

The Corporation of the City of Pickering

By-law No. X

Being a By-law to amend Restricted Area (Zoning) By-law 3036, as amended, to implement the Official Plan of the City of Pickering, Region of Durham, PT LT 28 Range 3 CON Broken Front PTS 1, 2, 3, 4 & 5, 40R9869 City of Pickering (X)

Whereas the Council of The Corporation of the City of Pickering received an application to rezone the subject lands being PT LT 28 Range 3 CON Broken Front PTS 1, 2, 3, 4 & 5, 40R9869 in the City of Pickering to permit a high-density, mixed-use development;

And whereas an amendment to Zoning By-law 3036, as amended by By-law 2212/86, is therefore deemed necessary;

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

1. Schedules I, II, and III

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 being PT LT 28 Range 3 CON Broken Front PTS 1, 2, 3, 4 & 5, 40R9869 in the City of Pickering, designated “WP-MU-X”, “OS-P” 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) “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.

(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) “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.

(4) “Building, Main” means a building in which is carried on the principal purpose for which the lot is used.

(5) “Building, Mixed Use” means a building containing residential uses and at least one non-residential use permitted by this By-law.

(7) “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.

(8) “Day Care Centre” means indoor and outdoor premises where more than five children are provided with temporary care and/or guidance for a continuous period but does not provide overnight accommodation and are licensed in accordance with the applicable Provincial Act.

(8) “Development Agreement” means an executed contract between a developer/property owner and the City of Pickering that is required in order to implement development and may include a subdivision agreement, site plan agreement, or other similar agreements for development.

(9) “Dwelling” includes:

b) “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.

(10) “Financial Institution” means a building or portions of a building used for the purposes of administering or providing financial services to the public, other than exclusively through an automated banking machine.

(10) “Floor Area” means the total area of all floors of a *building* within the outside walls.

(11) “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:

- (a) Motor vehicle parking and bicycle parking below established grade;
- (b) Motor vehicle parking and bicycle parking at or above established grade;
- (c) Loading spaces and related corridors used for loading purposes;
- (d) Rooms for storage, waste storage, storage lockers, washrooms, electrical, utility, mechanical and ventilation;
- (e) Indoor amenity space required by this By-law;
- (f) Elevator, garbage and ventilating shafts;
- (g) Mechanical penthouse; and
- (h) Stairwells in the building

(12) "Floor Space Index" means the total net floor area of all buildings on a lot divided by the total area of the lot.

(13) "Food Store" means a premises that sells food and other non-food items, primarily on a self-service basis.

(14) "Grade" or "Established Grade" means the average elevation of the site for the purposes of determining building height.

(15) "Gross Floor Area" means the total area of each floor whether located above, at or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding any porch, veranda, cellar, mechanical room or penthouse, or areas dedicated to parking within the building. For the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls.

(16) "Gross Leasable Floor Area" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floor areas if any; expressed in square metres and measured from the centre line of joint partitions and from outside wall faces.

(17) "Ground Floor" means the floor of a building at or first above grade.

(18) "Ground Floor Area" means the gross floor area only on the ground floor.

(19) "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. The height requirements of this By-law shall not apply to roof top mechanical penthouses.

(20) "Landscaped Area" means an outdoor area on a lot comprising trees, plants, decorative stonework, retaining walls, walkways, or other

landscape or architectural elements, excluding aisles and areas for loading, parking or storing of vehicles.

(21) "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.

(22) "Lot" means a parcel of land fronting on a street, whether or not occupied by a building or structure.

(23) "Lot Area" means the total horizontal area of a lot.

(24) "Lot Line" means a line delineating any boundary of a lot.

(25) "Main Wall" means a primary exterior front, rear or side wall of a building, not including permitted projections.

(26) "Office, Medical" means a premises designed and used for the diagnosis, examination, and medical, surgical or physiotherapeutic treatment of human patients, and which may include pharmacies and dispensaries, waiting rooms, treatment rooms and blood testing clinics, but shall not include overnight accommodation for in-patient care.

(27) "Park, Public" means an area of land under the jurisdiction of a public authority that is designed or maintained for active or passive recreational purposes and other uses authorized through an agreement with the City.

