

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: February 22, 2018

CASE NO(S): PL170549

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	OPB Realty Inc.
Subject:	By-law No. 7553/17
Municipality:	City of Pickering
OMB Case No.:	PL170549
OMB File No.:	PL170549
OMB Case Name:	OPB Realty Inc. v. Pickering (City)

Heard: February 16, 2018 by telephone conference call

APPEARANCES:

Parties

Counsel

OPB Realty Inc.

Ira Kagan

City of Pickering

Quinto Annibale

The Daniels LR Corporation

Michael Mahoney

**MEMORANDUM OF ORAL DECISION DELIVERED BY THOMAS HODGINS ON
FEBRUARY 16,2018 AND ORDER OF THE BOARD**

INTRODUCTION

[1] This Memorandum of Oral Decision and Order results from a third Pre-hearing Conference ("PHC") on an appeal by OPB Realty Inc. ("OPB") of City of Pickering ("City") By-law No. 7553/17 ("By-law") which applies to an area known as the City

Centre. OPB owns land ("Pickering Town Centre Lands ") within this area on which operates a large regional shopping centre and its appeal is based on a concern with a holding provision (identified as "H4") which is intended to apply to part of its lands and which requires that certain stormwater management and flood storage issues be addressed as a prerequisite to the lifting of the "H". The whole of By-law No. 7553/17 is appealed and not just a part which applies to the Pickering Town Centre Lands.

[2] For ease of reference and continuity, copies of the Memorandums of Oral Decision and Orders from the previous two PHC's are provided as Attachment 1.

THE PRE-HEARING CONFERENCE

[3] As noted, all of the Parties were on the PHC Telephone Conference Call.

[4] The Board was advised that OPB and the City had resolved their differences and had executed Minutes of Settlement ("MOS") approved by City Council on January 15, 2018 in which they agreed to, amongst other matters, request that the Board: allow the appeal in part; and amend the By-law to delete both s. 7.4 of the By-law and the H4 holding symbol from the H4 lands on Schedule 8 to the By-law. The MOS set out, as well, that OPB shall withdraw its appeal as it applies to all lands other than the Pickering Town Centre Lands and the Parties will jointly request that the Board issue an Order pursuant to s.34 (31) of the Planning Act providing that the By-law as it relates to lands other than the Pickering Town Centre Lands shall be deemed to have come into force on the day the By-law was passed. After the Board announced its oral decision in this matter, Mr. Kagan submitted a letter dated February 16, 2018 to the Board withdrawing the balance of OPB's appeal as it applies to lands beyond the Pickering Town Centre Lands .

[5] Mr. Mahoney said his client is in full support of the requests in the MOS.

[6] Prior to the PHC, the Board was provided with a copy of the MOS, a copy of the By-law amended in accordance with the MOS and an affidavit from Nilesh Surti, the

City's Manager of Development Review & Urban Design, in respect to this matter. The Board considers Mr. Surti qualified to provide independent expert opinion evidence in land use planning.

[7] In his affidavit, Mr. Surti advises that the intent of the H4 Holding conditions was to ensure that the existing flood storage on the H4 lands can be accommodated elsewhere should this portion of the Pickering Town Centre Lands be redeveloped in the future. He further advises that the MOS provide an alternative framework to reduce the offsite stormwater management burden on the Pickering Town Centre Lands by applying the Council endorsed Pickering City Centre Stormwater Management Strategy, dated April 2015, to all lands in the City Centre, including the Pickering Town Centre Lands, and exploring alternative options for works upstream of the Pickering Town Centre Lands that would further reduce the offsite stormwater management burden on the H4 lands. Mr. Surti also reports that OPB and the City have mutually agreed to explore appropriate financing and/ or cost sharing options for the implementation of such works.

[8] Given the availability of an appropriate alternative for addressing the stormwater management issue, Mr. Surti's affidavit advises that the By-law Amendment proposed in the MOS: is consistent with the Provincial Policy Statement, 2014; conforms to the Provincial Growth Plan for the Greater Golden Horseshoe; conforms to the Durham Regional Official Plan; conforms to the City Official Plan; represents good planning; will facilitate an efficient development and land use pattern that is transit supportive; and is in the public interest. Mr. Surti also supports a Board Order which deems the By-law as it relates to lands other than the Pickering Town Centre Lands to have come into force on the day it was passed.

[9] The Board accepts and will rely upon the advice and opinion of Mr. Surti and will amend the By-law and establish an effective date as requested.

[10] In making its decision the Board had regard to the matters of Provincial Interest as set out in s. 2 of the *Planning Act*, the decision of City Council and the information

and material considered by City Council in making its decision as provided to the Board. This Board's decision aligns with the decision of City Council as set out in the MOS.

ORDER

[11] The Board orders that :

- a) The appeal is allowed in part;
- b) By-law No. 7553/17 is approved in the amended form provided as Attachment 2;
- c) The provisions in the amended By-law approved pursuant to Part b above , except as they relate to the Pickering Town Centre Lands , are deemed to have been approved as of the date of the passing on the By-law being April 11, 2017.

[12] The Board may be spoken to should any matters arise respecting the implementation of this Order.

"Thomas Hodgins"

THOMAS HODGINS
MEMBER

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ATTACHMENT 1

Ontario Municipal Board
Commission des affaires municipales
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ISSUE DATE: January 05, 2018

CASE NO(S): PL170549

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	OPB Realty Inc.
Subject:	By-law No. 7553/17
Municipality:	City of Pickering
OMB Case No.:	PL170549
OMB File No.:	PL170549
OMB Case Name:	OPB Realty Inc. v. Pickering (City)

Heard: December 19, 2017 by telephone conference call

APPEARANCES:

Parties

OPB Realty Inc.

City of Pickering

The Daniels LR Corporation

Counsel

Ira Kagan

Quinto Annibale

Michael Mahoney

MEMORANDUM OF ORAL DECISION DELIVERED BY THOMAS HODGINS ON DECEMBER 19, 2017 AND ORDER OF THE BOARD

INTRODUCTION

[1] This was the second Pre-hearing Conference ("PHC") on an appeal by OPB Realty Inc. ("OPB") of City of Pickering ("City") By-law No. 7553/17 which applies to an area known as the City Centre. OPB owns land within this area on which operates a

large regional shopping centre and its appeal is based on a concern with a holding provision (identified as "H4") which is intended to apply to part of its lands and which requires that certain storm water management and flood storage issues be addressed as a prerequisite to the lifting of the "H". The whole of By-law No. 7553/17 is appealed and not just a part which applies to OPB's lands.

[2] For ease of reference and continuity, a copy of the Memorandum of Oral Decision and Order from the first PHC is provided as Attachment 1.

[3] The second PHC was originally intended to be by appearance to get an update on settlement discussions, to possibly hear a motion to scope the extent of the appeal and to discuss, as required, the scheduling of a hearing and other case management issues associated with a hearing.

MOTION

[4] On December 11, 2017 the City filed a Notice of Motion with the Board. The motion was to be heard at the second PHC and was seeking to have the appeal dismissed to the extent that it relates to lands other than OPB's lands.

[5] On December 15, 2017, however, the City advised the Board in writing that a tentative settlement had been reached between the City and OPB and that minutes of settlement were being drafted for City Council approval. The City requested that its motion be adjourned to allow for the settlement to advance and that the PHC with appearances be converted to a Telephone Conference Call ("TCC"). On consent of the Parties, the Board agreed to the TCC.

[6] Accordingly, this second PHC was a TCC involving all of the Parties.

THE TCC

[7] At the outset of the TCC, the City advised that the settlement was intended to be

considered by Council in January 2018.

[8] OPB advised that the settlement, if approved by City Council, would fully address all of OPB's concerns and involve alterations to the By-law currently before the Board on appeal.

[9] The Parties requested that the Board schedule a third PHC by TCC to consider the settlement.

[10] The Board agreed to adjourn the motion by the City and to schedule a third PHC by TCC to hear the expected settlement proposal. The Board advised that if the settlement did not advance as expected then the third PHC can, as appropriate, address case management issues.

ORDER

[11] The Board orders that:

- a. The motion by the City is adjourned;
- b. A third PHC shall take place on **Friday, February 16, 2018 at 9 a.m.** by TCC. Individuals are directed to call **416-212-8012** or toll free **1-866-633-0848** and at the prompt enter code **1006967#**.
- c. On or before February 5, 2018 the Parties are to file with the Board, in both hard copy and electronically, all relevant material associated with any settlement including supporting affidavits and a draft of the Board Order (including any revised by-law) recommended by the Parties;
- d. Mr. Annibale is to contact Counsel for the Participant and provide him with an update on this matter;

- e. A copy of this Decision and Order is to be provided to the Parties and the Participant and no further notice is required.
- f. I am seized of this matter for case management purposes.

"Thomas Hodgins"

THOMAS HODGINS
MEMBER

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ISSUE DATE: October 17, 2017

CASE NO(S): PL170549

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	OPB Realty Inc.
Subject:	By-law No. 7553/17
Municipality:	City of Pickering
OMB Case No.:	PL170549
OMB File No.:	PL170549
OMB Case Name:	OPB Realty Inc. v. Pickering (City)

Heard: October 11, 2017 in Pickering, Ontario

APPEARANCES:

Parties

Counsel

OPB Realty Inc.

A. DeGasperis

City of Pickering

Q. Annibale
M. Joblin

The Daniels LR Corporation

M. Mahoney

**MEMORANDUM OF ORAL DECISION DELIVERED BY THOMAS HODGINS ON
OCTOBER 11, 2017 AND ORDER OF THE BOARD**

[1] This was the first Pre-Hearing Conference ("PHC") on an appeal by OPB Realty Inc. ("OPB") of City of Pickering ("City") By-law 7553/17 which applies to an area known

as the City Centre. OPB owns lands within this area on which there is a large regional shopping centre and its appeal is based on a concern with a holding provision (identified as "H4") which is intended to apply to part of its site and which requires that certain storm water management and flood storage issues be addressed as a prerequisite to the lifting of the "H". The whole of By-law 7553/17 is appealed not just a part which applies to OPB's lands.

[2] The Daniels LR Corporation ("Daniels") requested Party status. On consent of the other Parties, the Board granted Daniels Party status.

[3] Unique AT Management Ltd ("Unique") requested Participant status through its counsel Sean Turkenicz. On consent of the Parties, the Board granted Unique Participant status.

[4] The City advised that it has been in discussions with OPB to resolve the appeals or to scope the extent of the appeal but had no progress to report at this time.

[5] The City requested that the Board establish a second PHC the key purposes of which, as identified at this time, are to provide the Board with an update on the settlement discussions, to possibly have the Board consider a motion to scope the extent of the appeal and order the balance of the By-law into effect pursuant to s. 34(31-32) of the *Planning Act* and to discuss, as required, the scheduling of a hearing and case management issues associated with a hearing.

[6] This member is seized for the purposes of the second PHC.

[7] No further notice is required given that the Parties and the Participant will get a copy of this Decision and Order.

ORDER

[8] The Board orders that :

- The Parties are: OPB Realty Inc., the City of Pickering and The Daniels LR Corporation.
- The sole Participant is Unique AT Management Ltd.

[9] A second PHC shall take place on. **Tuesday, December 19, 2017 at 10 a.m. at:**

**City of Pickering
Civic Complex , Council Chambers
One The Esplanade
Pickering, ON L1V 6K7**

"Thomas Hodgins"

**THOMAS HODGINS
MEMBER**

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The Corporation of the City of Pickering

Zoning By-law 7553/17

Pickering City Centre Zoning By-law

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How to Read and Use This By-law

This section does not constitute a legal part of this By-law.

This introduction explains how to read and use this Zoning By-law and is solely for the purposes of assisting the reader. Readers unfamiliar with zoning by-laws are encouraged to read this introduction.

All properties within the boundaries of this Zoning By-law have a zone associated with them as shown on the schedules in Section 8. Each zone is subject to requirements and restrictions.

Section 1 of the Zoning By-law sets out the administration matters including the establishment and interpretation of zoning boundaries.

Section 2 sets out a number of general regulations, which apply to development in all zones. These general provisions address such matters as public uses, permitted encroachments, legal non-conforming uses, *accessory dwelling units*, *home-based business*, *accessory buildings* and *structures*, *live work dwellings*, *patios* and *temporary sales offices* among others.

Section 3 contains parking regulations that apply to development in all zones.

Section 4 sets out the permitted uses and zone regulations for each zone in a table format. A wide range of uses is permitted in each of the zones. It is the intent of this By-law to provide a broad range of uses throughout the City Centre lands.

Section 5 sets out the defined terms within the Zoning By-law.

Section 6 includes exceptions to the Zoning By-law for a number of *existing* developments within the City Centre lands.

Section 7 establishes a series of Holding provisions which clearly outline the necessary studies, financial commitments and implementation steps that need to be undertaken before development can proceed. In some cases, these apply across the City Centre and in other cases to specific sites.

Section 8 contains the schedules, which form part of the Zoning By-law. The schedules include a graphical illustration of the boundaries of the City Centre Zoning By-law lands, land use categories and zoning provisions. The schedules also illustrate lands with site specific exceptions to the Zoning By-law and lands subject to specific holding provisions.

