot extending from the front yard to the rear yard, and from the side lot line to the nearest wall of the nearest main building or structure on the lot;

(g) "Side Yard Width" means the shortest horizontal dimension of a side yard of a lot between the side lot line and the nearest wall of the nearest main building or structure on the lot;

(h) "Flankage Side Yard" means a side yard immediately adjoining a street or abutting on a reserve on the opposite side of which is a street;
(i) "Flankage Side Yard Width" means the shortest horizontal dimension of a flankage side yard of a lot between the lot line adjoining a street or abutting on a reserve on the opposite side of which is a street, and the nearest wall of the nearest main building or structure on the lot.

5. Provisions

(1) Uses Permitted ("S2-17", "MD-H12" and "MD-H13" Zones)

(a) No person shall within the lands zoned "S2-17" on Schedule I to this By-law, use any lot or erect, alter, or use any building or structure for any purpose except the following:

(i) Detached Dwelling

(b) No person shall within the lands zoned "MD-H12" and "MD-H13" on Schedule I to this By-law, use any lot or erect, alter, or use any building or structure for any purpose except the following:

(i) Multiple Dwelling – Horizontal

(2) Zone Requirements ("S2-17", "MD-H12" and MD-H13" Zones)

No person shall within the lands zoned "S2-17", "MD-H12" and "MD-H13" on Schedule I to this By-law, use any lot or erect, alter, or use any building except in accordance with the following provisions:

<table>
<thead>
<tr>
<th></th>
<th>&quot;S2-17&quot; Zone</th>
<th>&quot;MD-H12&quot; Zone</th>
<th>&quot;MD-H13&quot; Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Number of Dwelling Units (maximum)</td>
<td>57 dwelling units</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Lot Frontage (minimum)</td>
<td>13.2 metres</td>
<td>6.0 metres</td>
<td></td>
</tr>
<tr>
<td>(c) Lot Area (minimum)</td>
<td>350 square metres</td>
<td>150 square metres</td>
<td></td>
</tr>
<tr>
<td>(d) Front Yard Depth (minimum)</td>
<td>4.5 metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(e) Side Yard Depth (minimum)</td>
<td>1.2 metres</td>
<td>1.5 metres except where dwellings on abutting lots share a common wall, no interior side yard shall be required adjacent to that wall on either lot</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;S2-17&quot; Zone</td>
<td>&quot;MD-H12&quot; Zone</td>
<td>&quot;MD-H13&quot; Zone</td>
</tr>
<tr>
<td>---</td>
<td>--------------</td>
<td>--------------</td>
<td>--------------</td>
</tr>
<tr>
<td>(f)</td>
<td>Rear Yard Depth (minimum)</td>
<td>7.5 metres</td>
<td>7.5 metres</td>
</tr>
<tr>
<td>(g)</td>
<td>Flankage Yard Depth (minimum)</td>
<td>not applicable</td>
<td></td>
</tr>
<tr>
<td>(h)</td>
<td>Building Height (maximum)</td>
<td>9.0 metres</td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td>Driveway Width (maximum)</td>
<td>6.0 metres</td>
<td></td>
</tr>
<tr>
<td>(j)</td>
<td>Parking Requirements (minimum)</td>
<td>4.0 parking spaces per dwelling unit</td>
<td></td>
</tr>
<tr>
<td>(k)</td>
<td>Visitor Parking Requirements (minimum)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(l)</td>
<td>Garage Requirements</td>
<td>Minimum 1 private garage per lot attached to the main building, the vehicular entrance of which shall be located not less than 6.0 metres from the common element condominium street</td>
<td></td>
</tr>
<tr>
<td>(m)</td>
<td>Interior Garage Size (minimum)</td>
<td>A private garage shall have a minimum width of 5.5 metres and a minimum depth of 6.0 metres provided, however, the width may include 1 interior step and the depth may include 2 interior steps</td>
<td>A private garage shall have a minimum width of 3.0 metres and a minimum depth of 6.0 metres provided, however, the width may include 1 interior step and the depth may include 2 interior steps</td>
</tr>
</tbody>
</table>
(3) Special Provisions ("S2-17", "MD-H12" and "MD-H13" Zones)

(a) Projections such as window sills, chimney breasts, fireplaces, belt courses, cornices, pilasters, eaves, eave troughs and other similar architectural features may be permitted in any required yard, provided that no such feature projects into the required yard more than 0.6 metres or half the distance of the required yard, whichever is less;

(b) A porch, uncovered deck or balcony may encroach into any required front yard to a maximum of 2.0 metres or half the distance of the required yard, whichever is less;

(c) A porch, uncovered deck or balcony may encroach into any required flankage yard to a maximum of 2.0 metres;