(28) "Parking Area" means one or more parking spaces, including related aisles, for the parking or storage of vehicles.

(28) "Parking Garage" means a building, or part thereof, used for the parking of vehicles and may include any permitted use in the first storey, but shall not include any area where vehicles for sale or repair are kept or stored. A parking garage includes underground parking and a parking structure.

(29) "Parking Lot" means a lot or portion thereof provided for the parking of motor vehicles accessory or incidental to the main use.

(30) "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.

(31) "Parking Space, Bicycle" means an area used exclusively for parking or

storing a bicycle.

(32) "Parking Structure" means a building or portion thereof, containing one or more parking spaces.

(33) "Patio" means an outdoor area where seating accommodation can be provided and/or where meals or refreshments are served to the public for consumption.

(X) "Personal Service Shop" means a premises used to provide personal grooming services or for the cleaning or care of apparel.

(34) "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.

(35) "Point Tower" means a compact and slender building form.

(37) "Premises" means the whole or part of lands, buildings or structures, or any combination of these.

(40) "Restaurant" means a building or part of a building where the principal business is the preparation of food and drinks for retail sale to the public for immediate consumption on or off the premises, or both on and off the premises but shall not include a night club.

(41) "Retail Store" means a premises in which goods and merchandise are offered or kept for retail sale or rental to the public.

(44) "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.

(45) "Small car parking spaces" means parking spaces which may not include an offset from adjacent obstructions, which may include columns, walls, and other similar elements.

(45) "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.

(46) "Storey, First" means the storey that has its main entrance directly accessible from Kingston Road to the north.

(47) "Street" means a public highway but does not include a lane or a King's

Highway (Highway 401).

(48) “Street Line” means the dividing line between a lot and a street.

(49) “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 in ground swimming pools.

(50) “Temporary Sales Office” means a building, structure, facility or trailer on the lot used for the purpose of the sale of dwelling units to be erected on the lot.

(51) “Tower” means the storeys within that portion of a building or structure or part thereof located above the podium.

(52) “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.

(53) “Uncovered Platform” means an attached or freestanding structure not covered by a roof, which is located on the same level as or lower than the first storey of the building associated with the platform.

5. Permitted Uses and Zone Regulations

(1) Permitted Uses (“WP-MU-X Zone”)

No person shall within the lands zoned “WP-MU-X” 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:

- a) Apartment Dwelling
- b) Day Care Centre
- c) Financial Institution
- d) Food Store
- e) Office, Medical
- f) Personal Service Shop
- g) Retail Store
- h) Restaurant
- i) Temporary Sales Office

(2) Zone Regulations (“WP-MU-X” Zone)

No person shall within the lands zoned “WP-MU-X” on Schedule I to this Bylaw, use any lot or erect, alter, or use any building or structure except in accordance with the following provisions:

a) Floor Space Index (FSI)	<p>i) the area shown on Schedule I to this By-law, zoned “WP-MU-X” and “OS-P” shall be the extent of the lands for the purposes of calculating FSI</p> <p>ii) minimum FSI – 0.75</p> <p>iii) maximum FSI – 5.0</p>
b) Number of Dwelling Units	i) maximum 1,748 units
c) Building Height	<p>i) the maximum height of a building wholly located within the dashed lines, is specified by the number following the HT symbol as shown on Schedule III to this By-law</p> <p>ii) notwithstanding Section 5 (2) c) i) above, mechanical penthouses, balconies, enclosed stairwells providing roof access and architectural features such as parapet walls are permitted to project the maximum height</p>
d) Podium Requirements	<p>i) minimum height of podium – 11.0 metres (3-storeys)</p> <p>ii) maximum height of podium – 23.0 metres (6-storeys)</p>
e) Building Location and Setbacks	i) no building or part of a building, or structure shall be erected outside of a building envelope, as shown on Schedule II to this By-law
f) Setback for Below Grade Parking Structures	i) minimum – 0.0 metres
g) Tower Floor Plate	<p>i) maximum tower floor plate for buildings greater than 37.5 metres in height – 750 square metres</p> <p>ii) notwithstanding Section 5 g) i) above, balconies shall be excluded from the calculation of tower floor plate</p>
h) Building Separation	<p>i) minimum – 15.0 metres, which shall be measured from the main wall of each building but shall exclude balconies, steps and other similar encroachments for any portion of a building less than 37.5 metres</p> <p>ii) minimum –18.0 metres for any portion of a building greater than 37.5 metres in height,</p>