The recommended process to verify the applicable zone provisions for a specific property within the City Centre lands is to:

- a) Verify that the property is located within lands regulated by the City Centre Zoning By-law, as shown on Schedule 1 – City Centre Lands, in Section 8;
- b) Locate the property on Schedule 2 – Land Use Categories, in Section 8, to identify the applicable zone category;
- c) Review the permitted uses applicable to that zone as listed in Table 3 in Section 4;

- d) Review the zone regulations applicable to that zone as listed in Table 4 in Section 4, in association with Zoning By-law Schedules 3 to 6 in Section 8;
- e) Review the general provisions and parking regulations for the proposed use in Sections 2 and 3;
- f) Review Schedule 7 – Exceptions, in Section 8, to determine if the property is located within an area subject to any applicable site-specific zoning exceptions listed within Section 6;
- g) Review Schedule 8 – Holding Provisions, in Section 8, to determine if the property is located within an area subject to required studies or reports prior to development as listed in Section 7; and
- h) Contact the City to ensure information is accurate and whether the property is subject to any variances.

1.0 Administration

1.1 Title

This By-law may be cited as the “City Centre Zoning By-law”. Reference to “Zoning By-law” and “this By-law” within this document shall mean the “City Centre Zoning By-law”, unless otherwise specified.

1.2 Application

This By-law applies to the City Centre lands in The Corporation of the City of Pickering as shown on Schedule 1 – City Centre Lands, in Section 8. The zone boundaries and zone regulations are shown on the zoning schedules, in Section 8, which are attached to and form part of this By-law.

1.3 Purpose

The purpose of this By-law is:

- a) to regulate the use of land, *buildings* and *structures*, and to regulate the construction and alteration of *buildings* and *structures* by statutory authority granted by the *Planning Act*; and
- b) to implement the policies within the Pickering Official Plan and the City Centre Urban Design Guidelines pertaining to the City Centre lands.

1.4 Repeal of former By-laws

The provisions of City of Pickering By-law 3036 and By-law 2511 and all amendments thereto, are hereby repealed insofar as they affect the lands covered by this By-law, as shown on Schedule 1 – City Centre Lands, in Section 8.

1.5 Effective Date

This By-law shall come into force the day that it is passed, if no appeals are received. If appeals are received, the appealed portions shall come into force when all such appeals have been withdrawn or finally disposed of and the rest of the By-law shall come into force the day the By-law is passed.

1.6 Conformity and Compliance

- a) No person shall use any land, *building* or *structure*, or erect or alter any *building* or *structure*, after the passage of this By-law, except in conformity and compliance with the provisions of this By-law.
- b) Nothing in this By-law exempts compliance with other by-laws, legislation or the requirement to obtain any license, permission, permit, authority or approval required by this By-law, any other by-law or any other legislation.

1.7 Administration

The Chief Building Official of the City of Pickering, or his or her designate, administers this By-law.

1.8 Penalties

Any person who contravenes this By-law is guilty of offence and liable to fines under the *Planning Act*. This includes a director or officer of a corporation who knowingly contravenes this By-law.

1.9 Severability

A court decision that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this By-law.

1.10 Transitional Provisions

Notwithstanding Sections 1.4 and 1.6 of this By-law, a building permit may be issued in accordance with Section 1.10 of this By-law.

For the purposes of determining zoning compliance for matters covered by Section 1.10 of this By-law, the provisions of Zoning By-law 3036 and Zoning By-law 2511, and all amendments thereto, as it read on the effective date of this By-law shall apply.

1.10.1 Building Permit Applications

Nothing in this By-law shall prevent the erection of a *building* or *structure* for which an application for a building permit was filed on or prior to the effective date of this By-law provided the building permit application complies with the provisions of the applicable zoning by-law, Zoning By-law 3036 or Zoning By-law 2511, and all amendments thereto, as it read on the effective date of this By-law.

1.10.2 Recently Approved Planning Applications

The requirements of this By-law do not apply to a *lot* where a complete Site Plan Application was received by the City of Pickering on or after January 1, 2016, and on or before the effective date of this By-law and a building permit for the applicable project has not yet been issued.

1.11 Establishment of Zones

1.11.1 Zones

All lands covered by this By-law, as described in Section 1.2, are contained within one or more of these zones:

Zone	Symbol
City Centre One	CC1
City Centre Two	CC2
City Centre Residential One	CCR1
City Centre Residential Two	CCR2
City Centre Civic	CCC
Open Space	OS
Natural Heritage System	NHS

1.11.2 Location of Zones

Zones are shown on the zoning schedules in Section 8. The lands within each zone are subject to the provisions of that zone, as well as the general regulations of this By-law.

1.12 Interpretation

1.12.1 Zone Boundaries

- a) If the zone boundary is shown in Section 8:
 - i) As following a *street*, *lane*, railway right-of-way, electric transmission line right-of-way or watercourse, then the centre line of the *street*, *lane*, railway right-of-way, electric transmission line right-of-way, municipal boundary or watercourse is the boundary;
 - ii) As substantially following *lot lines* shown on a registered plan of subdivision, then the *lot lines* are the boundary;
 - iii) As following a planned *street* or *lane* as outlined in the City of Pickering's Official Plan, the future right-of-way, once determined through a *development agreement*, is the boundary; or
 - iv) As not being in accordance with the above provisions, then the zone boundary shall be scaled from the zoning schedules in Section 8.
- b) In addition to the above, if the zone boundary separates a *lot* into portions, each portion of the *lot* shall be used in accordance with the provisions of this By-law for the applicable zone.
- c) Where a *lot* is being proposed to develop in phases, each portion of the *lot*, within a phase of development, shall be used in accordance with the provisions of this By-law for the applicable zone.

- d) If the zone boundary separates a *lot* into portions, which includes a Natural Heritage System (NHS) Zone, the zone boundary may be redefined through an Environmental Assessment or equivalent comprehensive evaluation. Where the NHS Zone boundary is reduced or removed the zoning of the land formerly within the NHS Zone shall be interpreted to be in accordance with the immediately abutting zone. Where the NHS Zone boundary is increased the land formerly within the abutting zone shall be interpreted to be in accordance with the NHS Zone.

1.12.2 Definitions

- a) Throughout this By-law, any italicized word is defined in Section 5 to provide clarity and ensure that the By-law and its intent are applied consistently.
- b) Where a use is defined, it shall not be interpreted to include any other defined use unless it is stated in the definition to the contrary.

1.12.3 Public Acquisition or Conveyance

Despite any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law related to zoning and parking regulations, then the lands so acquired shall be deemed to continue to form part of the *lot* upon which the *building* or *buildings* are located in determining compliance with this By-law.

2.0 General Regulations

2.1 Prohibited Uses

With respect to any lands to which this By-law applies, all uses are prohibited unless specifically permitted in this By-law.

2.2 Public Uses Permitted in All Zones

- a) Despite anything else in this By-law, the City of Pickering or Region of Durham or any of their local boards as defined in the *Municipal Act*, any communications or transportation system owned or operated by or for the City of Pickering or Region of Durham, and any agency of the Federal or Provincial Government, may, for the purposes of public service, use any land or erect or use any *building* or *structure* in any zone.
- b) This exemption for Public Uses in any zone shall not apply to:
 - i) permit *buildings* or *structures* in the Natural Heritage System (NHS) Zone except for linear *infrastructure* and the uses otherwise permitted in the NHS Zone;
 - ii) permit any *outdoor storage*, or a waste processing or *waste transfer station*; or
 - iii) permit any land or *building* used by any local School Board, University or College.

2.3 Utilities Permitted in All Zones

- a) Despite anything else in this By-law, a utility company providing services in the form of communication/telecommunication, gas, hydro and cable television and other similar utility company, may use any land or erect or use any *building* or *structure* in any zone for the purpose of a utility service.
- b) This exemption for utilities in any zone shall not apply to:
 - i) permit *buildings* or *structures* in the Natural Heritage System (NHS) Zone except for *structures* directly related to the utility and uses otherwise permitted in the NHS Zone;
 - ii) permit any *outdoor storage* or *contractor's yard*; or
 - iii) permit any land or *building* to be used for administrative offices, retail purposes, or vehicular or equipment maintenance.

2.4 Permitted Encroachments

No part of any required *yard* or *setback* shall be obstructed except as follows:

- a) Projections such as awnings, canopies, window sills, chimney breasts, fireplaces, belt courses, cornices, pilasters, eaves, eave troughs and other similar architectural features may be permitted in any required *setback*, provided that no such feature projects into the required *setback* more than 0.6 metres or half the distance of the minimum required *setback*, whichever is less.

- b) Any stairs to a *porch* or *uncovered platform* and any unenclosed ramp for wheelchair access may encroach into any required *setback* provided it is no closer than 0.3 metres from a *lot line*.
- c) A *balcony*, *porch* or *uncovered platform* may encroach into any required *setback* to a maximum of 2.0 metres or half the distance of the minimum required *setback*, whichever is less.
- d) A bay, box or bow window, with or without foundation, having a maximum width of 4.0 metres may encroach into any required *setback* to a maximum of 0.6 metres or half the distance of the minimum required *setback*, whichever is less.

2.5 Legal Non-Conforming Uses

- a) A legal non-conforming use is a use of land and/or *building* that legally existed on the date this By-law came into effect under the *Planning Act*. To be legal, the use must have been permitted on the lands in the zoning by-law that was in effect before this By-law came into effect or if it was established before the first By-law for the City of Pickering or the By-law for the original Township was passed.
- b) This By-law shall not prevent the use of any land, *building* or *structure* for any purpose prohibited by this By-law if such land, *building* or *structure* was lawfully used for such purpose on the day of passing of this By-law, and provided that such land, *building* or *structure* continues to be used for that purpose.

2.6 Legal Non-Complying Buildings or Structures

- a) A legal non-complying *building* or *structure* is a *building* or *structure* that was legally erected in a location it was in when this By-law came into effect under the *Planning Act*. To be legal, the location of the *building* or *structure* must have been authorized on the lands in the zoning by-law that was in effect before this By-law came into effect, or if it was erected before the first by-law for the City of Pickering or the by-law for the original Township was passed.
- b) A non-complying *building* or *structure* which existed legally prior to the passing of this By-law may be enlarged, repaired, renovated or reconstructed provided that the enlargement, repair, renovation or reconstruction:
 - i) does not further increase the extent of a non-compliance; and
 - ii) complies with all other applicable provisions of this By-law.

2.7 Accessory Dwelling Unit

Despite any provision in this By-law to the contrary, in any zone that permits a *detached dwelling*, *semi-detached dwelling* or a *street townhouse dwelling*, an *accessory dwelling unit* is permitted within the *detached dwelling*, *semi-detached dwelling* or *street townhouse dwelling* provided:

- a) a total of three (3) *parking spaces* are provided on the property where the *accessory dwelling unit* is located
- b) the maximum *floor area* of an *accessory dwelling unit* shall be 100 square metres
- c) a *home-based business* is prohibited in either *dwelling unit* or a *dwelling* containing an *accessory dwelling unit*

2.8 Home-Based Business

- a) A *home-based business* is permitted within a *dwelling unit* provided the *home-based business* is used by the resident of the *dwelling unit* and the resident is either a sole proprietor, partner, shareholder, or officer of the company operating the *home-based business*, or an employee who uses their *dwelling unit* as their principal place of business.
- b) The following specific uses are prohibited in a *home-based business*:
 - i) *adult entertainment establishment*;
 - ii) *animal boarding establishment*;
 - iii) *assembly, convention centre or conference hall*;
 - iv) *commercial fitness/recreational centre*;
 - v) *contractor's yard*;
 - vi) *dating/escort service*;
 - vii) *funeral home*;
 - viii) *nightclub*;
 - ix) *place of amusement*;
 - x) *public bath/whirlpool*;
 - xi) *restaurant*;
 - xii) *retail store*;
 - xiii) *taxi service*;
 - xiv) *vehicle dealership*;
 - xv) *vehicle repair facilities*;
 - xvi) *veterinary clinic*;
 - xvii) *warehousing*; and
 - xviii) *wholesaling*.
- c) In addition, any use which constitutes a nuisance, or any use which is offensive or obnoxious in any way, including but not limiting the generality of the foregoing, any use which creates an adverse effect through the generation of traffic, parking, noise, vibration, dust, fumes, gas, odour, waste, hazardous waste, emissions, smoke, glare, radiation, electrical interference, or any use involving the use or storage of hazardous, toxic, or contaminant substances which constitutes a threat to public health and safety, or any combination thereof, is prohibited in a *home-based business*.
- d) The maximum combined *floor area* that all *home-based businesses* within a *dwelling unit* may occupy is 25 percent of the finished *floor area* of that *dwelling unit* to a maximum of 50 square metres.
- e) No use or activity relating to a *home-based business* is permitted in a private garage or *accessory building* or *structure*, however, limited storage relating to a *home-based business* is permitted to the extent that it does not prevent the parking of the number of vehicles the private garage or *accessory building* or *structure* was designed to accommodate.