(d) A porch or uncovered deck may encroach into any required rear yard to a maximum of 2.0 metres;

(e) Stairs to a porch or uncovered deck may encroach to within 0.3 metres of the front lot line or flankage lot line; to within 1.0 metres of a rear lot line; and to within 0.6 metres of a side lot line;

(f) A bay, box or bow window, with or without foundation, having a maximum width of 4.0 metres may encroach into any required yard to a maximum of 0.6 metres or half the distance of the required yard, whichever is less;

(g) Air conditioners are permitted on a lot provided they are located in the rear yard or side yard or on a balcony or roof. In addition, such units shall not be located any closer than 0.6 metres to a side lot line and shall not be located on any easement in favour of the City;

(h) A balcony located above the first floor projecting or inset in the rear wall of a building on lands zoned "S2-17" on Schedule I to this By-law are prohibited;

(i) Outdoor Private Amenity Area for lands zoned "MD-H13" on Schedule I to this By-law:

(i) a minimum of 14 square metres of outdoor private amenity area shall be provided on the balcony above the garage and located at the rear of the dwelling unit;

(ii) accessory structures such as pergolas, sheds or other similar structures shall not be permitted on the balcony above the garage at the rear of the dwelling unit;
(iii) the outdoor private amenity area located above the garage at
the rear of the dwelling unit shall not be enclosed.

(4) Special Regulations ("S2-17", "MD-H12" and "MD-H13" Zones)

(a) Despite the provisions of Section 5.6 of By-law 2520, as amended,
the requirement for the frontage on a public street shall be satisfied
by establishing frontage on a common element condominium street
for the lands on Schedule I to this By-law;

(b) Despite Section 5.4(a) above, the lot line abutting Liverpool Road
shall be deemed to be the Front Lot Line for the lands Zoned
"MD-H13" on Schedule I to this By-law;

(c) Despite provision 5.(1)(b) and 5.(2) of this By-law, a water meter
building required by the Region of Durham for the purpose of
measuring the quantity of water delivered shall be exempt from
"MD-H12" zone use provisions and zone requirements;

(d) Section 6.3 of By-law 2520, as amended, shall not apply to the lands
zoned "S2-17", "MD-H12" and "MD-H13" on Schedule I to this
By-law;

(e) Section 6.6a)(iv) of By-law 2520, as amended, shall not apply to the
lands zoned "MD-H13" on Schedule I to this By-law;

(f) Sections 5.20 and 6.5 of By-law 2520, as amended, shall not apply to
the lands zoned "MD-H12" and "MD-H13" on Schedule I to this
By-law.


(a) An indexed cash contribution of $275,000.00 to be paid to the City prior to
site plan approval, to be allocated towards capital improvements to the
Frenchman’s Bay Ratepayers Memorial Park;

(b) The cash contribution identified in Section 6.(a) of this By-law shall
be indexed in accordance with the most current Statistics Canada
Non-Residential Construction Price Index reported quarterly by Statistics
Canada, calculated from the date of passing of this by-law to the date of
payment by the owner;

(c) In the event the cash contribution referred to in Section 6.(a) of this By-law
has not been used for the intended purposes within 3 years of the By-law
coming into force and effect, the cash contribution may be redirected for
another purpose, at the discretion of the Director, City Development, in
consultation with the Ward Councillor(s), provided that the purposes will
benefit the community in the vicinity of the lands;
(d) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in density of the development is permitted beyond that otherwise permitted on the subject lands shown on Schedule I to this By-law in return for the provision by the owner, at the owner’s expense of the facilities, services and matters set out in Section 6.(a) of this By-law and which are secured by one or more agreements pursuant to Subsection 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;

(e) The owner shall not use, or permit the use of, a building or structure erected with an increase in density pursuant to this By-law unless all provisions and obligations in this By-law are met; and

(f) Despite Section 5.(2)(a) of this By-law, an additional 10 dwelling units are permitted upon execution and registration on title of a Section 37 agreement pursuant to Section 6.(d) of this By-law.

7. Model Homes

(1) A maximum of 2 model homes, together with not fewer than 2 parking spaces per Model Home, may be constructed on the lands zoned “S2-17” as set out in Schedule I attached to this By-law prior to the division of those lands by lifting of part lot control;

(2) A maximum of 1 block, together with not fewer than 2 parking spaces per Model Home, may be constructed on the lands zoned “MD-H12” as set out in Schedule I attached to this By-law prior to the division of those lands by lifting of part lot control;

(3) A maximum of 1 block, together with not fewer than 2 parking spaces per Model Home, may be constructed on the lands zoned “MD-H13” as set out in Schedule I attached to this By-law prior to the division of those lands by lifting of part lot control;

(4) For the purpose of this By-law, “Model Home” shall mean a dwelling unit which is not used for residential purpose, but which is used exclusively for sales, display and marketing purposes pursuant to an agreement with the City of Pickering.