	which shall be measured from the main wall of each building, but shall exclude balconies, steps and other similar encroachments.
i) Main Wall Stepback for Buildings greater than 37.5 metres	i) minimum main wall stepback – 1.0 metres from the main wall of a point tower and the main wall of a podium on any building face abutting a street line ii) despite Section 5 (2) i) i) above, a main wall stepback shall not be required for any building face located beyond the 6th storey
k) Amenity Space Requirements for Apartment Dwellings	i) minimum – 2.0 square metres of indoor amenity space is required per apartment dwelling unit ii) minimum – 2.0 square metres of outdoor amenity space is required per apartment dwelling unit (a minimum contiguous area of 40.0 square metres must be provided in a common location)
l) Landscaped Area	i) minimum 10 percent of the land area ii) the area shown on Schedule I to this By-law, zoned “WP-MU-X” shall be the extent of the lands for the purposes of calculating landscaped area
m) Non-Residential Uses	i) minimum 3,900 square metres of Gross Leasable Floor Area shall be located on the lands, as shown on Schedule I to this By-law

(3) Permitted Encroachments

No part of the building envelope shall be obstructed except as follows:

i) Projections such as awnings, canopies, window sills, chimney breasts, fireplaces, belt courses, cornices, pilasters, eaves, piers, eave troughs, and other similar architectural features may be permitted to project a maximum of 2.0 metres beyond the building envelope as illustrated on Schedule III to this By-law, but shall maintain a minimum setback of 1.0 metres to a lot line.

(5) Vehicular Parking Regulations

a) Minimum Parking Requirements:

Residential	
Apartment Dwelling	0.65 spaces per dwelling unit and 0.2 spaces per unit for visitor space/commercial space.

b) Accessible Parking Requirements:

To be provided on-site in accordance with the requirements of the Traffic and Parking By-law 6604/05 as amended, or any successor thereto.

d) Parking Structures

iii) Air vents constructed in association with an underground parking structure are permitted to project to a maximum of 1.2 metres above established grade no closer than 1.0 metres to a street line.

e) Small car parking spaces may be permitted for a maximum of 10% of the provided parking supply.

(6) Bicycle Parking Space Requirements

a) Minimum number of bicycle parking spaces:

Short Term

- i) Residential: 0.1 spaces per dwelling unit
- ii) Non-residential: 1 spaces per 1000 m² for commercial space

Long Term

- i) Residential: 0.5 spaces per dwelling unit
- ii) Non-residential: Greater of 2 spaces or 1 space per 1,000 sm or portion thereof

b) Where the number of bicycle parking spaces exceeds 50 spaces, a minimum of 25 percent of the total required must be located within:

- i) a building or structure;
- ii) a secure area such as a supervised parking lot or enclosure; or
- iii) bicycle lockers.

c) Where four or more bicycle parking spaces are provided in a common parking area, each space must contain a parking rack that is securely anchored to the ground and attached to a heavy base such as concrete.

d) Dimensions:

i) if located in a horizontal position (on the ground): a minimum length of 1.8 metres and a minimum width of 0.9 metres;

ii) if located in a vertical position (on the wall): a minimum length of 1.2 metres and a minimum width of 0.6 metres;

iii) if stacked: a minimum length of 1.7 metres and a minimum width of 0.6 metres.