- f) No *outdoor storage* or visible display relating to a *home-based business* is permitted.
- g) Customer or client parking is not required to be provided on the *lot*.
- h) External changes or alterations required for or relating to a *home-based business* which would change the overall residential character of the *dwelling unit* are not permitted.
- i) Despite the uses prohibited in a *home-based business* as specified in Section 2.8 b), the selling of products assembled or developed on the *premises* is a permitted use in a *home-based business*, and the sale and distribution of catalogue items is a permitted use in a *home-based business* provided that no catalogue items are stored on the *premises*.

2.9 Accessory Buildings and Structures

- a) *Accessory buildings and structures* are permitted on a *lot* where a *main building* housing a principal permitted use, already exists or is under construction.
- b) Except as may be provided herein, *accessory buildings and structures* are only permitted to be erected in the *rear yard* and *interior side yard*.
- c) *Accessory buildings and structures* must be *setback* a minimum of 1.0 metre from all *lot lines*, except that the *setback* from the *interior side* or *rear lot line* may be reduced to 0.6 metres if there are no doors or windows on the wall of the *accessory building or structure* facing the *interior side* or *rear lot line*.
- d) No *accessory building* shall exceed a maximum building *height* of 3.5 metres.
- e) The total *lot coverage* of all *accessory buildings* shall not exceed 5 percent of the lot area.
- f) Human habitation is not permitted in an *accessory building or structure*.

2.10 Live Work Dwelling

- a) The following specific uses are permitted in a *live work dwelling*:
 - i) *art gallery/studio*;
 - ii) *dry-cleaning distribution centre*;
 - iii) *dwelling unit*;
 - iv) *medical office*
 - v) *office*;
 - vi) *personal service shop*;
 - vii) *restaurant*; and
 - viii) *retail store*.
- b) For any permitted use listed in 2.10 a) above, the minimum *floor area* within a *dwelling unit* is 50 square metres.

2.11 Patios

- a) *Patios* are not permitted in any *yard* abutting a City Centre Residential One (CCR1) zone and City Centre Residential Two (CCR2) zone.
- b) *Patios* are not permitted on a *balcony* on any *lot* abutting a residential use.
- c) *Patios* shall not be considered as *floor area* and *gross leasable floor area* when calculating *floor area* and *gross leasable floor area* for the use it serves.
- d) *Patios* shall not exceed 50 percent of the *gross leasable floor area* of an associated *restaurant*.

2.12 Temporary Sales Office

Temporary Sales Offices for the sale of *lots* or units are subject to the following:

- a) A *temporary sales office* shall not be permitted until an applicable plan of subdivision or condominium has received draft plan approval or the property is in a zone that permits the proposed development.
- b) A *temporary sales office* shall only be permitted for such period that work within a relevant plan of subdivision or condominium remains in progress, having not been finished or discontinued for 60 days.
- c) A *temporary sales office* shall comply with the minimum *setback* provisions of the applicable zone.
- d) *Parking spaces* for a *temporary sales office* are to be located to the side and rear of the *temporary sales office*.
- e) Notwithstanding Section 4.2 b) of this By-law, minimum building *height* does not apply to a *temporary sales office*.

2.13 Yards Abutting Daylight Triangles

Where a *lot* abuts a *daylight triangle*, the *setback* provisions shall be measured as if the *daylight triangle* did not exist, provided all *buildings* are *setback* 0.6 metres from the *daylight triangle* with the exception of window sills, belt courses, cornices, eaves, and eave troughs which may project to within 0.3 metres of the *daylight triangle*.

2.14 Satellite Dish Antenna

Satellite dish antennae are permitted in any Zone provided that:

- a) the satellite dish does not exceed a maximum diameter of 1.3 metres; and
- b) the satellite dish is not attached to the front façade of the *main building* or any *accessory building* or *structure* in the *front yard*.

2.15 Air Conditioners

Air conditioners are permitted on a *lot* provided they are located in the *rear yard* or *interior side yard* or on a *balcony* or roof. In addition, such units shall not be located any closer than 0.6 metres to an interior *lot line* and shall not be located on any easements in favour of the City.

2.16 Human Habitation Not Within Main Buildings

No truck, bus, coach, street car body, railway car, *mobile home*, trailer or other vehicle shall be used for human habitation whether or not the same is mounted on wheels or other forms of mounting or foundations.

2.17 Waste Management

- a) Waste shall be stored within a fully enclosed *building*, *structure* or partially in-ground *structure* and shall not be located:
 - i) between the *main wall* of a *building* and any *street line*; and
 - ii) within any *landscaped area* required by this By-law.
- b) Notwithstanding Section 2.18 a) above, waste storage temporarily provided for any construction, demolition or site alteration works is permitted anywhere on a *lot*.

2.18 Highway 401 Corridor Setback

Notwithstanding any other provision of this By-law, no *building*, *structure*, *parking space*, *loading space*, *aisle* or stormwater management facility shall be located above or below *grade*, within 14.0 metres of any *lot line* abutting the boundary of the Highway 401 Corridor.

2.19 Natural Heritage System Zone Setback

Notwithstanding any other provision of this By-law, any *building*, *structure*, *parking space*, *loading space*, or *aisle* located above *established grade* shall be set back a minimum of 4.0 metres from a Natural Heritage System Zone boundary.

2.20 Rooftop Mechanical Equipment and Mechanical Penthouses

- a) Rooftop mechanical equipment, including any appurtenances thereto, that exceed a maximum *height* of 2.0 metres shall be fully enclosed within a mechanical penthouse.
- b) Rooftop mechanical equipment shall be set back a minimum of 5.0 metres from all edges of a roof.
- c) Notwithstanding Section 2.21 b) above, no setback is required if rooftop mechanical equipment is fully enclosed within a mechanical penthouse or screened by an architectural feature.

3.0 Parking Regulations

3.1 Parking Space Requirements

Every *building* or *structure* erected, enlarged or used in accordance with the provisions of this By-law shall be provided with the minimum number of required *parking spaces* specified in Table 1.

Table 1 – Minimum Parking Requirements

Residential Uses	
<i>Accessory Dwelling Unit</i>	1.0 space per <i>dwelling unit</i>
<i>Apartment Dwelling</i>	0.8 spaces per <i>dwelling unit</i> and an additional 0.15 of a space per <i>dwelling unit</i> for visitors
<i>Back-to-Back Townhouse Dwelling</i>	1.75 spaces per <i>dwelling unit</i> and an additional 0.15 of a space per <i>dwelling unit</i> for visitors
<i>Block Townhouse Dwelling</i>	1.75 spaces per <i>dwelling unit</i> and an additional 0.15 of a space per <i>dwelling unit</i> for visitors
<i>Live Work Dwelling</i>	1.5 spaces per <i>dwelling unit</i> plus 3 spaces per 100 square metres <i>gross leasable floor area</i> (GLFA) of <i>commercial use</i>
<i>Stacked Dwelling</i>	1.25 spaces per <i>dwelling unit</i> and an additional 0.15 of a space per <i>dwelling unit</i> for visitors
<i>Street Townhouse Dwelling</i>	2.0 spaces per <i>dwelling unit</i>
<i>Detached Dwelling</i>	2.0 spaces per <i>dwelling unit</i>
<i>Semi-Detached Dwelling</i>	2.0 spaces per <i>dwelling unit</i>
Non-Residential Uses	
<i>Art Gallery/Studio</i>	3.5 spaces per 100 square metres GLFA
<i>Assembly, Convention Centre or Conference Hall</i>	10.0 spaces per 100 square metres GLFA
<i>Cinema</i>	1.0 space per 6 seats of permanent seating
<i>Commercial Fitness/Recreational Centre</i>	4.5 spaces per 100 square metres GLFA
<i>Community Centre</i>	3.5 spaces per 100 square metres GLFA
<i>Day Care Centre</i>	1.0 space per employee plus 3.0 spaces and an additional 1.0 space per classroom
<i>Dry-Cleaning Distribution Centre</i>	3.5 spaces per 100 square metres GLFA
<i>Financial Institution</i>	3.5 spaces per 100 square metres GLFA
<i>Food Store</i>	3.5 spaces per 100 square metres GLFA
<i>Home-Based Business</i>	Not required
<i>Hotel</i>	0.85 space per guest room and an additional 10.0 spaces per 100 square metres GLFA
<i>Library</i>	2.5 spaces per 100 square metres GLFA
<i>Long-Term Care Facility</i>	0.33 of a space per bed
<i>Museum</i>	3.5 spaces per 100 square metres GLFA

Non-Residential Uses (continued)	
<i>Nightclub</i>	10.0 spaces per 100 square metres GLFA
<i>Office</i>	2.5 spaces per 100 square metres GLFA
<i>Office, Medical</i>	3.5 spaces per 100 square metres GLFA
<i>Park</i>	Not required
<i>Personal Service Shop</i>	3.5 spaces per 100 square metres GLFA
<i>Place of Amusement</i>	4.5 spaces per 100 square metres GLFA
<i>Place of Worship</i>	10.0 per 100 square metres GLFA for any assembly area
<i>Private Club</i>	4.5 spaces per 100 square metres GLFA
<i>Private Home Daycare</i>	Not required
<i>Restaurant</i>	5.0 spaces per 100 square metres GLFA
<i>Retail Store</i>	3.5 spaces per 100 square metres GLFA
<i>Retirement Home</i>	0.2 of a space per unit plus 0.05 of a space per unit for visitors
<i>School, Commercial</i>	3.5 spaces per 100 square metres GLFA
<i>School, Elementary</i>	1.3 spaces per classroom
<i>School, Post-Secondary</i>	1.0 space per 100 square metres GLFA
<i>School, Private</i>	1.3 spaces per classroom
<i>Service and Repair Shop (non-vehicle)</i>	3.5 spaces per 100 square metres GLFA
<i>Theatre</i>	1.0 space per 6 seats of permanent seating
<i>Veterinary Clinic</i>	3.5 spaces per 100 square metres GLFA

3.2 Rounding Provisions

Where *parking spaces* are calculated by *gross leasable floor area*, or similar calculation, and the required parking is a fraction, the number of *parking spaces* shall be rounded up to the nearest whole number.

3.3 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.

3.4 Parking for Multiple Uses on One Lot

A shared parking formula may be used for the calculation of required parking for multiple uses on a *lot*.

Shared parking is to be calculated in compliance with Table 2 – Shared Parking Formula.

All required *parking spaces* must be accessible to all uses participating in the shared parking arrangement and may not be reserved for specific users.

The initial step in determining required parking for multiple uses on a *lot* is to calculate the parking requirement for each use in the development as if these uses were free-standing *buildings*. The parking requirement for each use is then multiplied by the percent of the peak period for each time period (i.e. noon), contained in Table 2 – Shared Parking Formula. Each column is totaled for weekday and weekend. The highest figure obtained from all time periods shall become the required parking for the development.

Table 2 – Shared Parking Formula

Type of Use	Percentage of Peak Period (Weekday)			
	Morning	Noon	Afternoon	Evening
<i>Financial Institution/ Office/ Office, Medical</i>	100	90	95	10
<i>Food Store/ Personal Service Shop/ Retail Store</i>	65	90	90	90
<i>Restaurant</i>	20	100	30	100
<i>Cinema/ Theatre</i>	20	40	70	100
<i>Hotel</i>	70	70	70	100
Residential – Visitor	20	20	60	100

Type of Use	Percentage of Peak Period (Saturday)			
	Morning	Noon	Afternoon	Evening
<i>Financial Institution/ Office/ Office, Medical</i>	10	10	10	0
<i>Food Store/ Personal Service Shop/ Retail Store</i>	80	100	100	70
<i>Restaurant</i>	20	100	50	100
<i>Cinema/ Theatre</i>	20	60	80	100
<i>Hotel</i>	70	70	70	100
Residential – Visitor	20	20	60	100

3.5 Parking Off-Site

Required *parking spaces* for any non-residential use may be located on another *lot* within the lands/covered by this By-law, where a legal easement or an agreement exists.

3.6 Size of Parking Spaces and Aisles

- Parking spaces* shall be a minimum of 2.6 metres in width and 5.3 metres in length, exclusive of any land used for access, maneuvering or similar purpose.
- Aisles* within a *parking lot* shall be a minimum pavement width of 3.8 metres in width for one-way traffic and a minimum of 6.5 metres in width for two-way traffic.

3.7 Surface Parking Spaces

The following surface parking provisions are required for on-site parking and access to drive *aisles*:

- all surface parking shall be located in the *rear* or *interior side yards* of *buildings*;
- a minimum 3.0 metre wide *landscaped area* shall be required and permanently maintained between any *street line*, *daylight triangle* or *existing* residential development and the *parking spaces* or *aisles*.

3.8 Parking Structures

- a) *Parking structures* located adjacent to any *street line* shall comply with the provisions for the *main building* in accordance with this By-law.
- b) *Parking structures* constructed completely below *established grade* are permitted to encroach below public and private right-of-ways and public parkland.
- c) Stairs and air vents associated with a *parking structure* are not permitted in a *front yard* or *exterior side yard*.
- d) 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 4.0 metres to a *street line*.
- e) The parking of *motor vehicles* is prohibited in the *first storey* of an above *grade parking structure* for the first 9.0 metres of the depth of the *parking structure* measured in from the *lot line* along a *street line* with required *active at grade frontages*, as shown on Schedule 6 to this by-law.
- f) Above ground *parking structures* that front onto a *street line* shall have a minimum *ground floor height* of 4.5 metres.

