

The Corporation of the City of Pickering

By-law No. 7969/22

Being a By-law to amend Restricted Area (Zoning) By-law 3037, as amended, to implement the Official Plan of the City of Pickering, Region of Durham, Part of Lot 19, Concession 3 South and Part 1, 40R-2583, City of Pickering (A 12/17(R), SP-2020-03, CP-2020-03)

Whereas the Council of The Corporation of the City of Pickering deems it desirable to permit a common element condominium consisting of rear lane townhouses and street townhouses and a standard condominium consisting of stacked townhouses on lands being Part of Lot 19, Concession 3 South and Part 1, 40R-2583, City of Pickering;

And whereas an amendment to By-law 3037, as amended is therefore deemed necessary;

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

1. **Schedules I and II**

Schedules I and II 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 Lot 19, Concession 3 South and Part 1, 40R-2583, in the City of Pickering, "MU-MD-5", "MU-MD-6", "MU-MD-7", "MU-MD-8" and "OS-PP" 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 equipment.
- (2) "Amenity Area" means an outdoor area located anywhere on a lot, or the roof of a parking structure, private garage 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 deck and which has direct access from the interior of the dwelling unit.

- (3) "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.
- (4) "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.
- (5) "Building" means a structure occupying an area greater than 10.0 square metres and consisting of any combination of walls, roof and floor but shall not include a mobile home.
- (6) "Build-to-Zone" means an area of land in which all or part of a building elevation of one or more buildings is to be located.
- (7) "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.
- (8) "Corner Rounding" shall mean a lot line of a corner lot at the intersection of two street lines including private street lines in the form of an arc, which joins the front lot line to the flankage or side lot line and joins the rear lot line to the flankage or side lot line.
- (9) "Deck" means a raised platform attached to the exterior wall of a building and with direct access from within a building and from grade.
- (10) (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 Unit" means a residential unit that:
 - i) consists of a self-contained set of rooms located in a building or structure;
 - ii) is used or intended for use as a residential premises;
 - iii) contains kitchen and bathroom facilities that are intended for the use of the unit only; and
 - iv) is not a mobile home or any vehicle.
- (c) "Dwelling, Multiple – Horizontal" means a building containing three or more dwelling units attached horizontally by an above-grade wall or walls;
- (d) "Dwelling, Stacked" means a residential use building for four or fewer storeys in height containing three or more principle dwelling units where the units are divided horizontally and vertically and in which each dwelling unit has an attached private garage and an independent entrance at the ground

- level or through a common entrance at the ground level or at the first storey above ground and may have shared exit facilities above the first floor;
- (e) “Dwelling, Stacked Back-to-Back” means a residential use building for four or fewer storeys in height containing three or more principle dwelling units where the units are divided horizontally and vertically and in which each dwelling unit has an independent entrance at the ground level or through a common entrance at the ground level or at the first storey above ground and may have shared exit facilities above the first floor
- (11) “Grade” or “Established Grade” means, when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building and when used with reference to a structure shall mean the average elevation of the finished surface of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment.
- (12) “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, 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. The height requirements of this By-law shall not apply to a roof top mechanical penthouse.
- (13) “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, porches, decks, and areas for loading, parking or storing of vehicles.
- (14) (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.
- (15) “Parapet Wall” means the portion of an exterior wall extending above the roof.
- (16) “Private Park” means an area of land not under the jurisdiction of a public authority 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.

