

**The Corporation of the City of Pickering**

**By-law No. XXXX/20**

**Being a by-law to repeal and replace Zoning By-laws 1810/84, 5930/01, 2298/86 and 1099/80 in PART OF LOT 29, RANGE 3, BROKEN FRONT CONCESSION (GEOGRAPHIC TOWNSHIP OF PICKERING).**

Whereas the Council of The Corporation of the City of Pickering received an application to rezone the subject lands being PART OF LOT 29, RANGE 3, BROKEN FRONT CONCESSION (GEOGRAPHIC TOWNSHIP OF PICKERING) in the City of Pickering to permit a mixed use development;

Whereas Restricted Area Zoning By-law No. 3036 is the governing By-law of The Corporation of the City of Pickering pertaining to the subject lands;

WHEREAS the Council of the Corporation of the City of Pickering has deemed it advisable to repeal and replace By-law No. 1810/84, By-law No. 5930/01, By-law No. 2298/86 and By-law No. 1099/80;

AND WHEREAS an amendment to By-law No. 3036, as amended, is therefore deemed necessary;

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

1. SCHEDULES

Schedule 'I' and Schedule 'II' attached hereto with notations and references shown thereon is hereby declared to be part of this by-law.

2. AREA RESTRICTED

The provisions of this by-law apply to those lands legally described as PART OF LOT 29, RANGE 3, BROKEN FRONT CONCESSION (GEOGRAPHIC TOWNSHIP OF PICKERING) CITY OF PICKERING shown on Schedule 'I' of 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. In the event of a conflict between this by-law and By-law No. 3036, the provisions of this by-law shall apply.

4. DEFINITIONS

(1)

(a) "*Aisle*" means an internal vehicle route immediately adjacent to a *parking space* or *loading space* which provides vehicular access to and from the *parking space* or *loading space*, and is not a driveway.

(b) "*Amenity Space*" means the total passive or active recreational area provided on a *lot* for the personal, shared or communal use of the residents of a *building* or

*buildings*, and includes *balconies*, *patios*, rooftop gardens and other similar features, but does not include indoor laundry or locker facilities.

- (c) “*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*.
- (d) “*Building*” means a *structure* occupying an area greater than 10 square metres and consisting of any combination of walls, roof and floor but shall not include a mobile home.
- (e) “*Building, Mixed Use*” means a building containing residential uses and at least one non-residential use permitted by this by-law.
- (f) “*Commercial Use*” means any permitted use the primary purpose of which is to sell, lease or rent a product of service directly to the public, including but not limited to retail sales, entertainment services and personal or professional services, but shall exclude residential uses, an adult entertainment establishment and dating/escort service.
- (g) “*Dwelling*” includes:
- i) “*Apartment Dwelling*” means a residential use building containing four or more principal *dwelling units* where the units are connected by a common corridor or vestibule, other than a townhouse dwelling or *stacked dwelling*.
  - ii) “*Back-to-Back Townhouse Dwelling*” means a residential use *building* containing four or more attached principal *dwelling units* divided vertically where each unit is divided by common walls, including a common rear wall without a *rear yard setback*, and whereby each unit has an independent entrance to the unit from the outside accessed through the *front yard* or *exterior side yard*.
  - iii) “*Block Townhouse Dwelling*” means a residential use building containing three or more attached principal dwelling units divided vertically, and where all dwelling units are located on one lot and accessed from a private street, laneway or common condominium aisle.
  - iv) “*Dwelling Unit*” means a residential unit that:
    - consists of a self-contained set of rooms located in a *building* or *structure*;
    - is used or intended for use as a residential *premises*;
    - contains kitchen and bathroom facilities that are intended for the use of the unit only; and
    - is not a mobile home or any vehicle.

