

The Corporation of the City of Pickering

By-law No. ~~8117/24~~ x x x x / 26

Being a By-law to amend Restricted Area (Zoning) By-law 2511, as amended, to implement the Official Plan of the City of Pickering, Region of Durham, Lots 8 to 12 and 16, Plan M-89, and Part of Lot 23 Broken Front Concession 3 (A 02/23)

Whereas the Council of The Corporation of the City of Pickering received an application to rezone the subject lands being Lots 8 to 12 and 16, Plan M-89, and Part of Lot 23, Broken Front Concession 3, in the City of Pickering to permit the development of up to 51 townhouse units, ~~10 of which with potential for ground floor commercial uses;~~ and up to ~~81~~ ^{81 to 250 m²} ~~to 250 m²~~ ⁴⁸⁵ of ground floor commercial uses in ~~mixed use~~ ^{mixed use} buildings. And whereas an amendment to Zoning By-law 2511, as amended, is deemed necessary to permit such development;

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 being Lots 8 to 12 and 16, Plan M-89, and Part of Lot 23, Broken Front Concession 3, designated "(H)MD-H24", "(H)MU-35" and "OS-HL-6" 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) "Business Office" means a building or part of a building in which the management or direction of business, a public or private agency, a brokerage or a labour or fraternal organization is carried on and which may include a telegraph office, a data processing establishment, a newspaper publishing office, the premises of a real estate or insurance agent, or a radio or television broadcasting station and related studios or theatres, but shall not include a retail store;
- (5) "Commercial School" means a school which is operated for gain or profit and may include the studio of a dancing teacher or music teacher, or an art school, a golf school or any other such school operated for gain or profit, but shall not include any other school defined herein;
- (6) "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.
- (7) "Deck" means a raised platform attached to the exterior wall of a building and with direct access from within a building and from grade.
- (8)
 - (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.
- (9) "Floor Area – Residential" means the area of the floor surface contained within the outside walls of a storey or part of a storey.
- (10) "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.
- (11) "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.

- (12) "Lands, Subject" means the lands subject of this by-law.
- (13) (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.
- (14) "Parapet Wall" means the portion of an exterior wall extending above the roof.
- (15) "Park, Private" means an area of land not under the jurisdiction of a public authority that is designed or maintained for active or passive recreational purposes;
- (16) "Personal Service Shop" means an establishment in which a personal service is performed and which may include a barber shop, a beauty salon, a shoe repair shop, a tailor or a dressmaking shop or a photographic studio, but shall not include an adult entertainment parlour as defined herein or a body-rub parlour as defined in Section 224(9)(b) of the *Municipal Act* R.S.O.1990, Chapter M.45, as amended from time to time, or any successor thereto;
- (17) "Porch" means a roofed deck or portico structure attached to the exterior wall of a building. A basement may be located under the porch.
- (18) "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.
- (19) "Professional Office" means a building or part of a building in which medical, legal or other professional service is performed or consultation given, and which may include a clinic, the offices of an architect, a chartered accountant, an engineer, a lawyer or physician, but shall not include a body-rub parlour as defined in Section 224(9)(b) of the *Municipal Act*, R.S.O.1990, chapter M.45, as amended from time to time, or any successor thereto;
- (20) "Park, Private" means a park which is maintained by a condominium corporation.
- (21) "Retail Store" means a building or part of a building in which goods, wares, merchandise, substances, articles or things are stored, kept and offered for retail sale to the public
- (22) (a) "Street" means a right-of-way or roadway that is used by vehicles and includes a public highway and a private street within a condominium.