3.9 Bicycle Parking Space Requirements

- a) *Bicycle parking spaces* must be located on the same *lot* as the use or *building* for which it is required.
- b) A maximum of 50 percent of the required *bicycle parking spaces* may be vertical spaces; the rest of the required spaces must be horizontal spaces.
- c) 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.
- d) 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.
- e) Dimensions:
 - i) if located in a horizontal position (on the ground): a minimum length of 1.8 metres and a minimum width of 0.6 metres;
 - ii) if located in a vertical position (on the wall): a minimum length of 1.5 metres and a minimum width of 0.5 metres.

- f) Minimum Number of *Bicycle Parking Spaces*:
 - i) for *Apartment Dwelling*: 0.5 *bicycle parking spaces* per *dwelling unit*;
 - ii) for *Stacked Dwelling*: 1.0 *bicycle parking space* per *dwelling unit*;
 - iii) for *Long-Term Care Facility* and *Retirement Home*: a minimum of 5 *bicycle parking spaces*
 - iv) for non-residential uses: the greater of 2 or 1.0 *bicycle parking space* for each 1,000 square metres of *gross leasable floor area* or portion thereof.

3.10 Restrictions on the Parking and Storage of Vehicles

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

- a) Number of Vehicles:

A maximum of 4 vehicles, only 1 of which may be a trailer, are permitted to park on a *driveway*.
- b) Size of Vehicles:
 - i) for those vehicles parked on any *lot*, the maximum permissible *height* is 2.6 metres, and the maximum permissible length is 6.7 metres;
 - ii) notwithstanding Section i) above, 1 vehicle parked on a *driveway* in a *side yard* or *rear yard* can be of a size up to a maximum permissible *height* of 3.5 metres, and a maximum permissible length of 8.0 metres; and
 - iii) *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.
- c) Location of Vehicles:

No part of any *front yard* except a *driveway* is to be used for the parking or storage of vehicles and no vehicle is to encroach onto any road allowance.
- d) Inoperative Vehicles:

The parking or storage of an inoperative vehicle is not permitted on any *lot* unless it is entirely within a fully enclosed *building* or *structure*.
- e) Construction Vehicles:

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*.
- f) Oversize Vehicles:

A vehicle that exceeds the maximum permissible vehicle size provisions of Section 3.10 b) is permitted to park temporarily on a *lot* for the sole purpose of delivering to, servicing or constructing the *premises* on that *lot*.

3.11 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;
- b) a *loading space* shall abut the *building* for which the *loading space* is provided;
- c) an unenclosed *loading space* located above *established grade* shall be set back a minimum of 10.0 metres from a *street line*;
- d) an enclosed *loading space* located above *established grade* shall comply with the requirements of Section 4.2 d) of this By-law.

4.0 Permitted *Uses and Zone Regulations*

4.1 Permitted Uses

The following Table *establishes* the uses permitted in the City Centre One (CC1), City Centre Two (CC2), City Centre Residential One (CCR1), City Centre Residential Two (CCR2), City Centre Civic (CCC), Open Space (OS) and Natural Heritage System (NHS) Zones.

Table 3 – Permitted Uses

Use	Zone						
	CC1	CC2	CCR1	CCR2	CCC	OS	NHS
Residential Uses							
<i>Accessory Dwelling Unit</i>	•(5)	•(5)	•(5)	•(5)			
<i>Apartment Dwelling</i>	•	•		•			
<i>Back-to-Back Townhouse Dwelling</i>	• (3)	•(3)	•	•			
<i>Block Townhouse Dwelling</i>	• (3)	•(3)	•	•			
<i>Live Work Dwelling</i>	•	•		•			
<i>Stacked Dwelling</i>	• (3)	•(3)		•			
<i>Street Townhouse Dwelling</i>	• (3)	•(3)	•	•			
Non-Residential Uses							
<i>Art Gallery/Studio</i>	•	•			•		
<i>Assembly Hall</i>	•				•		
<i>Cinema</i>	•				•		
<i>Commercial Fitness/Recreational Centre</i>	•	•		• (1)	•		
<i>Community Centre</i>	•	•			•	•	
<i>Community Garden</i>	•	•	•	•	•		•
<i>Convention Centre or Conference Hall</i>	•				•		
<i>Day Care Centre</i>	•	•		• (1)	•		
<i>District Energy Facility</i>	•	•			•		
<i>Dry Cleaning Distribution Centre</i>	•	•		• (1)			
<i>Financial Institution</i>	•	•					
<i>Food Store</i>	•	•			•		
<i>Home-Based Business</i>	•	•	•	•			
<i>Hotel</i>	•	•					
<i>Kiosk</i>	•	•		•	•	•	
<i>Library</i>	•	•			•		
<i>Long-Term Care Facility</i>	•	•		•			
<i>Museum</i>	•	•			•		
<i>Nightclub</i>	•						
<i>Office</i>	•	•	•	•	•		
<i>Office, Medical</i>	•	•					

Use	Zone						
	CC1	CC2	CCR1	CCR2	CCC	OS	NHS
Non-Residential Uses (continued)							
Park	•	•	•	•	•	•	•(4)
Parking Structure	•	•					
Personal Service Shop	•	•	•	•			
Place of Amusement	•						
Place of Worship	•						
Private Club	•	•					
Private Home Daycare	•	•	•	•			
Restaurant	•	•					
Retail Store	•	•					
Retirement Home	•	•		•			
School, Commercial	•	•					
School, Elementary, Secondary	•	•(2)					
School, Post-Secondary	•	•					
School, Private	•	•					
Service and Repair Shop	•	•					
Stormwater Management Facilities							
Theatre	•				•		
Veterinary Clinic	•	•					

Notes:

1. use shall be limited to the first two *storeys* of a *building*
2. maximum one located within this zone
3. use prohibited in areas designated as *Active At Grade Frontages* on Schedule 6 to this By-law
4. No *buildings* and *structures* shall be permitted
5. use shall be permitted within a *detached dwelling, semi-detached dwelling and street townhouse dwelling*

4.2 Zone Regulations

The regulations for the City Centre Zones are set out in Table 4, below:

Table 4 – Zone Regulations

a) <i>Floor Space Index (FSI)</i>	i) minimum – as shown on Schedule 3 ii) maximum – 5.75
b) <i>Building Height</i>	i) minimum – as shown on Schedule 4 ii) maximum – as shown on Schedule 5
c) <i>Building Height Adjacent to Grade Related Dwellings</i>	i) <i>building height</i> shall be limited by a 45-degree <i>angular plane</i> measured 7.5 metres from the property line of adjacent detached, semi-detached and <i>street townhouse dwellings</i> at a <i>height</i> of 10.5 metres above <i>grade</i>
d) <i>Building Setback from Street Line</i>	i) minimum – 1.0 metre ii) maximum – 4.0 metres iii) notwithstanding (ii) above, for residential <i>buildings</i> located outside the required <i>Active At Grade Frontages</i> , as shown on Schedule 6 to this by-law, the maximum <i>setback</i> from <i>street line</i> shall be 6.0 metres iv) the maximum <i>setback</i> may be increased up to an additional 5.0 metres where the entire <i>setback</i> is used for publicly-accessible open space, in the form of a plaza or courtyard, and does not include <i>parking</i> or <i>loading spaces</i>
e) <i>Setback for Below Grade Parking Structures</i>	i) minimum – 0.0 metres
f) <i>Podium Requirements for Buildings greater than 37.5 metres</i>	i) minimum <i>height</i> of a <i>podium</i> – 10.5 metres ii) maximum <i>height</i> of a <i>podium</i> – 20.0 metres
g) <i>Tower Floor Plates</i>	i) maximum <i>tower floor plate</i> for a residential <i>building</i> – 850 square metres

h) <i>Building Separation</i>	<ul style="list-style-type: none"> i) minimum – 11.0 metres, except that the separation may be reduced to 3.0 metres if there are no <i>primary windows</i> or <i>balconies</i> on the wall facing the adjacent flanking <i>building</i> ii) minimum – 18.0 metres for any portion of a <i>building</i> greater than 25.5 metres in <i>height</i>, except that the separation may be reduced to 11.0 metres if there are no <i>primary windows</i> or <i>balconies</i> on the wall facing the adjacent flanking <i>building</i> iii) minimum – 25.0 metres for any portion of a <i>building</i> greater than 37.5 metres in <i>height</i>
i) <i>Main Wall Stepback for Buildings equal to or less than 37.5 metres in height</i>	i) minimum <i>main wall</i> stepback - 1.5 metres between 4.5 metres and 15.0 metres in <i>height</i> on any <i>building</i> face abutting a <i>street line</i>
j) <i>Main Wall Stepback for Buildings greater than 37.5 metres</i>	<ul style="list-style-type: none"> i) minimum <i>main wall</i> stepback - 3.0 metres from the <i>main wall</i> of a <i>point tower</i> and the <i>main wall</i> of a <i>podium</i> on any <i>building</i> face abutting a <i>street line</i> ii) minimum <i>main wall</i> stepback - 3.0 metres between the top 6.0 metres and 18.0 metres of a <i>point tower</i> for <i>buildings</i> equal to and greater than 73.5 metres
k) <i>Balcony Requirements</i>	<ul style="list-style-type: none"> i) minimum depth – 1.5 metres ii) notwithstanding Section 2.4 (c), <i>balconies</i> are not permitted to project beyond the <i>main wall</i> less than 10.5 metres in <i>height</i> above <i>grade</i> along any <i>street line</i> with required <i>Active At Grade Frontages</i>, as shown on Schedule 6 to this By-law
l) <i>Continuous Length of Buildings along a Street Line</i>	i) minimum – 60 percent of the <i>street frontage</i> of a <i>lot</i> must be occupied by a <i>building</i>
m) <i>Buildings Requiring Active At Grade Frontages</i>	<ul style="list-style-type: none"> i) minimum – 40 percent of the <i>first storey</i> of a non-residential <i>building</i> along any <i>street line</i> with required <i>Active At Grade Frontages</i>, as shown on Schedule 6 of this by-law, shall be comprised of openings and transparent glazing ii) a <i>primary entrance door</i> with direct and unobstructed access open to the public shall be incorporated into the wall of a <i>building</i> facing the <i>street line</i> iii) minimum <i>ground floor height</i> – 4.5 metres

n) <i>Landscaped Area</i>	i) minimum – 10 percent of the area of a <i>lot</i>
o) <i>Amenity Space Requirements for Apartment Dwellings</i>	i) minimum – 2.0 square metres of indoor <i>amenity space</i> is required per <i>apartment dwelling</i> unit: ii) minimum – 2.0 square metres of outdoor <i>amenity space</i> is required per apartment dwelling <i>unit</i> (a minimum contiguous area of 40.0 square metres must be provided in a common location)

4.2.1 Calculation of Landscaped Area

The minimum *landscaped area* requirement is to be calculated as follows:

- a) to qualify for any minimum *landscaped area* requirement of this By-law, an individual area of landscaping provided on a *lot* shall have a minimum dimension of 3.0 metres by 3.0 metres;
- b) landscaping provided on a roof of a *building* shall be included in the calculation of required *landscaped area* on the *lot*, provided it meets the requirements of Subsection a) above.

5.0 Definitions

“Accessory” means a use, *building* or *structure* naturally or normally incidental to, subordinate to or exclusively devoted to a principal use or *building* or *structure* and located on the same *lot* as the principle use, *building*, or *structure*.

“Active At Grade Frontage” means the *ground floor* of a *building* facing a *street line* that is permeable, transparent and contains the *primary entrance door* for uses such as *restaurants*, *food* and *retail stores* and community uses. Emergency access doors, garage doors, services doors and loading doors are not permitted along the *street line*.

“Adult Entertainment Establishment” means any premises or part thereof used in the pursuance of a business, if:

- i) entertainment or services that are designed to appeal to exotic or sexual appetites are offered or provided in the premises or part of the premises, and without limiting the generality of the foregoing, includes services or entertainment in which a principal feature or characteristic is nudity or partial nudity of any *person*; or
- ii) body rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a *person’s* body are performed, offered or solicited in the premises or part of the premises, but does not include premises or part or them where body-rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by *persons* otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario; or
- iii) *adult videos* are sold, rented, or offered or displayed for sale or rental, where the proportion of *adult videos* to other videos exceeds 1:10

“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*.

“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.

“Angular Plane” means an imaginary flat surface projecting over a *lot*, at an inclined angle measured up from the horizontal.

“Animal Boarding Establishment” means a *building*, *structure* or part thereof, where dogs and cats and other domesticated animals, excluding livestock, are bred, raised, groomed, trained or kept for a fee on a temporary basis and may include outdoor facilities.

“Arena” means a *building* or part thereof, in which the principal facilities provide for recreational activities such as curling, skating, hockey, lacrosse, broomball or other similar athletic activities, and which facilities may include dressing rooms, concession booths for the provision of food and refreshments, bleachers, equipment for making artificial ice and other such *accessory* facilities.

“Art Gallery/Studio” means a *premises* used for the creation, exhibition, collection and/or preservation of works of art for public viewing and sale and may include educational classes.