- (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) "Primary Entrance Door" means the principal entrance by which the resident enters or exists a dwelling unit.
- (19) "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.
- (20) "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.
- (21) (a) "Street" means a public highway but does not include a lane. 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*.
- (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 roadway maintained by a corporation to provide vehicular and pedestrian access to parking lots and individual retail/commercial units;
 - iv) 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.
- (22) "Tandem Parking Space" means two or more parking spaces abutting each other end to end with only one having access to a private street.
- (23) "Wall, Front" a primary exterior wall of a building, not including permitted projections, which contains the primary entrance door.
- (24) "Water Meter Building" means a building or structure that contains devices supplied by the Region of Durham which measures the quantity 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 not including a private 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 (“MU-MD-5” & “MU-MD-6” Zone)

(1) Uses Permitted (“MU-MD-5” & “MU-MD-6” Zone)

No person shall within the lands zoned “MU-MD-5” & “MU-MD-6” 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) “MU-MD-5”
 - (i) Dwelling, Multiple – Horizontal
- (b) “MU-MD-6”
 - (i) Dwelling, Multiple – Horizontal

(2) Zone Requirements ("MU-MD-5" & "MU-MD-6" Zone)

No person shall within the lands zoned "MU-MD-5" & "MU-MD-6" on Schedule I to this By-law, use any lot or erect, alter, or use any building except in accordance with the following provisions:

		MU-MD-5	MU-MD-6
(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 II attached hereto.	
(b)	Lot Frontage (minimum)	3.7 metres	5.5 metres
(c)	Front Yard Depth (minimum)	Nil	6.0 metres
(d)	Side Yard Setback (minimum)	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	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
(e)	Rear Yard Depth (minimum)	Nil	6.5 metres
(f)	Building Height (maximum)	12.0 metres	
(g)	Parking Requirements (minimum)	2.0 parking spaces per dwelling unit	
(h)	Visitor Parking Requirements (minimum)	0.25 of a parking space per dwelling unit, which may be provided on a separate lot.	
(i)	Garage Requirements	Minimum one private garage per dwelling unit, the vehicular entrance of which shall be located not less than 1.6 metres from a private street.	Minimum one private garage per dwelling unit, the vehicular entrance of which shall be located not less than 6.0 metres from a private street.
(j)	Interior Garage Dimensions (minimum)	(i) A private garage shall have a minimum width of 5.6 metres and a minimum depth of 5.7 metres provided,	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

		MU-MD-5	MU-MD-6
		however, the width may include one interior step and the depth may include two interior steps; or (ii) A private garage may permit tandem parking and shall have a minimum width of 3.0 metres and a minimum depth of 11.4 metres provided, however the width may include two interior steps and depth may include one interior step	include two interior steps and the depth may include two interior steps.
(k)	Driveway Width (maximum)	A driveway shall not exceed the width of the building or structure to which it provides access.	3.7 metres

6. Provisions (“MU-MD-7” & “MU-MD-8” Zone)

(1) Uses Permitted (“MU-MD-7” & “MU-MD-8” Zone)

No person shall within the lands zoned “MU-MD-7” & “MU-MD-8” 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) “MU-MD-7” Zone

(i) Dwelling, Stacked

(b) “MU-MD-8” Zone

(i) Dwelling, Stacked Back-to-Back

(2) Zone Requirements (“MU-MD-7” & “MU-MD-8” Zone)

No person shall within the lands zoned “MU-MD-7” & “MU-MD-8” on Schedule I to this By-law, use any lot or erect, alter, or use any building except in accordance with the following provisions:

		MU-MD-7	MU-MD-8
(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 II attached hereto.	
(b)	Setback between building blocks (minimum)	10.5 metres between Front Walls	3.0 metres between Side Walls
(c)	Building Height (maximum)	12.0 metres	17.5 metres
(d)	Parking Requirements (minimum)	2.0 parking spaces per dwelling unit	1.0 parking space per dwelling unit
(e)	Visitor Parking Requirements (minimum)	0.25 of a parking space per dwelling unit, which may be provided on a separate lot.	
(f)	Garage Requirements	Minimum one private garage per dwelling, the vehicular entrance of which shall be located not less than 6.0 metres from a private street.	Nil
(g)	Interior Garage Dimensions (minimum)	(i) 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 one interior step and the depth may include two interior steps.	Nil
(h)	Driveway Width (maximum)	A driveway shall not exceed the width of the building or structure to which it provides access.	Nil