- (b) "Street, Private" means:
- (i) a right-of-way or roadway that is used by vehicles and is maintained by a condominium corporation;
 - (ii) a private road condominium, which provides access to individual freehold lots;
 - (iii) a private right-of-way over private property, that provides access to lots abutting the private street;
- but is not maintained by a public body and is not a lane.
- (23) "Wall, Front" means the wall of the dwelling closest to the front lot line.
- (24) "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.
- (25) (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 ("~~MD-H23~~", "~~MD-H24~~" and "~~MU-35~~" Zones)

- (a) No person shall within the lands zoned "MD-H23", "MD-H24" and "MU-35" 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
- ii) Multiple Dwelling – Stacked and/or Back to Back Units.

- (2) Zone Requirements ("~~MD-H23~~", "~~MD-H24~~" and "~~MU-35~~" Zones)

No person shall within the lands zoned "~~MD-H23~~", "~~MD-H24~~" and "~~MU-35~~" on Schedule I to this By-law, use any lot or erect, alter, or use any building except in accordance with the following provisions:

		" MD-H23 " Zone	" MD-H24 " Zone	" MU-35 " Zone
(a)	Number of Dwelling Units (maximum)	81 51 dwelling units		
(b)	Lot Frontage (minimum)	TBD	6.0 metres	
(c)	Lot Area (minimum)	TBD 130 square metres		
(d)	Front Yard Depth (minimum)	4.5 metres		4.5 metres, but, may be reduced to 3.7 metres for end units
(e)	Side Yard Depth (minimum)	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. May be reduced to 1.2 metres for the most westerly unit fronting Wharf Street.	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.	1.2 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.

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		"MD-H23" Zone <small>xx</small>	"MD-H24" Zone <small>xx</small>	"MU-35" Zone <small>xx</small>
(f)	Rear Yard Depth (minimum)	6.5 metres	0.6 metres	4.4 metres
(g)	Flankage Yard Depth (minimum)	2.4 metres		1.9 metres
(h)	Building Height (maximum)	11.0 metres (3 storeys)		
(i)	Driveway Width (maximum)	3.4 metres	Nil	3.4 metres
(j)	Parking Requirements (minimum)	2.0 parking spaces per dwelling unit EXCEPT <i>STACKED UNITS @ 1.5 parking spaces per unit</i>		
(k)	Visitor Parking Requirements (minimum)	²⁵ 0.34 of a parking space per dwelling unit		
(l)	Garage Requirements	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 a private or public street.	Minimum 1 private garage per lot attached to the main building.	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 a private or public street.
(m)	Interior Garage Size (minimum)	A private garage shall have a minimum width of 3.0 metres and a minimum depth of 6.0 metres.	A private garage shall have a minimum width of 5.6 metres and a minimum depth of 6.0 metres.	A private garage shall have a minimum width of 3.0 metres and a minimum depth of 6.0 metres.
(o)	Private Park (minimum)	200 square metres, with a minimum frontage of 8.0 metres along Liverpool Road and 22.0 metres along Wharf Street.		

- (3) Special Provisions ("MD-H23", "MD-H24" and "MU-35" 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 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;
 - (c) 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;
 - (d) Outdoor Private Amenity Area for lands zoned "MD-H24" and "MU-35" on Schedule I to this By-law:
 - (i) a minimum of 12 square metres of outdoor private amenity area shall be provided on a balcony, ~~or~~ above the garage; *or roof top terrace*;
 - (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 Provisions ("MD-H23" Zone)
- (a) A porch, uncovered deck or balcony and associated steps may encroach into any required front yard, side yard and flankage yard to a maximum of 2.5 metres or half the distance of the required yard, whichever is less;
 - (b) A porch or uncovered deck or balcony may encroach into any required rear yard to a maximum of 2.0 metres;
 - (c) Stairs to a porch or uncovered deck may encroach to within 3.5 metres of a rear lot line.
- (5) Special Provisions ("MD-H24" Zone)
- (a) A porch, uncovered deck or balcony may encroach into any required front yard to a maximum of 2.5 metres;
 - (b) Stairs to a porch, uncovered deck or entrance may encroach to within 0.45 of a metre of the front lot line.