“Assembly, Convention Centre or Conference Hall” means a *building* or part thereof in which permanent or temporary seating is provided for civic, educational, political, religious or social purposes and may include facilities for the consumption of food or drink, but not for any *commercial use*.

“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*.

“Basement” means a portion of a *building* below the *first storey*.

“Bay Window” means a window with at least three panels set at different angles to create a projection from the outer wall of a *building*, and includes a bow window.

“Block” means all land fronting on one side of a *street* between the nearest *streets*, intersecting, meeting or crossing said *street*.

“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*.

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

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

“Car Share Service” means a service that provides *motor vehicles* solely for the shared use of members of that service, and does not include an automobile rental establishment or automobile dealership.

“Cartage or Transport Depot” means a *building* or *structure* and *lot* where transport vehicles are kept for hire, rented or leased, or stored or parked for remuneration, or from which transport vehicles are dispatched for hire as common carriers and may include a warehouse, but shall not include any other use or activity otherwise defined or classified in this By-law.

“Cemetery” means the lands used or intended to be used for the interment of human remains.

“Cinema” means a *premises* where motion pictures are exhibited for public viewing.

“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*.

“Commercial Fitness/Recreational Centre” means a commercial establishment that has been designed for conduct of sport, athletic and leisure activities such as squash courts, swimming pools, exercise classes and other similar indoor recreational facilities are provided and operated for gain or profit, but does not include an *adult entertainment establishment*, a casino or *place of amusement* as defined herein.

“Community Centre” means a multi-purpose facility that offers a variety of programs or a recreational, cultural, day care, social, community service, informational or instructional in nature.

“Contractor’s Yard” means a *premises* of any general contractor or builder where equipment and/or materials are stored or where a contractor performs shop or assembly work.

“Dating/Escort Service” means a service providing companionship for and by individuals for profit or personal gain.

“Day Care Centre” means:

- i) 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*, or
- ii) indoor and outdoor *premises* in which care is offered or supplied on a regular schedule to adults for a portion of a day but does not provide overnight accommodation.

“Daylight Triangle” means an area free of *buildings*, *structures*, fences and hedges up to 0.9 metres in *height* and which area is to be determined by measuring, from the point of intersection of *street lines* on a *corner lot*, the distance required by this By-law along each such *street line* and joining such points with a straight line. The triangular-shaped land between the intersecting *street lines* and the straight line joining the points the required distance along the *street lines* is the *daylight triangle*.

“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.

“District Energy Facility” means a centrally located facility or linked facilities that generates and distributes thermal energy (steam and/or hot and cold water) to end users through an underground pipeline distribution system and generates electricity, including electricity for supply to the grid.

“Driveway” means a private way used to provide vehicular access from a roadway to an off-street parking or *loading space* or *aisle* located on the same *lot* as the principal use. On a *lot* containing a detached, semi-detached or townhouse *dwelling*, the *driveway* may contain one or more *parking spaces*.

“Dry Cleaning Distribution Centre” means a *premises* used for the purpose of receiving articles or goods of fabric to be laundered or dry-cleaned elsewhere and does not include a *dry cleaning establishment*.

“Dry Cleaning Establishment” means a *premises* in which the business of laundry or dry cleaning is housed and where the cleaning, drying, ironing, and finishing of such goods is conducted.

“Dwelling” includes:

- a) **“Accessory Dwelling Unit”** means a separate *dwelling unit* subsidiary to and located in the same *building* as an associated principal *dwelling unit*; and its creation does not result in the creation of a *semi-detached dwelling*, duplex *dwelling*, three-unit *dwelling* or converted *dwelling*.
- 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*.
- c) **“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*.
- d) **“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*.
- e) **“Detached Dwelling”** means a residential use *building* that contains only one principal *dwelling unit*.
- f) **“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.

- g) **“Live Work Dwelling”** means a townhouse *dwelling* or *stacked dwelling*, where the *ground floor* only, or part thereof, may be used for *commercial use* as permitted by this By-law, except that the *basement* may be used for storage for the *commercial use*, and where the commercial and residential components can be accessed by a common internal entrance.
- h) **“Semi-Detached Dwelling”** means a residential use *building* containing two attached principal *dwelling units* that are divided vertically, with each unit having *frontage* on a *street*, except where located within a planned unit development.
- i) **“Stacked Dwelling”** means a residential use *building* of four 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.
- j) **“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*.

“Existing” means *existing* as of the date of the enactment of the provision that contains that word.

“Farmers’ Market” means a *building*, part of a *building* or open area where a majority of the vendors shall be primary producers of agricultural products grown within the Province of Ontario that are offered for sale directly to the general public, but may also feature other vendors who offer prepared foods and artisan crafts as well as provide entertainment and community information.

“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.

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

“Floor Space Index” means the total *gross floor area* of all *buildings* on a *lot* divided by the total area of the *lot* on which the *building* is located, excluding any portion of the *building* located below *grade*, such as *parking structures*.

“Food Store” means a *premises* that sells food and other non-food items, primarily on a self-service basis.

“Frontage” means that part of a *lot* that abuts a *street* measured along the *street line*.

“Funeral Home” means a *building*, or part of a *building*, used for furnishing funeral supplies and services to the public and includes facilities intended for the preparation of bodies for interment or cremation and may include visitation rooms and administrative offices.

“Grade” or “Established Grade” means the average elevation of the finished level of the ground adjoining all exterior walls of a *building*.

“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.

“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.

“Ground Floor” means the floor of a *building* at or first above *grade*.

“Ground Floor Area” means the *gross floor area* only on the *ground floor*.

“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.

“Home-Based Business” means the *accessory* use of a *dwelling unit* for an occupation or business, where the *dwelling unit* is the principal residence of the business operator.

“Hotel” means a *building*, or group of *buildings*, each containing sleeping accommodation, catering primarily to the traveling public, for rent or hire for temporary lodging. *Hotel* may also include *restaurant*, public hall and ancillary retail uses which are incidental and subordinate to the primary *hotel* function and oriented to serve the *hotel* patrons.

“Kiosk” means a *building* or *structure* with a maximum *floor area* of 12 square metres that provides complementary uses in a public or private operated open space zone.

“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.

“Lane” means a thoroughfare not intended for general traffic circulation that provides means of vehicular access to the rear of a *lot* where the *lot* also fronts or flanks onto a *street*, or where a *lot* fronts onto public or private open space. The *lane* may be maintained by a condominium corporation as a private road condominium or by a government authority.

“Library” means a *building* or portion of a *building* containing an organized collection of information resources that are publicly accessible and provided by the City of Pickering.

“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.

“Long-Term Care Facility” means a *premises* licensed pursuant to Provincial legislation consisting of assisted living units where a broad range of person care, support and health services are provided for the elderly, disabled or chronically ill occupants in a supervised setting, and may include one or more common areas such as a dining, lounge, kitchen, and recreational area.

“Lot” means a parcel of land fronting on a *street*, whether or not occupied by a *building* or *structure*.

“Lot Area” means the total horizontal area of a *lot*.

“Lot Coverage” means the total horizontal area of the part of the *lot area* covered by all *buildings* above ground level.

“Lot, Corner” means a *lot* situated at the intersection of two or more *streets* or upon two parts of the same *street* having an angle of intersection not exceeding 135 degrees.

“Lot Depth” means the horizontal distance between the front and *rear lot lines*. If the front and *rear lot lines* are not parallel, the *lot depth* shall be measured by a straight line joining the mid-point of the *front lot line* with the mid-point of the *rear lot line*. Where there is no *rear lot line*, the *lot depth* shall be measured by a straight line joining the mid-point of the *front lot line* with the apex of the triangle formed by the *side lot lines*.

“Lot Frontage” means the horizontal distance between the *side lot lines* of a *lot* measured at along a line parallel to and 6.0 metres distant from the *front lot line*.

“Lot Line” means a line delineating any boundary of a *lot*.

“Lot Line, Exterior Side” means the *side lot line*, which separated a *lot* from the *street* adjacent to it.

“Lot Line, Front” means the *lot line*, which separates a *lot* from the *street* in front of it. Where more than one *lot line* separates a *lot* from the *street*, the *front lot line* shall be the shorter *lot line*. Where a *lot* is a *through lot*, the *lot line* abutting the wider *street* right-of-way shall be the *front lot line*.

“Lot Line, Interior Side” means a *side lot line*, which is not adjacent to a *street*.

“Lot Line, Rear” means the *lot line* opposite to, and most distant from, the *front lot line*, but where the *side lot lines* intersect, as in the case of a triangular *lot*, the *rear lot line* shall be represented by the point of intersection.

“Lot Line, Side” means all *lot lines*, which join both a *front lot line* and a *rear lot line*.

“Lot, Through” means a *lot* bounded on opposite sides by a *street*.

“Main Wall” means a primary exterior front, rear or side wall of a *building*, not including permitted projections.

“Mobile Home” means a prefabricated *building* that is designed to be made mobile and is intended to provide permanent residence but does not include any trailer otherwise defined in this By-law.

“Motor Vehicle” means an automobile, motorcycle, recreational vehicle, trailer, and any other vehicle propelled, towed or driven otherwise than by muscular power.

“Museum” means *premises* used for the exhibition, collection and/or preservation of objects of cultural, historical or scientific interest for public viewing.

“Nightclub” means a place where food or drink may be served, and where the primary function is the provision of theatrical performances, pre-recorded music, or live musical entertainment, whether such music is provided for listening or dancing by the patrons, or any combination of the above functions, but does not include a *restaurant* or an *adult entertainment establishment*.

“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 but shall not include a *medical office*.

“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.

“Outdoor Storage” means the occasional or continuous keeping of goods, inventory, materials or machinery or equipment outside, but does not include damaged, impounded or inoperable vehicles.

“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.

“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.

“Parking Area” means one or more *parking spaces*, including related *aisles*, for the parking or storage of vehicles.

“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*.

“Parking Lot” means a *lot* or portion thereof provided for the parking of *motor vehicles accessory* or incidental to the main use.

“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*.

“Parking Space, Bicycle” means an area used exclusively for parking or storing a bicycle.

“Parking Structure” means a *building* or portion thereof, containing one or more *parking spaces*.

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

“Personal Service Shop” means a *premises* used to provide personal grooming services or for the cleaning or care of apparel.

“Place of Amusement” means a *premises* which are devoted to the offering of facilities for the playing of any game for the amusement of the public such as a billiard or pool rooms, bowling alleys, electronic games, indoor playground, miniature golf courses or roller skating rinks.

“Place of Worship” means a facility the primary use of which is the practice of religion, but which may include *accessory* uses subordinate and incidental to the primary use such as classrooms for religious instruction, programs for community social benefit, assembly areas, kitchens, offices and a residence for the faith group leader. Other than a *day care centre* which shall be permitted, a *place of worship* shall not include a *private school* or residential or *commercial uses*.

“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*.

“Point Tower” means a compact and slender *building* form.

“Porch” means a roofed deck or portico *structure* with direct access to the ground that is attached to the exterior wall of a *building*.

“Premises” means the whole or part of lands, *buildings* or *structures*, or any combination of these.

“Primary Entrance Door” means the principal entrance by which the public enters or exits a *building* or individual retail/commercial unit or the resident enters or exits a *dwelling unit*.

“Primary Window” means all windows except bathroom, hallway, closet or kitchen windows.

“Private Club” means a meeting place by members of an association, club, cultural group or community group to conduct the activities of the association, and for social activities, cultural events, performances, or exhibitions.

“Private Home Daycare” means a *premises* used for the temporary care of five children or less where such care is provided in a *dwelling unit*, other than the *dwelling unit* of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.

“Public Bath/Whirlpool” means indoor or outdoor *premises* where people may bathe, swim or lounge within pools or tanks of water.

“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.

“Retail Store” means a *premises* in which goods and merchandise are offered or kept for retail sale or rental to the public.

“Retirement Home” means a *building* or part of a *building* providing accommodation primarily for retired persons where each private bedroom or living unit does not include a stove top and oven, does have a separate entrance from a common hall, and where common facilities and services may be provided for the residents including personal services, the preparation and consumption of food, nursing services, common lounges, recreation rooms and ancillary support offices.

“School, Commercial” means a *building*, or part thereof, where instruction of a skill is provided for profit and may include instruction in a trade, business, art, music, dance, cooking, athletic skill or any other specialized instruction but does not include a *commercial fitness/recreational centre* or a *post-secondary school*.

“School, Elementary” or “School, Post-Secondary” means a place of instruction maintained and operated under the jurisdiction of a governmental authority.

“School, Private” means a place of instruction (excepting a *commercial school* or private career college) offering courses equivalent to those customarily offered in an *elementary school* or *secondary school*.

“Self-Storage Facility” means a *building* consisting of individual self-contained units that are leased or owned for the storage of personal property and/or household goods.

“Service and Repair Shop” means a *premises* for the servicing, repairing or renting, of articles, goods or materials but shall not include any vehicle, recreational vehicle or boat.

“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.

“Shelter” means a *building* or *structure* used solely for the purposes of providing temporary *shelter* and shall not be used for human habitation.

“Shopping Centre” means one or more *buildings* forming a complex of shops representing merchandisers, with interior interconnecting walkways enabling visitors to walk from unit to unit, along with an associated *parking area*.

“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.