7. Provisions (“OS-PP” Zone)**(1) Uses Permitted (“OS-PP”)**

No person shall within the lands zoned “OS-PP” 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) Private Park

8. Special Provisions (“MU-MD-5”, “MU-MD-6”, “MU-MD-7” and “MU-MD-8” Zones)**(1) Number of Dwelling Units:**

- (a) Minimum: 76

- (b) Maximum: 197

- (2) No building, or portion of a building, or structure shall be erected within the building envelope, unless a minimum of 60 percent of the entire length of the build-to-zone, as illustrated on Schedule II attached hereto, contains a building or part of a building.
- (3) Sections 5.10, 5.19.1, 5.19.2, 5.20, 5.21, and 5.22 of By-law 3037, as amended, shall not apply to the lands on Schedule I to this By-law.
- (4) A private street shall have a minimum width of 6.5 metres.
- (5) Despite any minimum front yard depth, rear yard depth, side yard depth or flankage yard depth, on a corner lot, the minimum setback to a corner rounding at the front of a lot shall be 1.0 metre, the minimum setback to a corner rounding at the rear of a lot shall be 1.0 metre, and the minimum setback to a corner rounding at the side yard or flankage of a lot shall be 1.0 metre.
- (6) Projections such as window sills, chimney breasts, fireplaces, belt courses, cornices, pilasters, eaves, eave troughs, and other similar architectural features may be permitted to be located beyond the building envelope as identified on Schedule II attached hereto and in any required yard, provided that no such feature projects beyond the building envelope or required yard more than 0.6 of a metre or half the distance of the required yard, whichever is less.
- (7) Walls or screens to screen utilities may be permitted to be located beyond the building envelope as identified on Schedule II attached hereto and in any required yard to a maximum of 1.2 metres, but shall not extend beyond the property line.
- (8) Despite Section 5(2)(a) and Section 6(2)(a), a porch, uncovered deck, private patio or balcony may encroach beyond the building envelope as illustrated on Schedule II attached hereto and any required front yard to a maximum of 2.5 metres, but shall be located a minimum of 1.2 metres from a lot line.

- (9) A porch, uncovered deck or balcony may encroach into any required flankage yard and side yard to a maximum of 2.0 metres, but shall not extend beyond the property line.
- (10) Despite Section 5(2)(a) and Section 6(2)(a), an uncovered porch or uncovered deck not exceeding 2.0 metres in height above grade, may encroach a maximum of 2.0 metres beyond the building envelope as illustrated on Schedule II attached hereto, into any required rear yard.
- (11) Despite Section 5(2)(a) and Section 6(2)(a), stairs to a porch, uncovered deck or entrance may encroach to within 0.45 of a metre of the front or flankage lot line; to within 1.0 metre of a rear lot line and to within 0.6 of a metre of a side lot line.
- (12) A bay, box or bow window, with or without foundation, having a maximum width of 4.0 metres may encroach beyond the building envelope as identified on Schedule II attached hereto and any required yard to a maximum of 0.6 of a metre or half the distance of the required yard, whichever is less.
- (13) Despite Section 5(2)(a) and Section 6(2)(a), waste shall be stored within a fully enclosed building, structure or partially underground structure, which shall be permitted to be located beyond the limits of the building envelope as identified on Schedule II attached hereto, but no closer than 1.0 metre to any lot line.
- (14) Air Conditioners are to be located in the rear yard or side yard or on or below a balcony or roof or on a private patio at or below grade. In addition, such units shall not be located any closer than 0.6 of a metre to a side lot line and shall not be located on any easement in favour of the City.
- (15) Visitor parking spaces shall be setback a minimum of 3.0 metres from all streets.
- (16) Despite Section 7(1), below grade parking structures shall be permitted to be located within lands zoned "OS-PP".

