

The Corporation of the City of Pickering

By-law No. #####/24

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, Part of Bayly Street, PL 40m-1334, City of Pickering (A 10/23)

Whereas the Council of The Corporation of the City of Pickering deems it desirable to permit a twelve-storey apartment building on lands being 'Part of Bayly Street Plan 40M–1334 City of Pickering';

And whereas an amendment to By-law 2511, as amended, is therefore deemed necessary;

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

**1. Schedules 1, 2, and 3**

Schedules I, II, and III 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 'Part of Bayly Street Plan 40M–1334 City of Pickering', designated "RM2(XXX)" on Schedules 1 and 2 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**

- (1) "Amenity Area" means an outdoor or indoor area located anywhere on a lot, or any other building which includes landscape area, but which may also include areas of decking, decorative paving or other similar surface and includes a balcony, porch, private patio or terrace.

- (a) "Private Amenity Area" means an amenity area which is used exclusively by, and has direct access from the interior of a dwelling unit.
  - (b) "Common Amenity Area" means an amenity area that is common to all dwelling units within a multi-unit building.
- (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) "Bicycle Parking Space, Long-Term" means an area used exclusively for parking or storing a bicycle intended for use by occupants or tenants of a building.
  - (4) "Bicycle Parking Space, Short-Term" means an area used exclusively for parking or storing a bicycle intended for use by visitors to a building.
  - (5) "Daylight Triangle" means a triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines.
  - (6) "Driveway" means a private way used to provide vehicular access from a roadway to provide access to the principal use of the lot or a loading space located on the same lot.
  - (7) "Grade" or "Established Grade" means, for the purposes of this By-law, a geodetic elevation of 105.05 metres above sea level.
  - (8) "Ground Floor Area" means the area of that portion of a lot above grade occupied by a building or structure, exclusive of any porch, private garage, verandah or sunroom, unless such sunroom is habitable at all seasons, and shall not include a structure solely used to enclose an access to an underground parking area.
  - (9) "Gross Floor Area" means the total area, expressed in square metres (m<sup>2</sup>) of each floor whether located above or at grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding and porch, veranda, cellar, terrace, mechanical room or penthouse, or areas dedicated to parking or loading within the building, or enclosed staircases providing access to an underground parking area. For the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls.

- (10) “Height, Building” 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, The height requirements of this By-law shall not apply to a mechanical penthouse, equipment required for building operations, green roof, ornamental fixtures such as a cupola or antenna, or any architectural or decorative screening intended to prevent visibility of equipment required for building operations.
- (11) “Landscaped Area” means an outdoor area comprising trees, plants, decorative stonework, retaining walls, walkways, or other landscape or architectural elements, excluding aisles, private streets, driveways, and areas for loading, parking or storing of vehicles.
- (12) “Loading Space” means an unobstructed area of land which is provided and maintained upon the same lot upon which the principal use is located, and which area is provided for the temporary parking of one (1) commercial vehicle while waste or materials are being loaded or unloaded from such vehicles.
- (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;
- (14) “Porch” means a covered or uncovered deck, portico or other structure with direct access to the ground that is attached to the exterior wall of a building.
- (15) “Private Park” means an area of land not under the jurisdiction of a public authority, but which may permit public access, that is designed or maintained for active or passive recreational purposes and may be comprised of trees, plants, decorative stonework, public art, retaining walls, walkways, stairs, steps or other landscape or architectural elements.
- (16) “Underground Garage” means a structure or space below grade, used for the storage of one or more vehicles, in which structure no business or service is conducted for profit or otherwise.
- (17) “Storey” means that portion of a building other than an underground structure, mechanical penthouse, or structure enclosing an access to an underground parking area, included between the surface of any floor and the surface of the floor or roof next above it.