“Storey, First” means the *storey* with its floor closest to *grade* and having its ceiling more than 1.8 metres above *grade*.

“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*.

“Street Line” means the dividing line between a *lot* and a *street*.

“Street, Private” means:

- a) a right-of-way or roadway that is used by vehicles and is maintained by a condominium corporation;
- b) a private road condominium, which provides access to individual freehold *lots*;
- c) a roadway maintained by a corporation to provide vehicular and pedestrian access to *parking lots* and individual retail/commercial units;
- d) a private right-of-way over private property, that affords access to *lots* abutting a private road; but is not maintained by a public body and is not a *lane*.

“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.

“Tandem Parking Space” means two or more *parking spaces* abutting each other end to end with only one having access to an *aisle*.

“Taxi Service” means the operation of a service providing taxicab *motor vehicles* with drivers used for hire for the conveyance of goods and passengers.

“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*.

“Theatre” means a *premises* used for the rehearsal or performance of the performing arts, such as music, dance or *theatre*.

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

“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*.

“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.

“Utilities” means an essential public service such as electricity, gas, television or communications/telecommunications that is provided by a regulated company or government agency.

“Vehicle Dealership” means an establishment engaged in the sale, lease and display of *motor vehicles*.

“Vehicle Repair Facilities” means an establishment engaged in repairing of *motor vehicles*, service station, repair garage, car washing establishment or gas bar.

“Veterinary Clinic” means a *building* or part of a *building* providing the services of a veterinarian, and facilities for the medical treatment, examination, surgery, diagnosis, grooming, general health care, and observation of domestic animals and birds.

“Warehousing” or “Logistics” means the indoor housing or storage of goods, wares, merchandise, food-stuffs, substances, articles, or things before wholesale distribution to a retailer.

“Waste Transfer Station” means a facility within an enclosed *building* whose primary purpose is the collection and storage of waste or hazardous waste for shipment, and which may include limited sorting or preparation of that waste to facilitate its shipment for final disposal or to a waste processing station, but does not include salvage yards or scrap metal yards.

“Wholesaling” means the distribution of goods, wares, merchandise, food-stuffs, substances, articles, or things, in large quantities, to a business or retailer for eventual or further distribution, processing, assembly, or retail sale.

“Yard” means any open, uncovered, unoccupied space appurtenant to a *building*.

“Yard, Exterior Side” means a *side yard* adjacent to a *street*.

“Yard, Front” means a *yard* extending across the full width of the *lot* between the *front lot line* and the nearest wall of any *main building* on the *lot* for which the *yard* is required.

“Yard, Interior Side” means a *side yard* not adjacent to a *street*.

“Yard, Rear” means a *yard* extending across the full width of the *lot* between the *rear lot line* and the nearest wall of any *main building* or *structure* on the *lot* for which the *yard* is required.

“Yard, Side” means a *yard* extending from the *front yard* to the *rear yard* between the *side lot line* and the nearest wall of any *building* or *structure* on the *lot* for which the *yard* is required.

6.0 Exceptions

Notwithstanding any other provisions of this By-law, the following exceptions shall apply to the lands as shown in Section 8, Schedule 7 – Exceptions. All other provisions of this By-law shall continue to apply to the lands subject to this section.

E1	(Part of Lot 23, Concession 1)	Parent Zone: CC1
Schedule 7		Amending By-law: N/A
6.1.1 Additional Permitted Uses		
The following additional use is permitted:		
a)	<i>Outdoor Storage</i> associated with a Garden Centre Use	
6.1.2 Zone Provisions		
The following regulations apply:		
a)	Minimum <i>Building Height</i>	10.5 metres and 2 functional storeys
b)	Maximum size of <i>outdoor storage</i> associated with a garden centre use	1,900 square metres
c)	Minimum number of required <i>parking spaces</i> for <i>outdoor storage</i> associated with a garden centre use	0 <i>parking spaces</i>
c)	Total number of required <i>parking spaces</i> that can be reduced while the <i>outdoor storage</i> associated with a garden centre use is operating	90 <i>parking spaces</i>
d)	Maximum duration <i>outdoor storage</i> associated with a garden centre use shall be permitted to operate outdoors	Between April 1 st and August 1 st within a calendar year
6.1.3 Special Site Provisions		
The following additional provision applies:		
a)	Section 4.2 I), related to Continuous Length of <i>Buildings</i> along a <i>Street Line</i> , shall not apply to any <i>building</i> or <i>structure</i> fronting Liverpool Road.	
b)	Additions or expansions to <i>existing buildings</i> or <i>structures</i> shall be permitted provided that such additions or expansions shall not exceed 10 percent of the <i>gross floor area</i> of all <i>existing buildings</i> and <i>structures</i> as legally existed on the effective date of this By-law.	
c)	For the purpose of calculating <i>Floor Space Index</i> for new <i>buildings</i> , the area of the <i>lot</i> shall be equivalent to the <i>ground floor area</i> of the new <i>building</i> .	

d)	Section 4.2 a), related to <i>Floor Space Index</i> , and Section 4.2 b) and Section 6.1.2 a), related to <i>Building Height</i> , shall not apply to any additions or expansions to <i>existing buildings</i> and <i>structures</i> as legally existed on the effective date of this By-law.
e)	Notwithstanding Section 4.2 m) ii), related to <i>Buildings Requiring Active At Grade Frontages</i> , a <i>primary entrance door</i> with direct and unobstructed access open to the public shall be incorporated into the wall of a <i>building</i> either facing or visible from the Kingston Road <i>street line</i> .

E2	(Part of Lot 23, Concession 1, Part 2, Plan 40R-4643)	Parent Zone: CC1
Schedule 7		Amending By-law: N/A

6.2.1 Additional Permitted Uses

The following additional use is permitted:

a)	Automobile Service Station on a <i>lot</i> where the use legally existed on the effective date of this By-law.
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6.2.2 Definitions

a)	“ Automobile Service Station ” means an establishment where vehicle fuels, lubricants, and automobile-related accessories are offered for retail sale, and which also may include one mechanical car wash and limited convenience retail sales, but shall not include facilities for the repair and maintenance of vehicles, or facilities for the repairing or painting of vehicle bodies.
b)	“ Mechanical Car Wash ” means an establishment where facilities are provided for the washing and cleaning of vehicles using production line methods employing mechanical devices wholly enclosed within a <i>building</i> .

6.2.3 Zone Provisions

The following regulations apply only to an automobile service station:

a)	Minimum <i>Building Height</i>	As legally <i>existing</i> on the <i>lot</i> on the effective date of this By-law
b)	Minimum number of required <i>parking spaces</i>	10 <i>parking spaces</i>
c)	Maximum <i>Gross Leasable Floor Area</i>	360 square metres
d)	Maximum size of <i>outdoor storage</i> and display of convenience items	10 square metres

E3	(Part of Lots 21 and 22, Concession 1)	Parent Zone: CC1
Schedule 7		Amending By-law: N/A
6.3.1 Additional Permitted Uses		
The following additional uses are permitted:		
a)	<i>Farmers' Market</i>	
b)	Outdoor Sales and Display	
c)	Vehicle Repair Shop on a <i>lot</i> where the use legally existed on the effective date of this By-law	
6.3.2 Definitions		
a)	“ Vehicle Repair Shop ” means an establishment containing facilities for the repair and maintenance of vehicles on the <i>premises</i> , in which accessories are sold and vehicle maintenance and repair operations are performed in return for remuneration, but shall not include a body shop or any establishment engaged in the retail sale of vehicle fuels.	
b)	“ Gross Leasable Floor Area ” shall mean the aggregate of the <i>floor areas</i> of all <i>storeys</i> above or below <i>established grade</i> , designed for owner or tenant occupancy or exclusive use only, but excluding storage areas below <i>established grade</i> .	
6.3.3 Zone Provisions		
The following regulations apply:		
a)	Minimum <i>Building Height</i>	10.5 metres and 2 functional <i>storeys</i>
b)	Maximum size of outdoor sales and display area permitted <i>accessory</i> only to a <i>retail store</i> having a <i>gross leasable floor area</i> in excess of 7,400 square metres	650 square metres
c)	Minimum number of required <i>parking spaces</i> for Farmer's Market operating outdoors	0 <i>parking spaces</i>
c)	Total number of required <i>parking spaces</i> that can be reduced while the <i>Farmers' Market</i> use is operating outdoors	90 <i>parking spaces</i>
d)	Maximum duration <i>Farmers' Market</i> shall be permitted to operate outdoors	Between April 1 st and October 1 st within a calendar year
e)	An <i>existing</i> vehicle repair shop may only be permitted in conjunction with and as <i>accessory</i> to any <i>retail store</i> having a <i>gross leasable floor area</i> in excess of 7,400 square metres	

6.3.4 Special Site Provisions

The following additional provision applies:

- | | |
|----|--|
| a) | Additions or expansions to <i>existing buildings</i> or <i>structures</i> shall be permitted provided that such additions or expansions shall not exceed 10 percent of the <i>gross floor area</i> of all <i>existing buildings</i> and <i>structures</i> as legally existed on the effective date of this By-law. |
| b) | For the purpose of calculating <i>Floor Space Index</i> for new <i>buildings</i> , the area of the <i>lot</i> shall be equivalent to the <i>ground floor area</i> of the new <i>building</i> . |
| c) | Section 4.2 a), related to <i>Floor Space Index</i> , and Section 4.2 b) and Section 6.3.3 a), related to <i>Building Height</i> , shall not apply to any additions or expansions to <i>existing buildings</i> and <i>structures</i> as legally existed on the effective date of this By-law. |

E4	(Part of Lots 21 and 22, Concession 1)	Parent Zone: CC1
Schedule 7		Amending By-law: N/A

6.4.1 Additional Permitted Uses

The following additional use is permitted:

- | | |
|----|--|
| a) | Automobile Service Station on a <i>lot</i> where the use legally existed on the effective date of this By-law. |
|----|--|

6.4.2 Definitions

- | | |
|----|--|
| a) | “Automobile Service Station” means an establishment where vehicle fuels, lubricants, and automobile-related accessories are offered for retail sale, and which also may include one mechanical car wash and limited convenience retail sales, but shall not include facilities for the repair and maintenance of vehicles, or facilities for the repairing or painting of vehicle bodies. |
| b) | “Mechanical Car Wash” means an establishment where facilities are provided for the washing and cleaning of vehicles using production line methods employing mechanical devices wholly enclosed within a <i>building</i> . |

6.4.3 Parking Provisions

The following parking regulations apply:

- | | | |
|----|---|---|
| a) | Minimum number of required <i>parking spaces</i> for Automobile Service Station and Mechanical Car Wash | As legally <i>existing</i> on the <i>lot</i> on the effective date of this By-law |
|----|---|---|

E5	(Part of Lot 20, Concession 1)	Parent Zone: CCR1
Schedule 7		Amending By-law: N/A
6.5.1 Additional Permitted Uses		
The following additional uses are permitted:		
a)	<i>Detached Dwelling</i>	
b)	<i>Accessory Dwelling Unit</i> is permitted within an <i>existing detached dwelling</i> in accordance with Section 2.7 of this By-law	
6.5.2 Zone Provisions		
The following regulations apply:		
a)	Maximum <i>Lot Coverage</i>	50 percent
b)	Minimum <i>Front Yard Setback</i>	3.0 metres
c)	Minimum <i>Interior Side Yard Setback</i>	1.2 metres and 0.3 metres, on the side where <i>dwellings</i> on adjacent <i>lots</i> are attached, no <i>interior side yard</i> is required
d)	Minimum <i>Exterior Side Yard Setback</i>	2.7 metres
e)	Minimum <i>Rear Yard Setback</i>	6.0 metres
f)	Covered and unenclosed <i>porches</i> , verandahs and flankage entrance features not exceeding 1.5 metres in <i>height</i> above <i>established grade</i> may project no more than: A. 1.5 metres into any required <i>front</i> or <i>rear yard</i> B. 1.0 metres into any required <i>exterior side yard</i> C. 0.6 metres into any required <i>side yard</i>	
h)	A minimum of one private garage shall be provided per <i>lot</i> , any vehicular entrance of which shall be located not less than 6.0 metres from the <i>front lot line</i>	