- (6) Special Provisions ("~~MU-35~~ Zone") (MU-35 Zone)
- (a) ~~Dwelling units within the "MU-35" Zone shall provide a minimum ground floor area of 50 square metres, with a minimum finished ceiling height of 2.7 metres, exclusive of stairwells, to enable their use for commercial purposes;~~
- (b) Despite Section 5(1)(a)(i) above, the following non-residential uses may be permitted within only the ground floor of a Multiple Dwelling – Horizontal dwelling unit:
- (i) Business office
 - (ii) Professional office
 - (iii) Commercial school
 - (iv) Professional service shop
 - (v) Retail store
- (c) A porch, uncovered deck or balcony may encroach into any required front or rear yard to a maximum of 2.5 metres or half the distance of the required yard, whichever is less;
- (d) Stairs to a porch, uncovered deck or entrance may encroach to within 0.45 of a metre of the front lot line.
- (7) Special Regulations ("MD-23", MD-H24" and "MU-35" Zones)
- (a) Despite the provisions of Section 5.6 of By-law 2511, 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(6)(a) above, the lot line abutting Annland Road shall be deemed to be the Front Lot Line for the lands Zoned "MD-H24" on Schedule I to this By-law;
- (c) Despite Section 5(6)(a) above, the lot line abutting Liverpool Road shall be deemed to be the Front Lot Line for the lands zoned "MU-35" on Schedule I to this By-law;
- (d) A water meter building required by the Region of Durham for the purpose of measuring the quantity of water delivered shall be exempt from the "MD-23", MD-H24" and "MU-35" zone provisions and zone requirements;
- (e) Sections 5.20, 5.21.1, 5.21.2(a)(b)(d)(f), 6.4, 6.6 and 6.7a)(iv) of By-law 2511, as amended shall not apply to the lands zoned "MD-23", MD-H24" and "MU-35" on Schedule I to this By-law.

6. Provisions**(1) Uses Permitted ("OS-HL-6" Zone)**

- (a) No person shall within the lands zoned "OS-HL-6" on Schedule I to this By-law, use any lot or erect any buildings or structures for any purpose except the following:
- (i) Preservation and conservation of the natural environment, soil and wildlife;
 - (ii) Resource management;
 - (iii) Private park.

(2) Zone Requirements ("OH-HL-6" Zone)

- (a) No building or structures shall be permitted to be erected, nor shall placing or removal of fill be permitted, except where buildings or structures are used only for purposes of floor and erosion control, or resource management.

7. Model Homes

- (1) A maximum of 1 block, together with not fewer than 2 parking spaces per Model Home, may be constructed on the lands zoned "MD-H23" 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-H24" 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 "MU-35" 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. Provisions ("(H)MD-H23", "(H)MD-H24" and "(H)MU-35" Zones)**(1) Uses Permitted ("(H)MD-H23", "(H)MD-H24" and "(H)MU-35" Zones)**

Until such time as the "(H)" Holding Provision is lifted, the lands shall not be used for any purposes other than the existing lawful uses, located on the land or in existing buildings or structures, provided such use continues in the same manner and for the same purpose for which they were used on the day this by-law was passed.

(2) Zone Requirements (“(H)MD-H23”, “(H)MD-H24” and “(H)MU-35” Zones)

The “(H)” Holding Symbol shall be removed from the “(H)MD-H23”, “(H)MD-H24” and “(H)MU-35” Zones until the completion of the following:

- (a) the owner has satisfied all the requirements of the Regional Municipality of Durham with respect to the provision of sewer and water services, Regional roads, and entered into any necessary agreements in this regard.

9. **By-law 2511**

By-law 2511, 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 2511, as amended.

10. **Effective Date**

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

By-law passed this ~~24th~~ day of ~~June~~, ~~2024~~.

Original Signed By
Kevin Ashe, Mayor

Original Signed By
Susan Cassel, City Clerk