9. **Special Regulations ("MU-MD-5", "MU-MD-6", "MU-MD-7" and "MU-MD-8" Zones)**

- (1) Despite the provisions of Section 5.6 of By-law 3037, as amended, the requirement for the frontage on a public street shall be satisfied by establishing frontage on a private street for the lands on Schedule I to this By-law.
- (2) Despite Section 9(1), the lot line abutting Dersan Street and Four Seasons Lane shall be deemed the front lot line for lands zoned "MU-MD-5".
- (3) Despite Section 9(2), where a lot is bounded on opposite sides by a private street, the lot line closest to the primary entrance door is deemed to be the front lot line for lands zoned "MU-MD-5".
- (4) A water meter building required by the Region of Durham for the purpose of measuring the quantity of water delivered shall be exempt from "MU-MD-5", "MU-MD-6", "MU-MD-7" and "MU-MD-8" zone use provisions and zone requirements.

- (5) Minimum Private Amenity Area for lands zoned “MU-MD-5”, “MU-MD-7” and “MU-MD-8” on Schedule I to this By-law:
 - (a) 4.5 square metres of private amenity area shall be provided for each unit;
 - (b) accessory structures such as pergolas, shed or other similar structures shall not be permitted on the balcony above the garage of the dwelling unit;
 - (c) the outdoor private amenity area located above the garage at the rear of the dwelling unit shall not be enclosed.

10. **Restrictions on the Parking and Storage of Vehicles (“MU-MD-5”, “MU-MD-6”, “MU-MD-7” and “MU-MD-8” Zones)**

No person shall use any lot for the parking or storage of vehicles except in accordance with the following provisions:

- (1) Number of Vehicles:
 - (a) A maximum of 2 vehicles, only 1 of which may be a trailer, are permitted to park on a driveway.
- (2) Size of Vehicles:
 - (a) for those vehicles parked on any driveway, the maximum permissible height is 2.6 metres, and the maximum permissible length is 6.0 metres;
 - (b) height is measured from the established grade immediately beside the vehicle up to the vehicle’s highest point, which excludes lights, antennas and other such items ancillary to the vehicle’s body.
- (3) Location of Vehicles:
 - (a) No part of any yard except a driveway is to be used for the parking or storage of vehicles and no vehicle is to encroach onto any Street or Private Street.
- (4) Inoperative Vehicles:
 - (a) The parking or storage of an inoperative vehicle is not permitted unless it is entirely within a fully enclosed building or structure.
- (5) Construction Vehicles:
 - (a) The parking or storage of a construction vehicle or a commercial vehicle is not permitted, unless it is entirely within a fully enclosed building or structure.
- (6) Oversize Vehicles:

- (a) A vehicle that exceeds the maximum permissible vehicle size provisions of Section 8(2) of this By-law, is permitted to park temporarily for the sole purpose of delivering to, servicing or constructing the premises.

11. Model Homes

- (1) A maximum of 2 blocks, together with not fewer than two parking spaces per Model Home, may be constructed on the lands zoned “MU-MD-5” and “MU-MD-6” as set out in Schedule I attached to this By-law prior to the division of those lands by lifting of part lot control, provided each zone does not exceed 1 block.
- (2) A maximum of 2 blocks, together with not fewer than two parking spaces per Model Home, may be constructed on the lands zoned “MU-MD-7” and “MU-MD-8” as set out in Schedule I attached to this By-law, provided each zone does not exceed more than 1 block.
- (3) 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.

12. By-law 3037

By-law 3037, 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 Schedules I and II 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 3037, as amended.