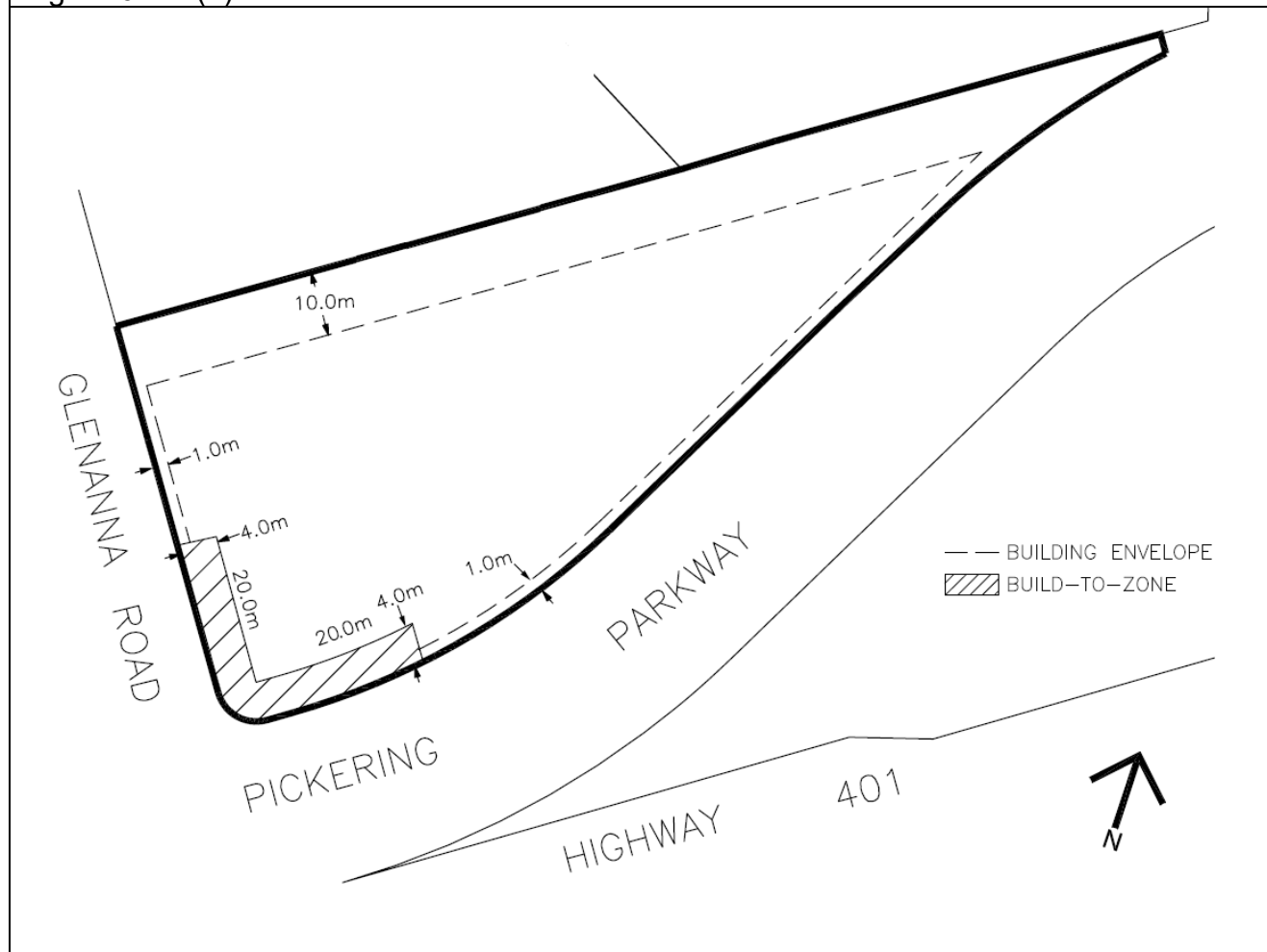
E6	(Part of Lot 20, Concession 1)	Parent Zone: CC2
Schedule 7		Amending By-law: N/A
6.6.1 Zone Provisions		
The following regulations apply:		
a)	Minimum <i>Floor Space Index</i>	1.5
b)	Minimum <i>Building Height</i>	12.0 metres
c)	Minimum <i>Landscaped Area</i> between <i>parking spaces</i> and <i>existing</i> residential development to the south	2.5 metres
6.6.2 Parking Provisions		
The following parking regulations apply:		
a)	Minimum Parking Requirement for Stacked Townhouse <i>Dwellings</i>	1.0 <i>parking space</i> per <i>dwelling unit</i> and an additional 0.2 of a space per <i>dwelling unit</i> for visitors

E7	(Part of Lot 21, Concession 1)	Parent Zone: CC2
Schedule 7		Amending By-law: N/A
6.7.1 Definitions		
a)	“ Build-to-Zone ” means an area of land within which all or part of a <i>building</i> or <i>buildings</i> or part of a <i>structure</i> or <i>structures</i> are to be located.	
b)	“ Building Envelope ” means the three-dimensional buildable area prescribed for a <i>building</i> by the regulations of this By-law.	
6.7.2 Zone Provisions		
The following regulations apply:		
a)	<i>Buildings</i> and <i>structures</i> shall comply with the minimum and maximum <i>building envelope</i> as shown on Figure 6.7.4 (a).	
b)	A minimum of 70% of the build-to-zone must be occupied prior to the erection of any other <i>buildings</i> or <i>structures</i> on the subject lands.	
6.7.3 Special Site Provisions		
The following additional provision applies:		
a)	Section 4.2 d), related to <i>Building Setback</i> from <i>Street Line</i> , and Section 4.2 l), related to Continuous Length of <i>Buildings</i> along a <i>Street Line</i> , shall not apply to the subject lands.	
b)	Notwithstanding Section 4.2 i), related to <i>Main Wall Stepback</i> for <i>Buildings</i> equal to or less than 37.5 metres in <i>height</i> , a minimum <i>main wall</i> stepback of 1.5 metres is required between 4.5 metres and 15.0 metres in <i>height</i> for that portion of a <i>building</i> located within the build-to-zone as shown on Figure 6.7.4 (a).	

c)	Notwithstanding Section 2.12, related to <i>Temporary Sales Office</i> , a <i>temporary sales office</i> is permitted on the subject lands for the leasing of units where Site Plan Approval has been granted by the City.
d)	Notwithstanding Section 3.8 d), related to <i>Parking Structures</i> , air vents are permitted to be located within the <i>building envelope</i> as shown on Figure 6.7.4 (a).

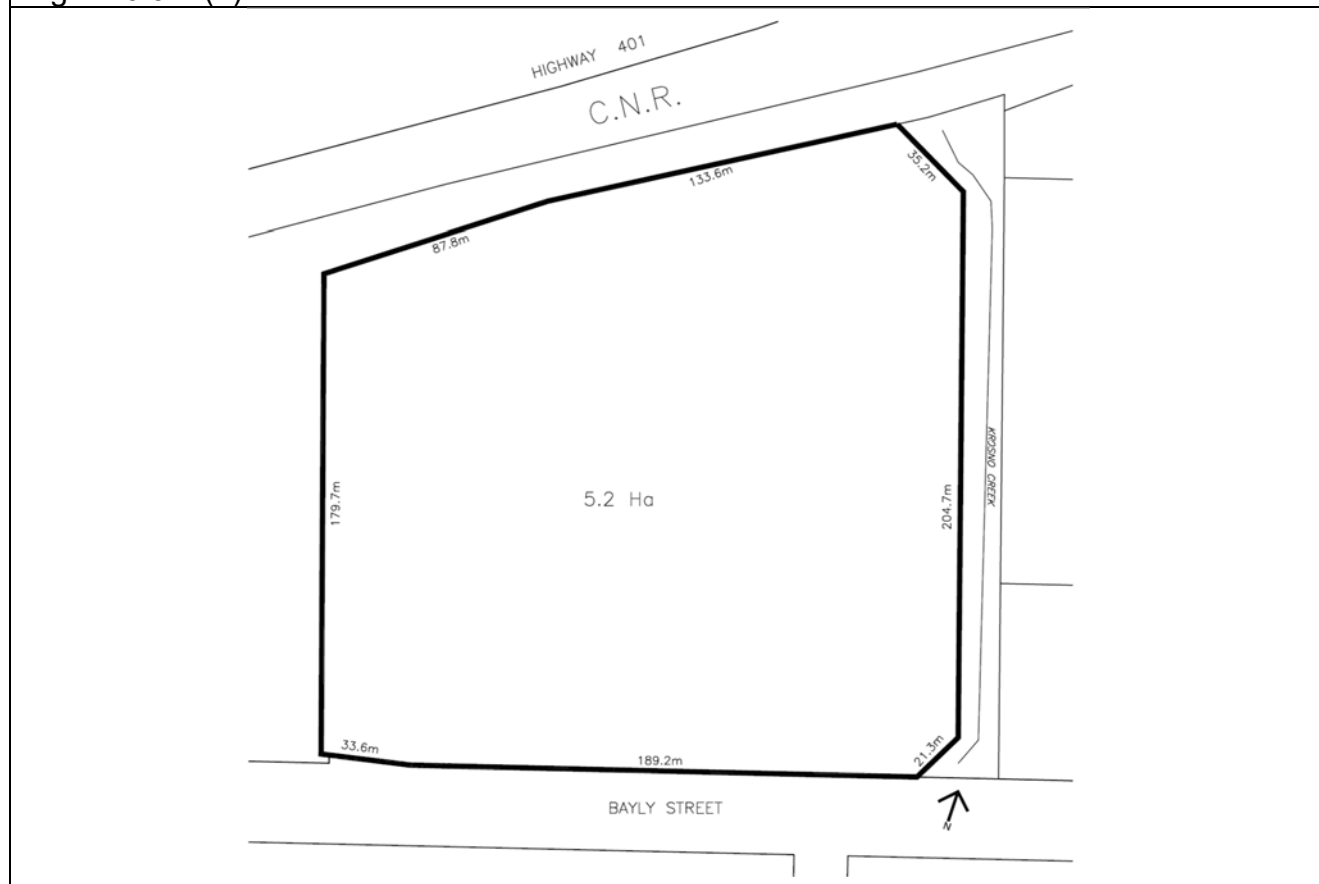
6.7.4 Special Site Figures

Figure 6.7.4 (a)



E8	(Part of Lots 23 and 24, Concession 1)	Parent Zone: CC1
Schedule 7		Amending By-law: N/A
6.8.1 Zone Provisions		
The following regulations apply:		
a)	Minimum <i>Floor Space Index</i>	1.4
b)	Notwithstanding Section 4.2 I), related to Continuous Length of <i>Buildings</i> along a <i>Street Line</i> , a minimum of 50 percent of the <i>street frontage</i> of a <i>lot</i> must be occupied by a <i>building</i> .	

E9	(Part of Lots 21 and 22, Concession 1)	Parent Zone: CC2
Schedule 7		Amending By-law: N/A
6.9.1 Special Site Provisions		
The following additional provision applies:		
a)	Notwithstanding Section 4.2 a) and Schedule 3, the total land area of the <i>lot</i> as of the effective date of this By-law shall be deemed to be a <i>lot</i> for the purposes of calculating <i>Floor Space Index</i> (FSI), as shown on Figure 6.9.2 (a).	
6.9.2 Special Site Figures		
Figure 6.9.2 (a)		



E10	(Part of Lot 21, Concession 1)	Parent Zone: CC2
Schedule 7		Amending By-law: N/A

6.10.1 Special Site Provisions

The following additional provision applies:

- a) Notwithstanding Section 4.2 a) and Schedule 3, the total land area of the *lot* as of the effective date of this By-law shall be deemed to be a *lot* for the purposes of calculating *Floor Space Index* (FSI), as shown on Figure 6.10.2 (a).

6.10.2 Special Site Figures

Figure 6.10.2 (a)



E11	(Part of Lot 21, Concession 1)	Parent Zone: CC2
Schedule 7		Amending By-law: N/A

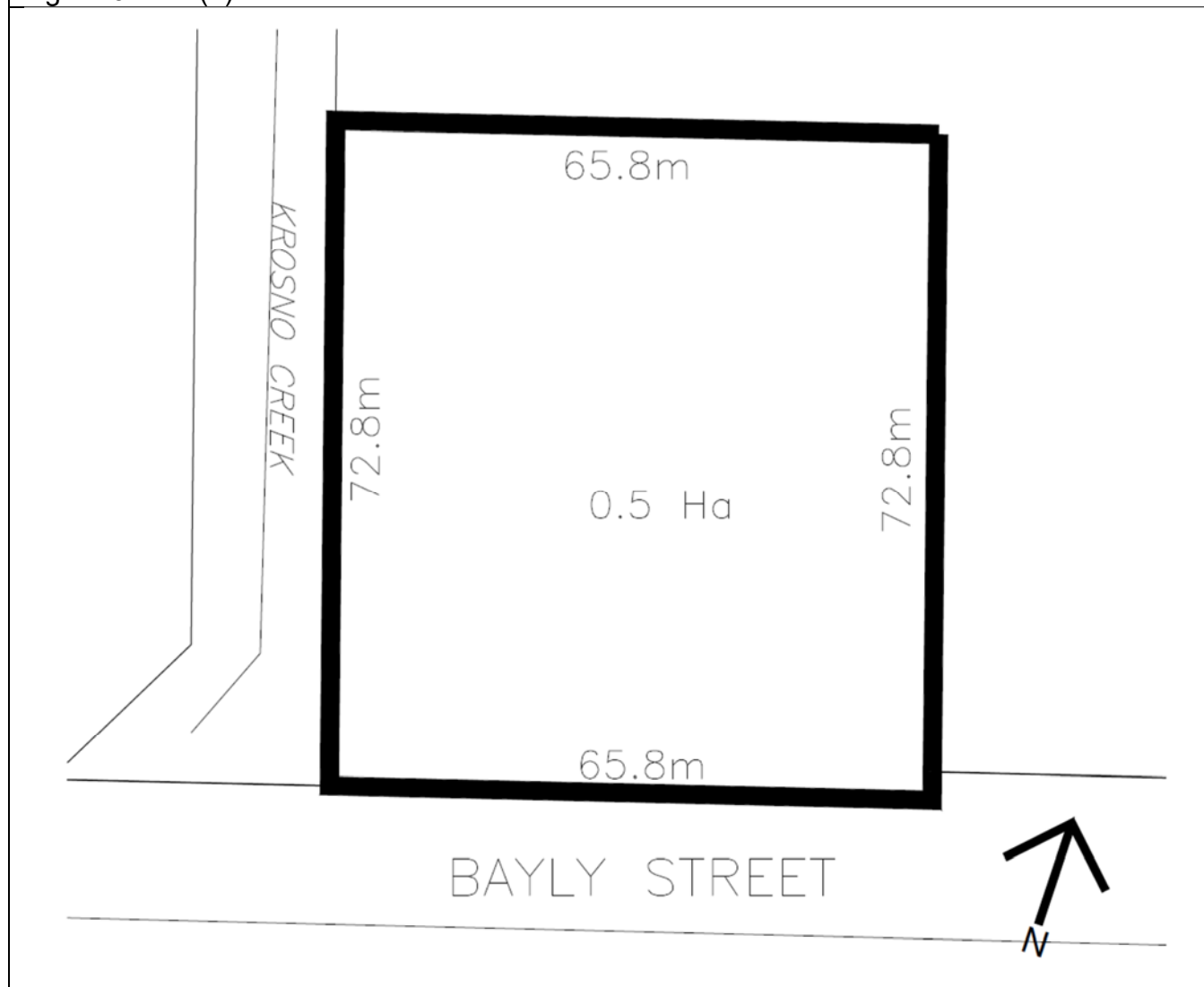
6.11.1 Special Site Provisions

The following additional provision applies:

- a) Notwithstanding Section 4.2 a) and Schedule 3, the total land area of the *lot* as of the effective date of this By-law shall be deemed to be a *lot* for the purposes of calculating *Floor Space Index* (FSI), as shown on Figure 6.11.2 (a).