- (18) “Terrace” means an attached covered or uncovered platform projecting from the face of an exterior wall, which is only directly accessible from within a building, usually surrounded by a balustrade or railing, and which may have direct exterior access to grade.
- (19)
- (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) “Flankage Side Yard” means a side yard immediately adjoining a street not including a private street or abutting on a reserve on the opposite side of which is a street;
  - (c) “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 (Multiple Family Dwelling Second Density “RM2(XX)” Zone)**

- (1) Uses Permitted RM2(XXX)

No person shall within the lands zoned “RM2(XXX)” on Schedule II to this By-law, use any lot or erect, alter, or use any building or structure for any purpose except the following:

- (a) Apartment House Dwelling
  - (b) Bank
  - (c) Bake Shops
  - (d) Service Stores
  - (e) Dry Cleaning and Laundry Collecting Stations
  - (f) Retail Stores
  - (g) Business or Professional Offices
  - (h) Photographers, Tailor, or Dressmakers Shops
  - (i) Sample or Showroom
- (2) Zone Requirements (“RM2(XXX)” Zone)

No person shall within the lands zoned “RM2(XXX)” on Schedule 2 to this By-law, use any lot or erect, alter, or use any building except in accordance with the following provisions:

(a)	Building Location	No building or part of a building or structure shall be erected outside of the building envelope as illustrated on the Schedule 3 attached hereto.
(b)	Lot Frontage (minimum)	60.0 metres
(f)	Building Height (maximum)	36.0 metres
(g)	Number of Dwelling Units (maximum)	262
(h)	Parking Requirements (minimum)	1.25 spaces per dwelling unit
(i)	Visitor Parking Requirements (minimum)	0.25 spaces per dwelling unit
(j)	Non-residential Parking Requirements (minimum)	Shall be combined with residential visitor parking.
(k)	Residential Bicycle Parking Requirements (minimum) a) Long-Term b) Short Term	a) 0.5 spaces per dwelling unit b) 0.1 spaces per dwelling unit
(l)	Non-Residential Bicycle Parking Requirements (minimum)	The greater of 2.0 total long-term bicycle parking spaces or 1.0 bicycle parking space for each 1,000 m <sup>2</sup> of gross leasable floor area or portion thereof.
(m)	Gross Floor Area (maximum)	23,865.0 square metres
(n)	Non-residential Gross Floor Area (maximum)	100 square metres

## 6. Special Provisions (“RM2(XXX)” Zone)

- (1) No building, or portion of a building, or structure shall be erected within the building envelope, unless a minimum of 40 percent of the entire length of the build-to-zone, as illustrated on Schedule 3 attached hereto, contains a building or part of a building.
- (2) Sections 5.15, 5.19, 5.21.1, 6.6, 12.3.4, and 12.3.7 of By-law 2511, as amended, shall not apply to the lands shown on Schedule I to this By-law.
- (3) A driveway or drive aisle shall have a minimum width of 6.0 metres.

- (4) The minimum setback to a daylight triangle shall be 0.9 metres.
- (5) Projections such as terraces, balconies, privacy screens between same, and other similar architectural features, or features associated with an outdoor Common Amenity Areas may be permitted to be located beyond the building envelope as identified on Schedule 3 attached hereto to a point not less than 1.0 metres from a property line, except that an at grade terrace or Private Park may extend to the property line abutting Granite Court or Whites Road.
- (6) Walls or screens for covering utilities may be permitted to be located beyond the building envelope as identified on Schedule 3 attached hereto and in any required yard to a maximum height of 2.0 metres but shall not extend beyond the property line.
- (7) An enclosed staircase used to access the underground parking structure may be located outside of the building envelope.
- (8) The vertical clearance of a parking space may be obstructed by such facilities intended to be used for a suspended or wall mounted bicycle parking space for the exclusive use of the owner or user of the parking space.
- (9) Non-residential uses shall only be located at grade abutting a public right-of-way
- (10) Residential Visitor parking may be combined with Non-Residential parking.

## **7. Special Regulations (“RM2(XXX)” Zone)**

- (1) The lot line abutting Granite Court shall be deemed the front lot line, and the lot line abutting a rail corridor shall be deemed the rear lot line, for lands zoned “RM2(XXX)”.
- (2) A minimum of 4.0 square metres of outdoor Common Amenity Area shall be provided for each unit on lands zoned “RM2(XXX)”, with a minimum contiguous area of 40.0 square metres.
- (3) A unit maintained as a common element of a condominium corporation, or controlled and managed by a Property Management company, which is not permanently occupied and is used for the temporary accommodation of visitors shall not be considered a ‘dwelling unit’ and shall not require additional parking.

- (4) A unit containing non-residential floor area may be converted to residential use if, and subject to commercially reasonable efforts, an ultimate owner or tenant does not occupy or use the space after a period of 3-years from the date of the first occupancy of the building. In such an instance, the additional unit shall be deemed to comply with the provisions of Section 5(2) of this Exception.