- v) “*Stacked Dwelling*” means a residential use *building* of five or fewer *storeys* in *height* containing three or more principal *dwelling units* where the units are divided horizontally and vertically, and in which each *dwelling unit* has an independent entrance to the interior.
  - vi) “*Street Townhouse Dwelling*” means a residential use building containing three or more attached principal dwelling units divided vertically and where all dwelling units are located on a street.
- (h) “*Floor Area*” means the total area of all floors of a *building* within the outside walls.
- (i) “*Floor Area, Net*” means the total area of all floors of a *building* measured from the interior faces of the exterior walls or demising walls, but does not include the following areas:
- i. *Motor vehicle* parking and *bicycle parking* below *established grade*;
  - ii. *Motor vehicle* parking and *bicycle parking* at or above *established grade*;
  - iii. *Loading spaces* and related corridors used for loading purposes;
  - iv. Rooms for storage, storage lockers, washrooms, electrical, utility, mechanical and ventilation;
  - v. Indoor *amenity space* required by this by-law;
  - vi. Elevator, garbage and ventilating shafts;
  - vii. Mechanical penthouse, and
  - viii. Stairwells in the building.
- (j) “*Floor Space Index*” means the total net floor area of all *buildings* on a *lot* divided by the total area of the *lot*.
- (k) “*Grade*” or “*Established Grade*” means the average elevation of the finished level of the ground adjoining all exterior walls of a building.
- (l) “*Height*” means the vertical distance between the *established grade*, 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* level between eaves and ridge. When the regulation establishes *height* in *storeys*, means the number of *storeys*. The *height* requirements of this by-law shall not apply to roof top mechanical penthouses.
- (m) “*Loading Space*” means an unobstructed area of land which is provided and maintained upon the same *lot* or *lots* upon which the principal use is located and which area is provided for the temporary parking of one commercial *motor vehicle* while merchandise or materials are being loaded or unloaded from such vehicles.
- (n) “*Lot*” means a parcel of land fronting on a *street*, whether or not occupied by a *building* or *structure*.