13. Effective Date

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

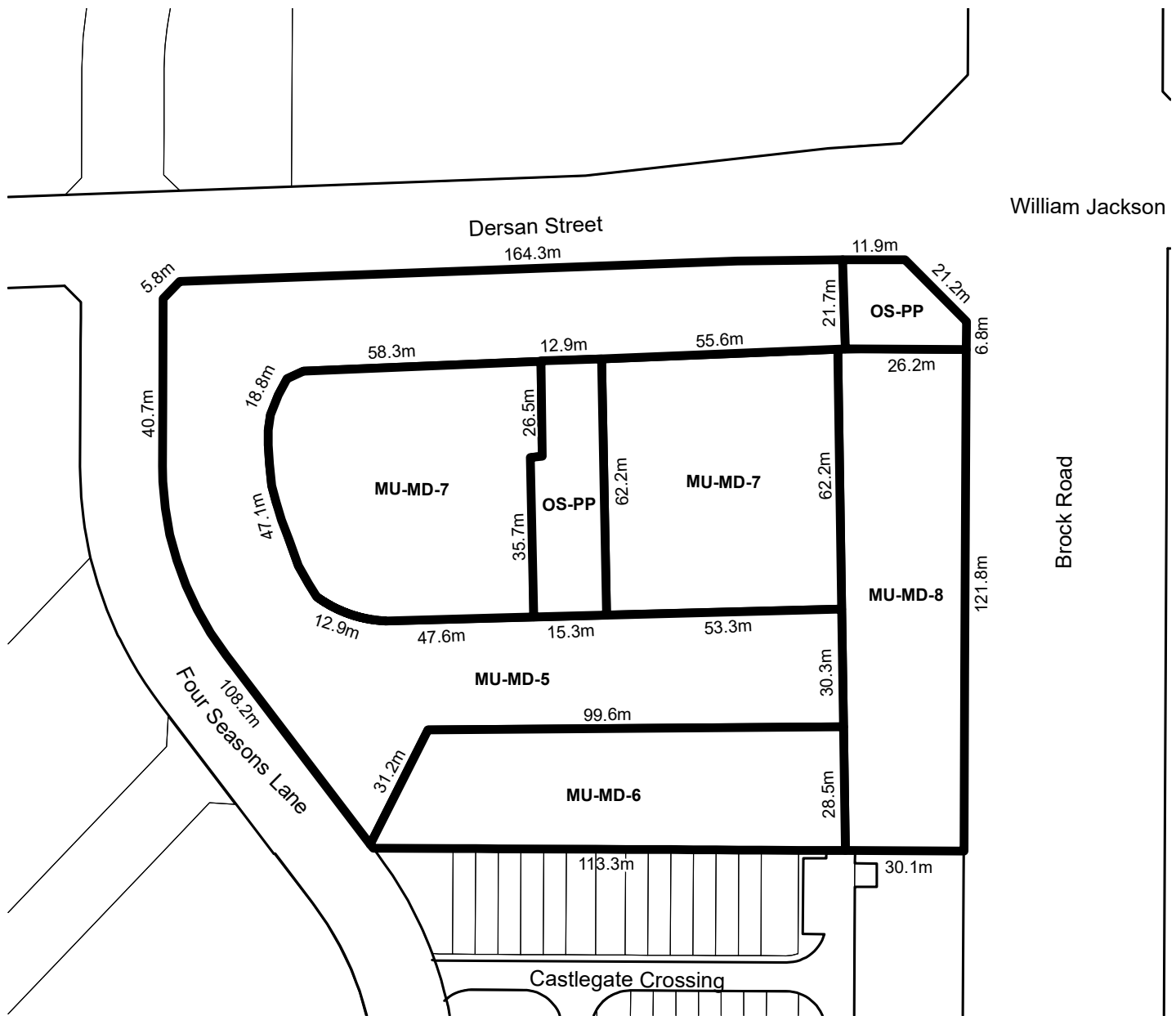
By-law passed this 20th day of September, 2022.