(7) Loading Standards

Where a loading space is provided, the following regulations apply:

a) the minimum dimensions of a loading space are 3.5 metres in width and 12.0 metres in length, with a minimum vertical clearance of 4.2 metres;

6. Provisions (“OS-P” Zone)

(1) Permitted Uses (“OS-P” Zone)

No person shall within the lands zoned “OS-P” on Schedule I to this Bylaw, use any lot or erect, alter, or use any building or structure for any purpose except the following:

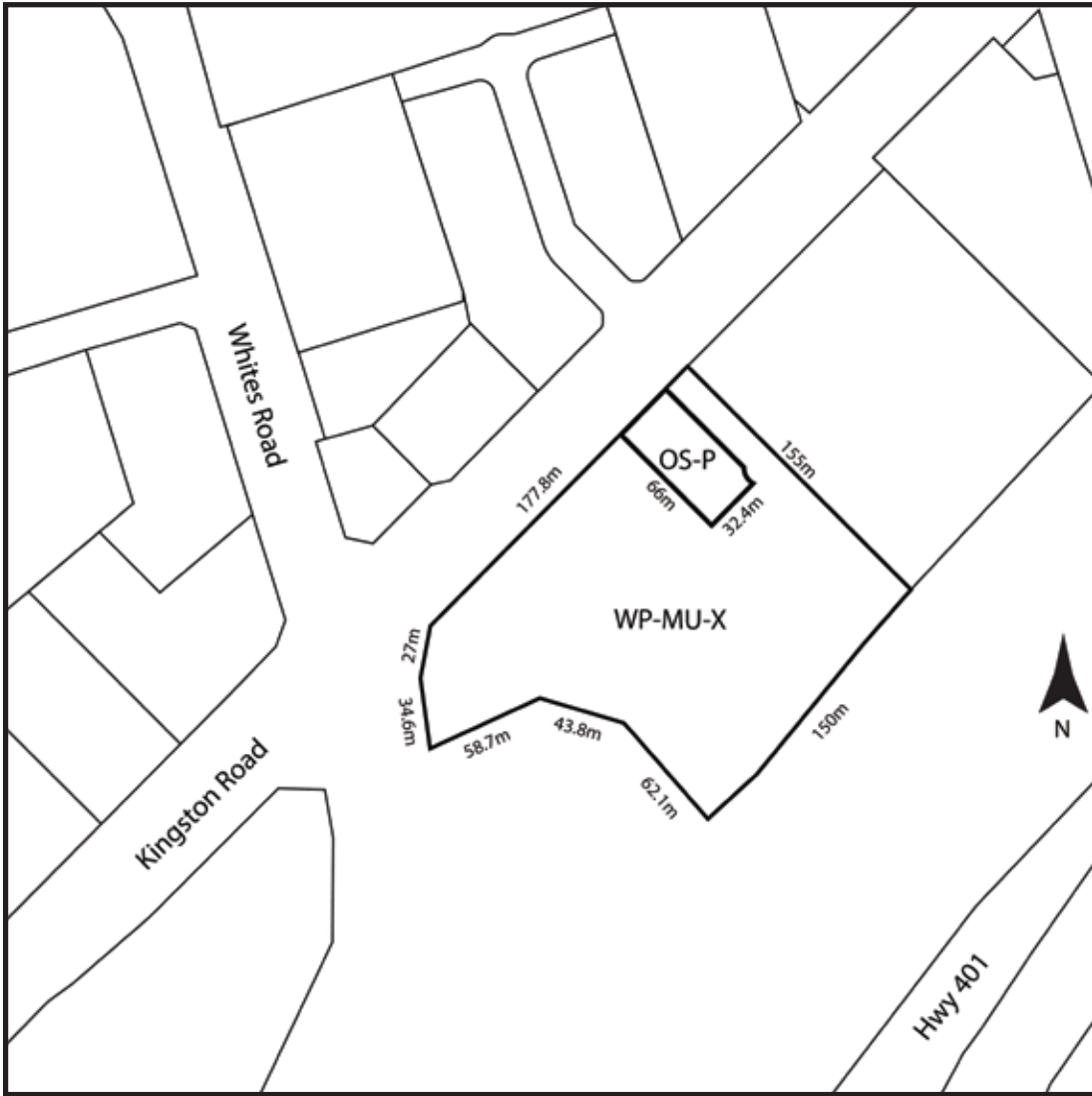
- (a) Public Park

8. By-law 3036

By-law 3036, 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 3036.