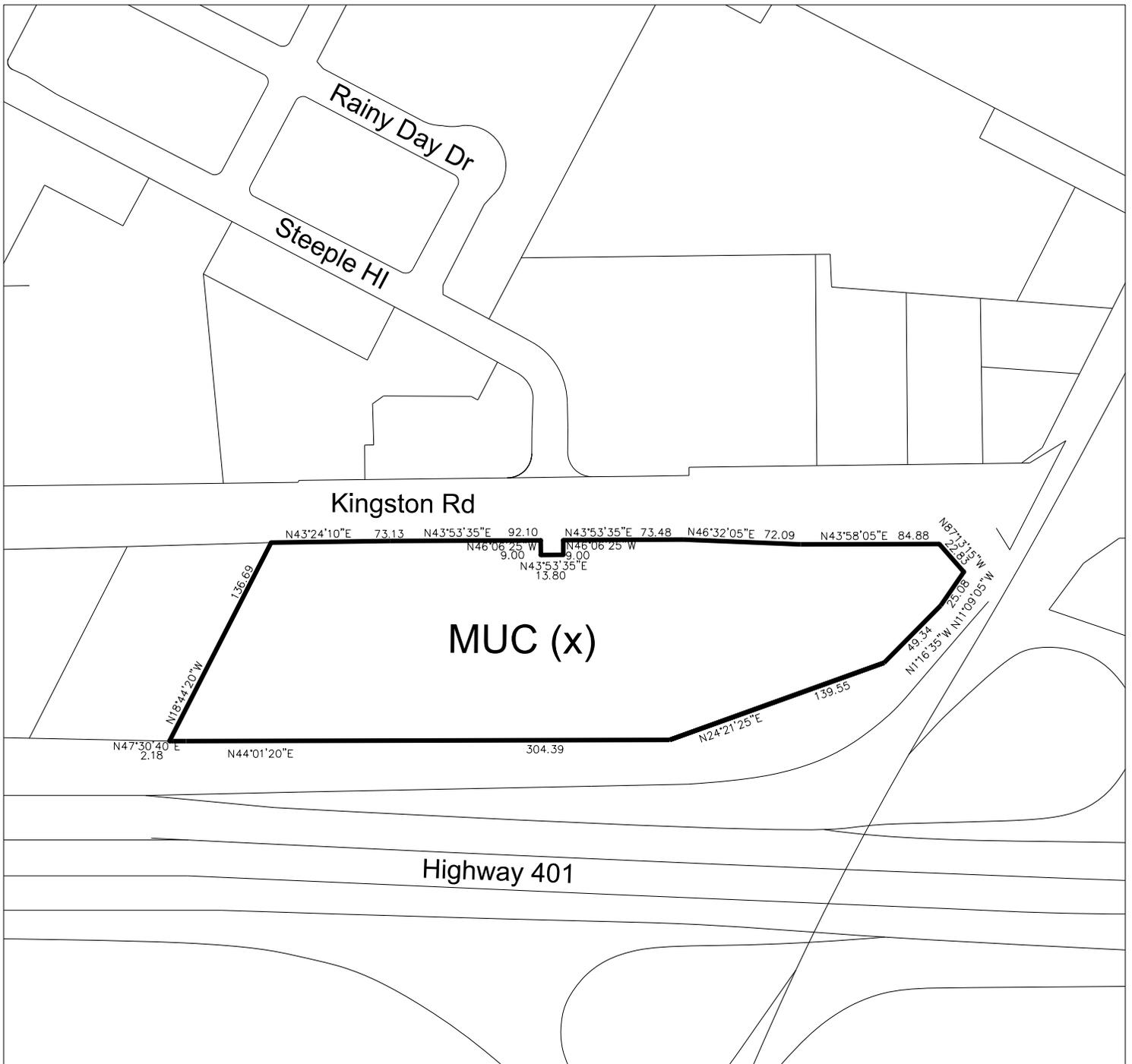
- (o) "*Lot Area*" means the total horizontal area of a *lot*.
- (p) "*Lot Line*" means a line delineating any boundary of a *lot*.
- (q) "*Lot Line, Front*" means the *lot* line, which separates a *lot* from the Kingston Road right-of-way.
- (r) "*Lot Line, Interior Side*" means a *lot line* of the *lot* identified on Schedule '1' of this by-law, which is not adjacent to a *street* or to Highway 401.
- (s) "*Lot Line, Rear*" means the *lot line*, which separates a *lot* from the Highway 401 right-of-way.
- (t) "*Main Wall*" means a primary exterior front or rear of a *building*, not including permitted projections.
- (u) "*Side wall*" means a wall that is not a primary exterior front or a rear wall of a *building*, not including permitted projections.
- (v) "*Motor Vehicle*" means an automobile, motorcycle, recreational vehicle, trailer, and any other vehicle propelled, towed or driven otherwise than by muscular power.
- (w) "*Office*" means a *building* or part thereof, where administrative and clerical functions are carried out in the management of a business, profession, organization or public administration and shall include a medical office.
- (x) "*Parking Space*" means an unobstructed area of land that is accessible by an *aisle*, having access to a *street* or *lane* that is reserved for the purpose of the temporary parking or storage of one *motor vehicle*.
- (y) "*Parking Space, Bicycle*" means an area used exclusively for parking or storing a bicycle.
- (z) "*Parking Structure*" means a building or portion thereof, containing one or more *parking spaces*.
- (aa) "*Patio*" means an outdoor area where seating accommodation can be provided and/or where meals or refreshments are served to the public for consumption.
- (bb) "*Podium*" means the base of a *building, structure* or part thereof located at or above *established grade* that projects from the *tower* portion of the *building*.

- (cc) “*Premises*” means the whole or part of lands, *buildings* or *structures*, or any combination of these.
- (dd) “*Setback*” means the distance between a *building* and a *lot line*. In calculating the *setback* the horizontal distance from the respective *lot line* shall be used.
- (ee) “*Storey*” means that portion of a *building* other than a basement, cellar, or attic, included between the surface of any floor, and the surface of the floor, roof deck or ridge next above it.
- (ff) “*Street*” means a public highway but does not include a lane or a King’s Highway (Highway 401). Where a 0.3 metre reserve abuts a *street*, or where a *daylight triangle* abuts a *street*, for the purposes of determining *setbacks* the *street* shall be deemed to include the 0.3 metre reserve and/or the *daylight triangle*, however, nothing herein shall be interpreted as granting a public right of access over the 0.3 metre reserve or as an assumption of the 0.3 metre reserve as a public highway for maintenance purposes under the Municipal Act.
- (gg) “*Structure*” means anything that is erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground and shall include *buildings*, walls or any sign, but does not include fences below six feet in *height* or inground swimming pools.
- (hh) “*Tower*” means the *storeys* within that portion of a *building* or *structure* or part thereof located above the *podium*.
- (ii) “*Tower Floor Plate*” means the average *floor area* of all *storeys* within that portion of a *building* or *structure* or part thereof located above the *podium*, measured to the exterior faces of exterior walls of each *storey* of a *building* or *structure*.