Original Signed By

David Ryan, Mayor

Original Signed By

Susan Cassel, City Clerk



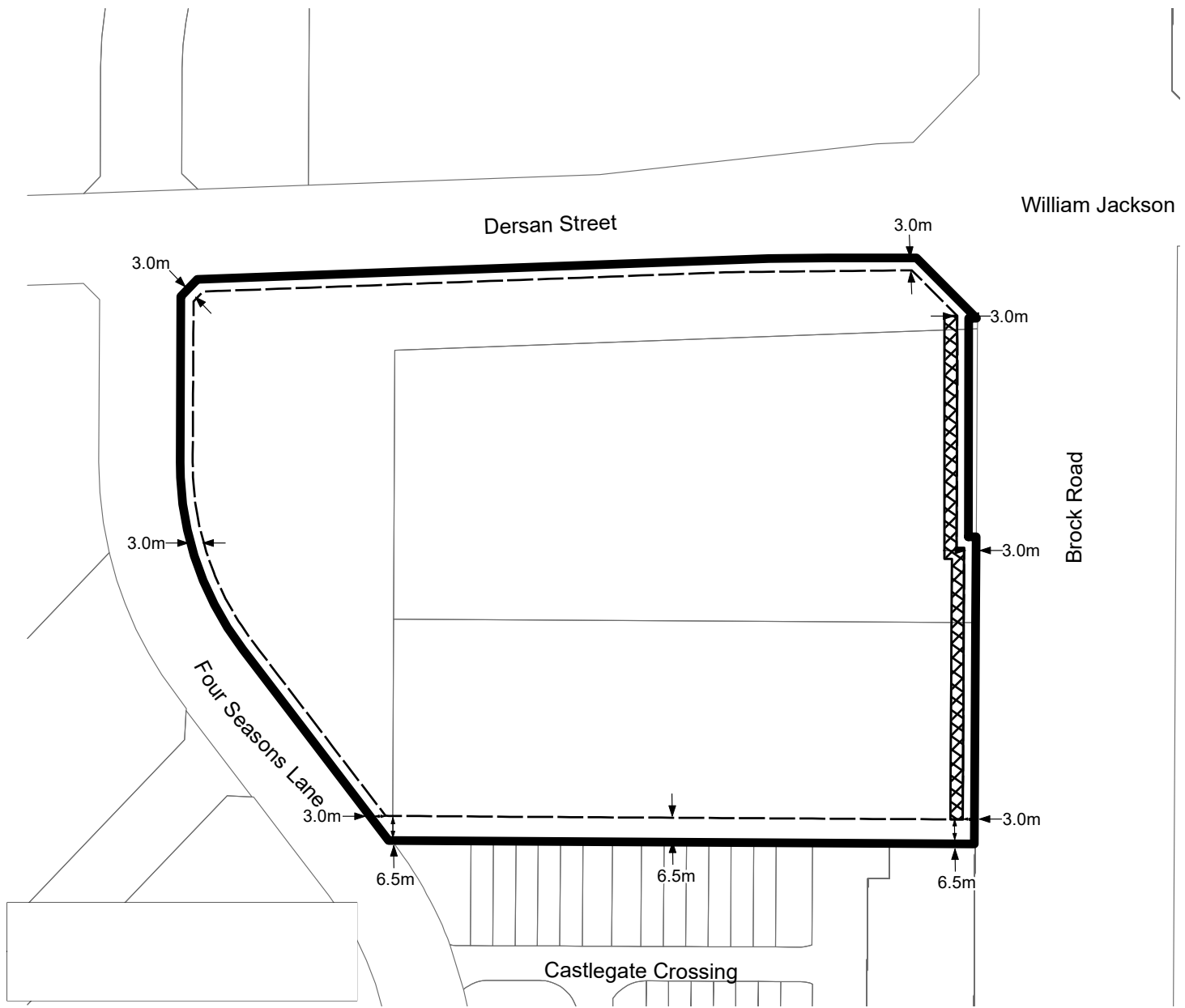
Schedule I to By-Law 7969/22
Passed This 20th
Day of September 2022

Original Signed By

Mayor

Original Signed By

Clerk



Schedule II to By-Law 7969/22
Passed This 20th
Day of September 2022

Original Signed By

Mayor

Original Signed By

Clerk