8. By-law 2520

By-law 2520, as amended, is hereby further amended only to the extent necessary to give effect to the provisions of this By-law as it applies to the area set out in Schedule I to this By-law. Definitions and subject matters not specifically dealt with in this By-law shall be governed by relevant provisions of By-law 2520, as amended.
9. **Effective Date**

This By-law shall come into force in accordance with the provisions of the *Planning Act*.

By-law passed this XX day of XXXX, 2016.

David Ryan, Mayor

Debbie Shields, City Clerk
Location Map

FILE No: CP-2016-01 and A 05/16

APPLICANT: Madison Liverpool Limited

PROPERTY DESCRIPTION: Block Q of Plan M15, Parts 1 to 5, Plan 40WR74

(747 Liverpool Road)

DATE: May 30, 2016

SCALE 1:5000  PN-3
Original Submitted Concept Plan

**FILE No:** CP-2016-01 and A 05/16

**APPLICANT:** Madison Liverpool Limited

**PROPERTY DESCRIPTION:** Block Q of Plan M15, Parts 1 to 5, Plan 40WR74 (747 Liverpool Road)

FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING

CITY DEVELOPMENT DEPARTMENT

**DATE:** May 20, 2016

---

**City of PICKERING**

City Development Department
Original Submitted Conceptual Elevation - Single Detached Dwelling Fronting on Internal Private Road

FILE No: CP-2016-01 and A 05/16

APPLICANT: Madison Liverpool Limited

PROPERTY DESCRIPTION: Block Q of Plan M15, Parts 1 to 5, Plan 40WR74 (747 Liverpool Road)

FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING CITY DEVELOPMENT DEPARTMENT.

DATE: May 20, 2016
Original Submitted Conceptual Elevation - Rear Lane Townhouses Fronting Liverpool Road

FILE No: CP-2016-01 and A 05/16

APPLICANT: Madison Liverpool Limited

PROPERTY DESCRIPTION: Block Q of Plan M15, Parts 1 to 5, Plan 40WR74 (747 Liverpool Road)

FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING CITY DEVELOPMENT DEPARTMENT

DATE: May 20, 2016
Original Submitted Conceptual Elevation - Townhouses Fronting Internal Private Road

FILE No: CP-2016-01 and A 05/16

APPLICANT: Madison Liverpool Limited

PROPERTY DESCRIPTION: Block Q of Plan M15, Parts 1 to 5, Plan 40WR74 (747 Liverpool Road)

FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING CITY DEVELOPMENT DEPARTMENT.

DATE: May 20, 2016
TOTAL NUMBER OF UNITS REDUCED FROM 71 TO 67

INCREASE SIDE YARD TO PROTECT EXISTING TREE

EXISTING WALKWAY CONNECTION TO BE REMOVED AND DEDICATED TO ADJACENT PROPERTY OWNERS

FRONT YARD SETBACK REDUCED TO 4.5 METRES

DETACHED DWELLINGS: NUMBER REDUCED FROM 14 TO 10, WIDENED TO ACCOMODATE 4 PARKING SPACES AND BUILDING HEIGHT REDUCED TO 2 STOREYS

ACCESSIBLE WALKWAY TO PARK

BUILDING TYPES CHANGED TO REAR WALKOUTS ELIMINATING NEED FOR RETAINING WALLS ALONG MOST OF THE PROPERTY LINE

Revised Concept Plan

FILE No: CP-2016-01 and A 05/16

APPLICANT: Madison Liverpool Limited

PROPERTY DESCRIPTION: Block Q of Plan M15, Parts 1 to 5, Plan 40WR74 (747 Liverpool Road)
Revised Submitted Conceptual Elevation - Single Detached Dwelling Fronting on Internal Private Road

FILE No: CP-2016-01 and A 05/16

APPLICANT: Madison Liverpool Limited

PROPERTY DESCRIPTION: Block Q of Plan M15, Parts 1 to 5, Plan 40WR74 (747 Liverpool Road)

FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING CITY DEVELOPMENT DEPARTMENT.

DATE: May 20, 2016
Revised Conceptual Park Redevelopment Plan

FILE No: CP-2016-01 and A 05/16

APPLICANT: Madison Liverpool Limited

PROPERTY DESCRIPTION: Block Q of Plan M15, Parts 1 to 5, Plan 40WR74 (747 Liverpool Road)