5. Schedule ‘II’ of this by-law rezones the lands as depicted on Schedule ‘I’ to this by-law as “Mixed Use Corridor” (“MUC”), subject to Site-Specific Exception “x”.
6. Schedule ‘II’ of this by-law identifies ‘Areas’ within the lands depicted on Schedule ‘I’ of this by-law.
7. The following Zoning By-law Exception Table establishes permissions that are specific to the ‘Areas’ identified on Schedule ‘II’ of this by-law and also permissions that apply to the whole of the lands identified on Schedule ‘I’ of this by-law.

<b>Zone Provisions</b>	
The following regulations apply:	
(a)	No person shall within the lands zoned "MUC-XX" on Schedule 'II' attached hereto, use any <i>lot</i> or erect, alter or use any <i>building</i> or <i>structure</i> for any purpose except the following: <ul style="list-style-type: none"> <li>i) <i>Apartment Dwelling</i>;</li> <li>ii) <i>Stacked dwelling</i>;</li> <li>iii) <i>Back-to-back townhouse dwelling</i>;</li> <li>iv) <i>Block townhouse dwelling</i>;</li> <li>v) <i>Street townhouse dwelling</i>;</li> <li>vi) <i>Commercial Uses</i>; and,</li> <li>vii) <i>Office</i>.</li> </ul>
(b)	The maximum <i>height</i> of a <i>building</i> shall be specific to the areas shown on Schedule 'II' of this by-law, as follows: <ul style="list-style-type: none"> <li>i) Area 'A': 18 <i>storeys</i>;</li> <li>ii) Area 'B': 42 <i>storeys</i>.</li> <li>iii) Area 'C': 24 <i>storeys</i>.</li> </ul>
(c)	The maximum <i>Floor Space Index</i> permitted on the lands shown on Schedule 'I' of this by-law shall be as follows: <ul style="list-style-type: none"> <li>i) Total <i>Floor Space Index</i>: 5.0;</li> <li>ii) Residential <i>Floor Space Index</i>: 4.87</li> <li>iii) Non-Residential <i>Floor Space Index</i>: 0.14</li> </ul>
(d)	The maximum <i>tower floor plate</i> in Areas 'B' and 'C' shown on Schedule 'II' of this by-law shall be: 850 square metres.
(e)	<ul style="list-style-type: none"> <li>i) The minimum separation distance between the <i>main walls</i> of different <i>buildings</i> on the lands depicted on Schedule 'I' of this by-law shall be 12.0 metres.</li> <li>ii) The minimum separation between different <i>buildings</i> be reduced to 6.0 metres where a <i>main wall</i> or <i>side wall</i> flanks a <i>side wall</i>.</li> </ul>
(f)	The minimum separation distance between the <i>main walls</i> of <i>towers</i> shall be 25.0 metres.
(g)	The minimum <i>setbacks</i> between the <i>main walls</i> of <i>buildings</i> and <i>lot lines</i> shall be in accordance with the following: <ul style="list-style-type: none"> <li>• <i>Front lot line</i>: 3.0 metres, with the exception of any <i>building</i> in Area 'C' shown on Schedule 'II' of this by-law, in which case the minimum <i>setback</i> from the <i>front lot line</i> shall be 1.0 metre; and</li> <li>• <i>Interior side lot line</i>: 6.0 metres.</li> </ul>
(h)	Notwithstanding any other provision of this by-law, no <i>building</i> , <i>structure</i> , <i>parking space</i> , <i>loading space</i> , <i>aisle</i> or stormwater management facility shall be located above or below grade, within 14.0 metres of any <i>lot line</i> abutting the boundary of the Highway 401 Corridor.
(i)	<i>Amenity space</i> is required to be provided at a minimum rate of 4.0 square metres for each <i>apartment dwelling</i> , of which: <ul style="list-style-type: none"> <li>i) at least 2.0 square metres for each <i>apartment dwelling</i> is indoor <i>amenity space</i>;</li> <li>ii) at least 2.0 square metres for each <i>apartment dwelling</i> is outdoor <i>amenity space</i>.</li> </ul>