**8. Sales Centre**

Nothing shall prevent the erection of a temporary structure on the property subject to this By-law used for the purposes of sales or marketing purposes related to the development of the land pursuant to an agreement with the City of Pickering.

**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 1 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.

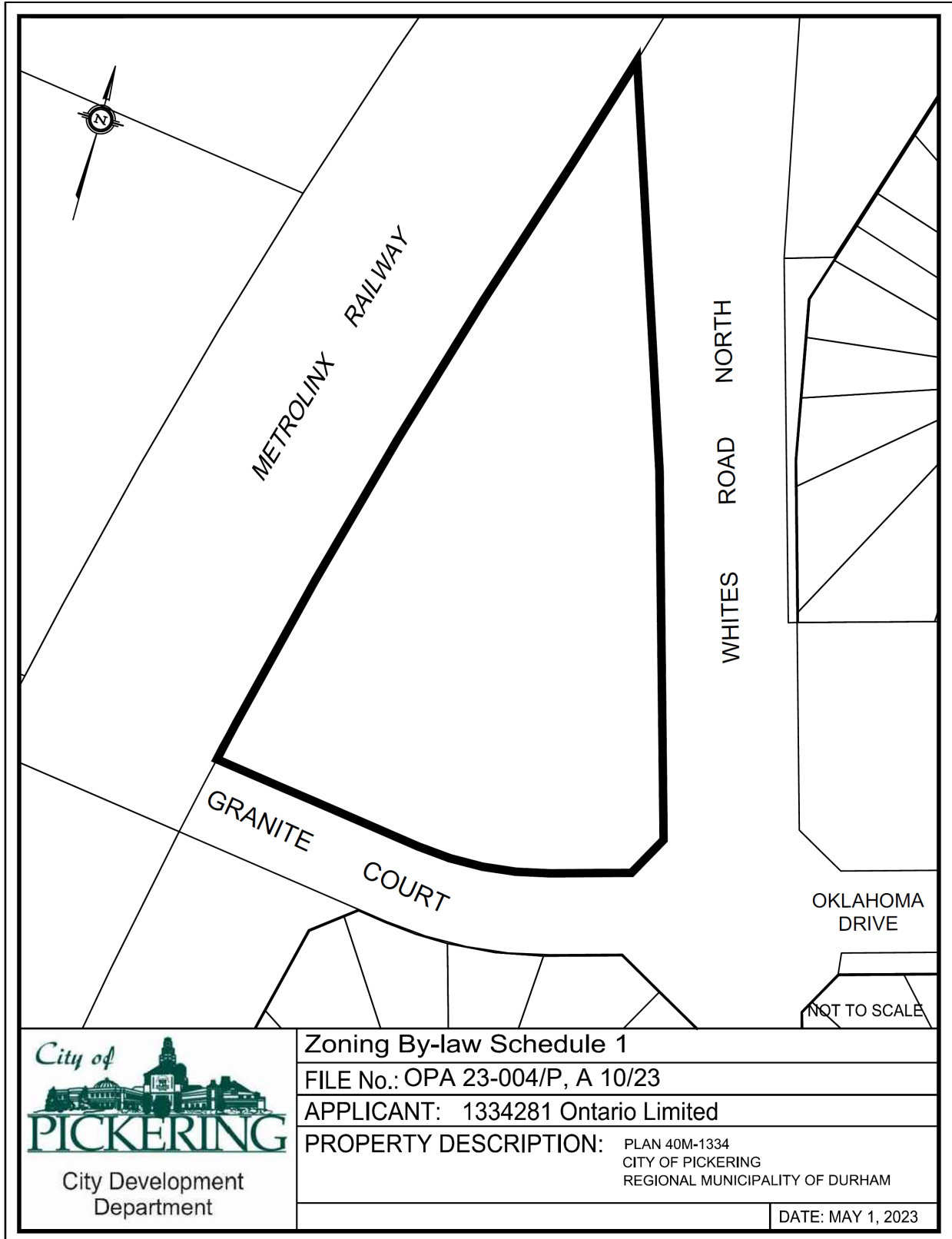
By-law passed this \_\_ day of \_\_\_\_\_, 2023.