9. Effective Date

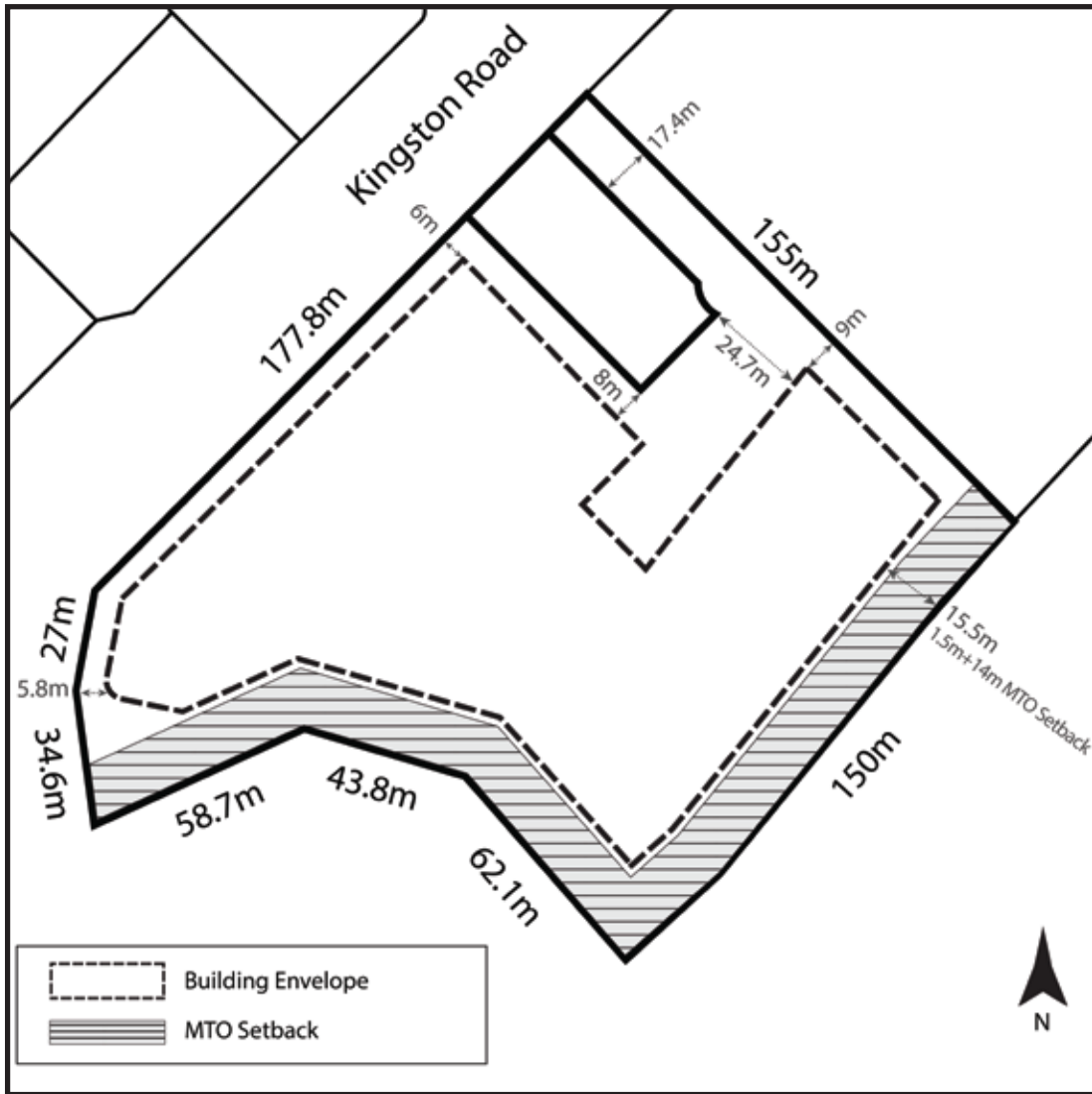
That this By-law shall come into force in accordance with the provisions of the *Planning Act*.