(j)	<p><i>Parking spaces</i> must be provided in accordance with the following minimum rates:</p> <p><b>Residential Parking</b></p> <ul style="list-style-type: none"> <li>i) <i>Apartment dwelling</i>: 0.80 parking spaces per unit;</li> <li>ii) <i>Stacked dwelling</i>: 1.0 spaces per unit;</li> </ul> <p><b>Residential Visitor and Non-Residential Parking</b></p> <ul style="list-style-type: none"> <li>iii) Residential visitor: 0.15 spaces per <i>dwelling unit</i>;</li> <li>iv) <i>Office</i>: 2.5 spaces per 100 square metres of <i>Net Floor Area</i>.</li> <li>v) <i>Commercial uses</i>: 0 spaces.</li> </ul> <p>vi) Despite the minimum parking rates in Section 7(j) iii), iv) and v) of this by-law, a shared parking formula may be used for the calculation of required <i>parking spaces</i> for residential visitors, <i>office</i> and <i>commercial uses</i> on the lands identified on Schedule 'I' of this by-law.</p> <p>All required parking spaces must be accessible to all uses participating in the shared parking arrangement for residential visitors, office and commercial uses on the lands shown in Schedule 'I' of this by-law and may not be reserved for specific users.</p> <p>The details of the shared parking formula are to be established in the shared parking arrangement and must comply with the following minimum utilization rates:</p> <table border="1" data-bbox="375 1083 1369 1308"> <thead> <tr> <th rowspan="3"></th> <th colspan="8">Requirements with Sharing**</th> </tr> <tr> <th colspan="4">Weekday</th> <th colspan="4">Weekend</th> </tr> <tr> <th>Morning</th> <th>Noon</th> <th>Afternoon</th> <th>Evening</th> <th>Morning</th> <th>Noon</th> <th>Afternoon</th> <th>Evening</th> </tr> </thead> <tbody> <tr> <td>Residential Visitors</td> <td>20%</td> <td>20%</td> <td>60%</td> <td>100%</td> <td>20%</td> <td>20%</td> <td>60%</td> <td>100%</td> </tr> <tr> <td>Office</td> <td>100%</td> <td>90%</td> <td>95%</td> <td>10%</td> <td>10%</td> <td>10%</td> <td>10%</td> <td>0%</td> </tr> <tr> <td>Commercial Uses</td> <td>65%</td> <td>90%</td> <td>90%</td> <td>90%</td> <td>80%</td> <td>100%</td> <td>100%</td> <td>70%</td> </tr> </tbody> </table> <p>**The utilizations rates for each use are expressed as a percentage of the minimum requirements contained in Sections 7 (j), iii), iv) and v) of this by-law.</p>		Requirements with Sharing**								Weekday				Weekend				Morning	Noon	Afternoon	Evening	Morning	Noon	Afternoon	Evening	Residential Visitors	20%	20%	60%	100%	20%	20%	60%	100%	Office	100%	90%	95%	10%	10%	10%	10%	0%	Commercial Uses	65%	90%	90%	90%	80%	100%	100%	70%
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Commercial Uses	65%	90%	90%	90%	80%	100%	100%	70%																																													
(k)	<p><i>Bicycle parking spaces</i> must be provided in accordance with the following minimum rates:</p> <ul style="list-style-type: none"> <li>• <i>Apartment dwelling</i>: 0.5 spaces per unit;</li> <li>• <i>Stacked dwelling</i>: 1.0 spaces per unit; and,</li> <li>• Non-residential uses: The greater of 2 or 1.0 spaces per 1,000 square metres of <i>Net Floor Area</i>.</li> </ul>																																																				
(l)	<p>The minimum dimensions of <i>loading spaces</i> by type are required as follows:</p> <ul style="list-style-type: none"> <li>• Type 'A': 3.5m width x 6.0m length x 3.0m vertical clearance;</li> <li>• Type 'B': 4.0m width x 13.0m length x 6.1m vertical clearance.</li> </ul>																																																				
(m)	<p>A minimum of 10 <i>loading spaces</i>, inclusive of 4 Type 'A' <i>loading spaces</i> and 6 Type 'B' <i>loading spaces</i> are required.</p>																																																				