---

Kevin Ashe, Mayor

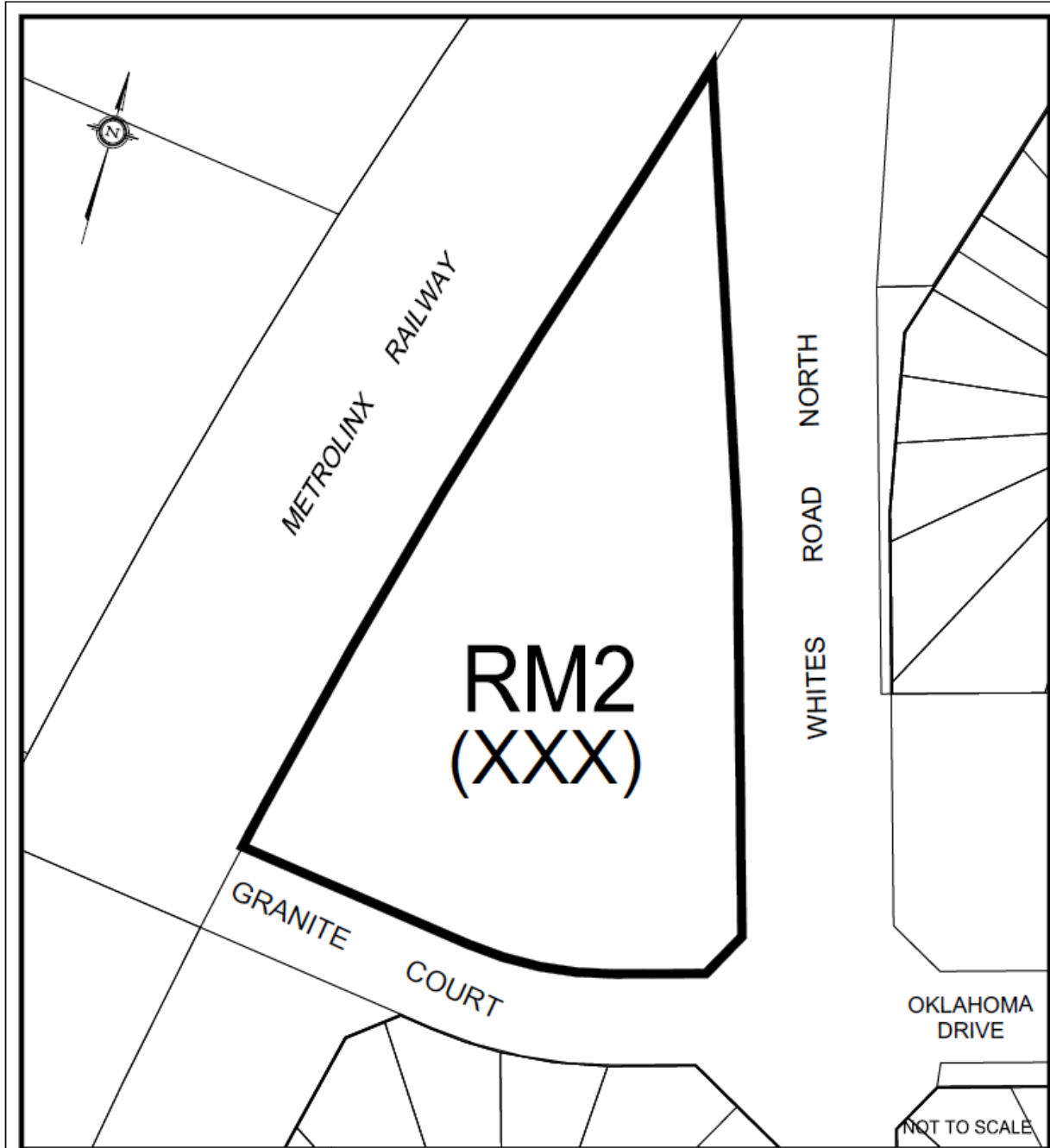
---

Susan Cassel, City Clerk



Zoning By-law Schedule 1	
FILE No.: OPA 23-004/P, A 10/23	
APPLICANT: 1334281 Ontario Limited	
PROPERTY DESCRIPTION:	PLAN 40M-1334 CITY OF PICKERING REGIONAL MUNICIPALITY OF DURHAM
	DATE: MAY 1, 2023