Schedule I to By-Law X
Passed TBD

Mayor

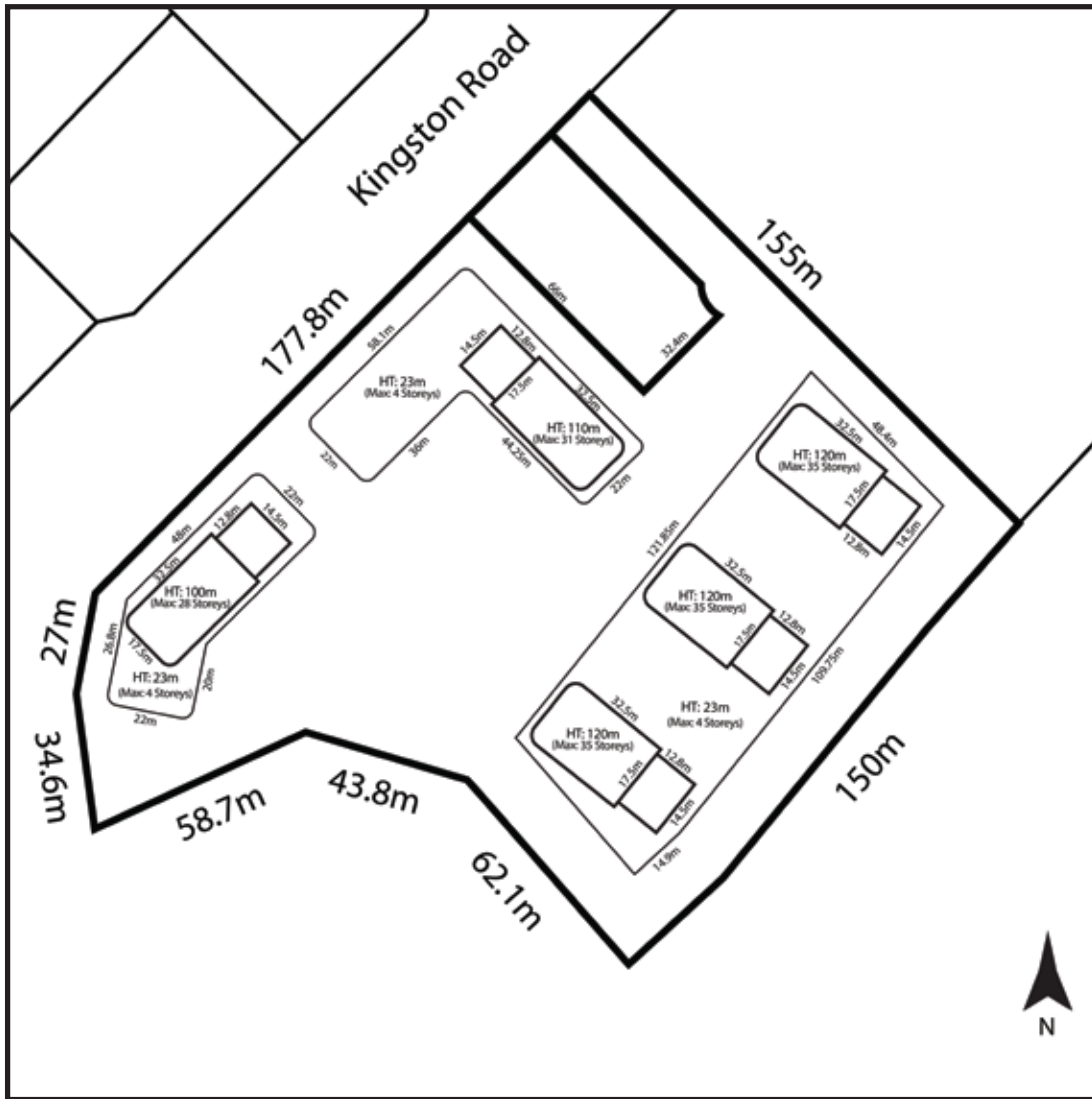
Clerk



Schedule II to By-Law X
Passed TBD

Mayor

Clerk



Schedule III to By-Law X
Passed TBD

Mayor

Clerk