Schedule I to Bylaw #### 20  
 Passed This ##th  
 Day of ###, 2020

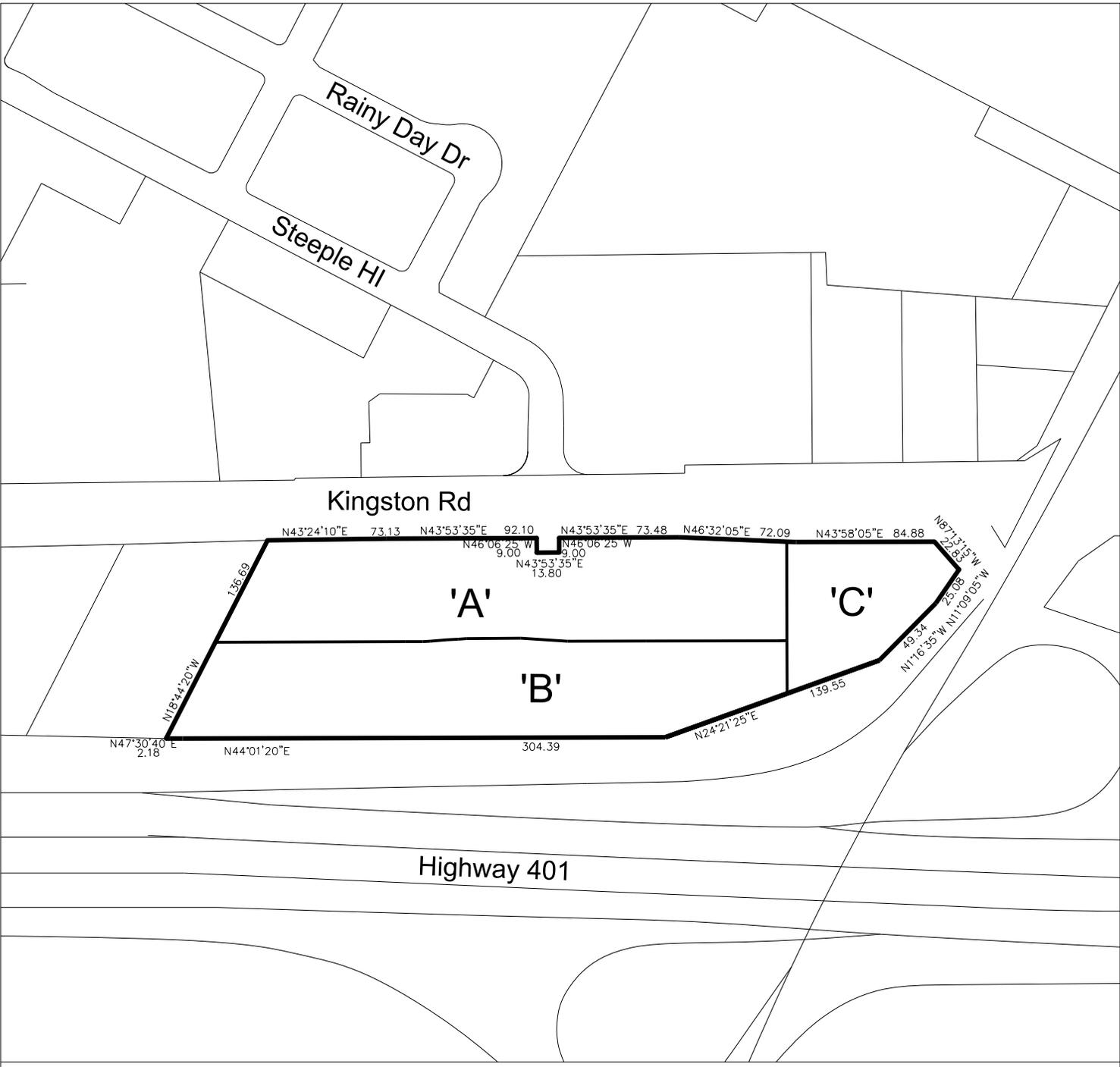
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Mayor

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Clerk





Schedule II to Bylaw ##### 20  
 Passed This ##th  
 Day of ###, 2020

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Mayor

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Clerk