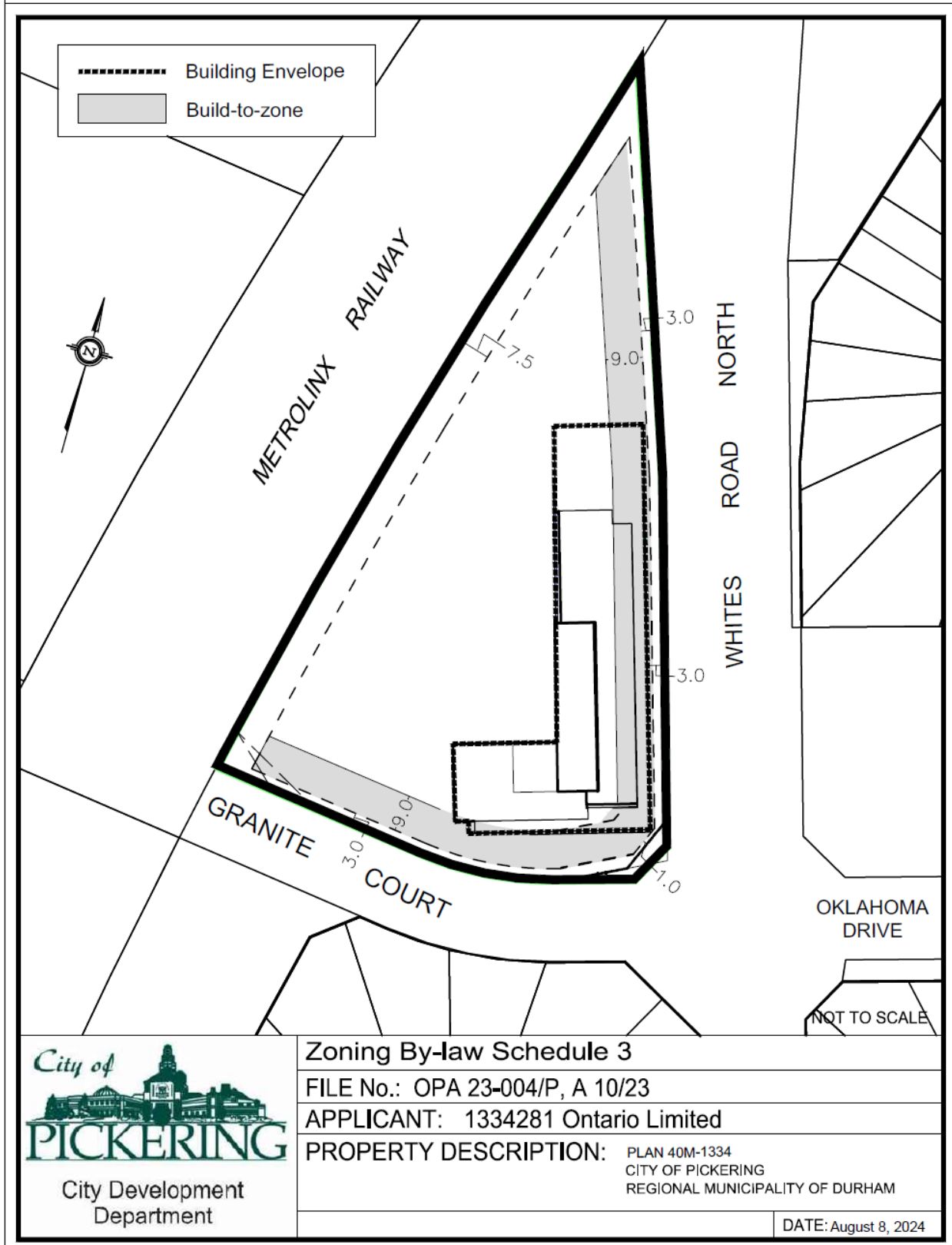




NOT TO SCALE



Zoning By-law Schedule 2	
FILE No.: OPA 23-004/P, A 10/23	
APPLICANT: 1334281 Ontario Limited	
PROPERTY DESCRIPTION:	PLAN 40M-1334 CITY OF PICKERING REGIONAL MUNICIPALITY OF DURHAM
DATE: MAY 1, 2023	



**Zoning By-law Schedule 3**

FILE No.: OPA 23-004/P, A 10/23

APPLICANT: 1334281 Ontario Limited

PROPERTY DESCRIPTION: PLAN 40M-1334  
CITY OF PICKERING  
REGIONAL MUNICIPALITY OF DURHAM

DATE: August 8, 2024