6.11.2 Special Site Figures

Figure 6.11.2 (a)



E12	(Block 36, Plan 40M-2089)	Parent Zone: CC2
Schedule 7		Amending By-law: N/A
6.12.1 Definitions		
a)	“Retirement Home” – means a <i>building</i> or part of a <i>building</i> providing accommodation primarily for senior’s where each private bedroom or living unit may contain a kitchen or stove top and oven, does have a separate entrance from a common hall, and where common facilities and services are provided for the residents including, but not limited to, personal services, the preparation and consumption of food, nursing services, common lounges, recreation rooms and ancillary support offices	
6.12.2 Zone Provisions		
The following regulations apply:		
a)	Notwithstanding Section 4.2 c) i), <i>building height</i> shall be limited by a 45 degree <i>angular plane</i> measured 7.5 metres from the <i>rear lot line</i> of the <i>lots</i> on the north side of Avonmore Square at a height of 10.5 metres above grade	
b)	Notwithstanding Section 6.12.2 a) above, the <i>height</i> of a <i>building</i> or <i>structure</i> wholly located within the crossed hatched area as shown on Figure 6.12.4 (a) shall be permitted to penetrate a 45 degree <i>angular plane</i> measured from the <i>rear lot line</i> of the <i>lots</i> on the north side of Avonmore Square	
c)	Notwithstanding Section 4.2 b) ii) and Schedule 5, related to Maximum <i>Building Height</i> , the <i>height</i> of a <i>building</i> or <i>structure</i> wholly located within the crossed hatched area as shown on Figure 6.12.4 (a) shall not exceed a <i>building height</i> of 70 metres	
d)	Minimum <i>Building Height</i> for <i>stacked dwelling</i>	10.0 metres
e)	Notwithstanding Section 4.2 h), minimum separation between blocks of <i>stacked dwelling</i>	3.0 metres
f)	Section 4.2 j) related to <i>Main Wall Stepback</i> for <i>Buildings</i> greater than 37.5 metres shall not apply to <i>stacked dwelling</i>	
g)	<i>Podium</i> Requirements for <i>Buildings</i> greater than 37.5 metres	(i) minimum <i>height</i> of a <i>podium</i> – 10.5 metres (ii) maximum <i>height</i> of a <i>podium</i> – 26 metres
h)	<i>Tower Floor Plates</i>	(i) maximum <i>tower floor plate</i> – 2,000 square metres between the 9 th <i>storey</i> and the 14 th <i>storey</i> (ii) maximum <i>tower floor plate</i> – 900 square metres above the 14 th <i>storey</i>

6.12.3 Special Site Provisions

The following additional provision applies:

- a) Notwithstanding any future severances, partition, or division of the *lot*, the provisions of this By-law will apply to the whole of the *lot* as if no severance, partition, or division had occurred, as shown on Figure 6.12.4 (b)

6.12.4 Special Site Figures

Figure 6.12.4 (a)

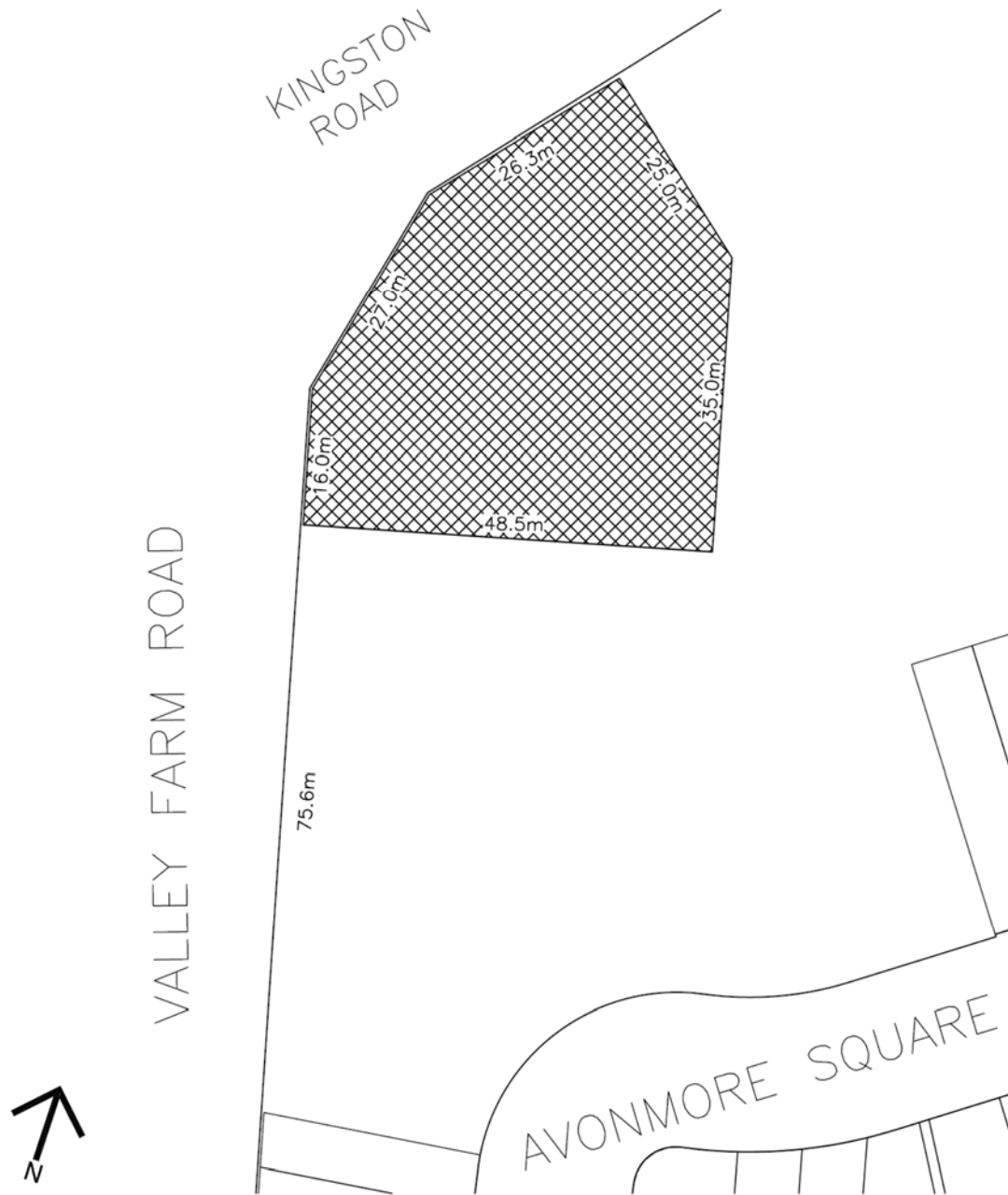
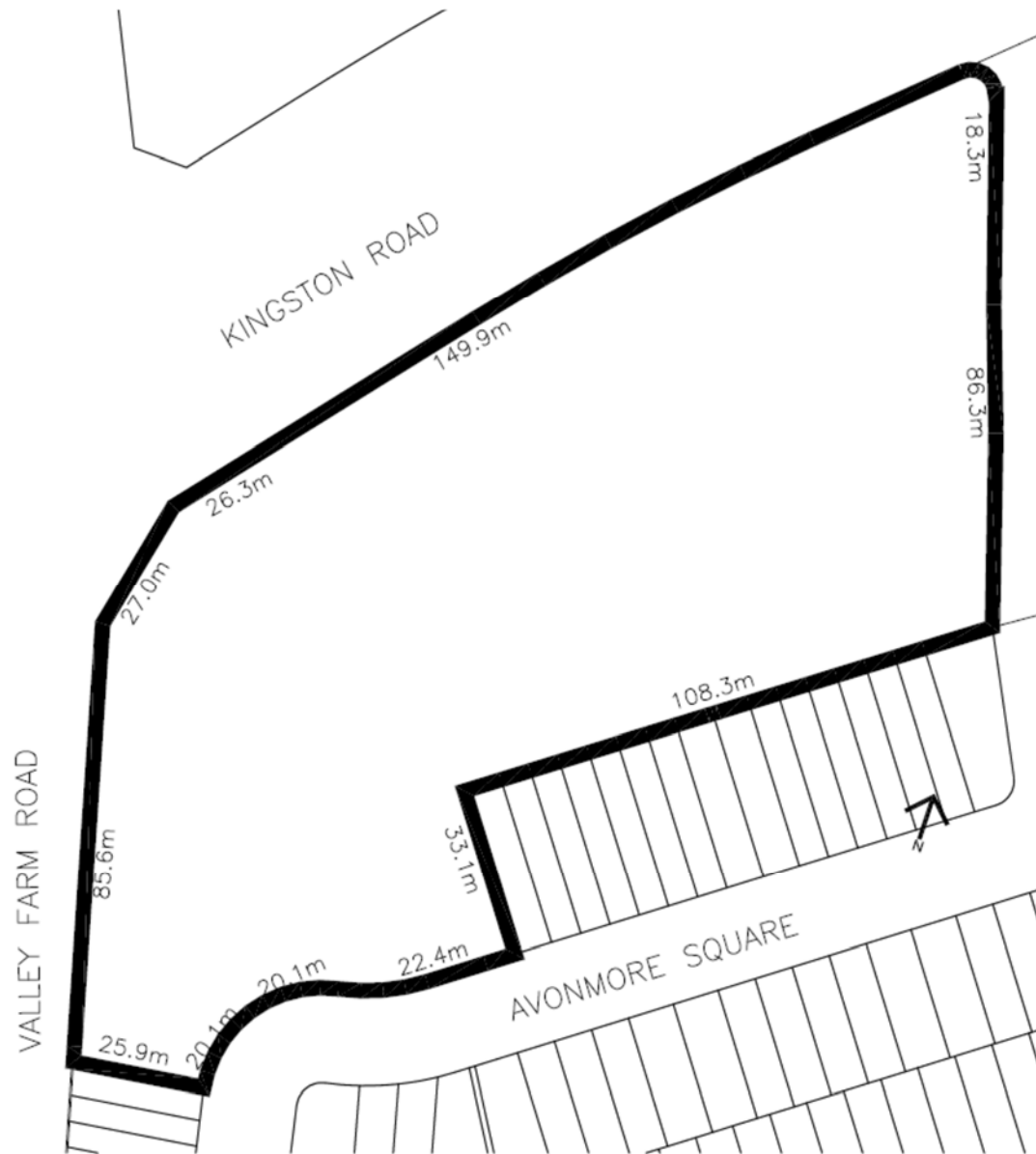


Figure 6.12.4 (b)



7.0 Holding Provisions

Notwithstanding any other provisions of this By-law, where a zone symbol is preceded by an open bracket and the letter “H” and a closed bracket, no person shall use any *lot* or alter or use any *building* or *structure* for any purpose except for *existing* lawful uses, located on the land or in *existing buildings* or *structures*, provided such use continue in the same manner and for the same purpose for which they were used on the day this By-law was passed.

Council may pass a by-law to remove the (H) Holding Symbol, thereby placing the lands in the zone indicated by the zone symbol, when all of the applicable requirements have been met.

H1	(Block A and Block B, Plan M-998 and Part of Lot 22, Concession 1 (Parts 1 to 16, inclusive, Plan 40R-7347))	Parent Zone: CC1
Schedule 8		Amending By-law: N/A
7.1 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed by City Council passing a By-law under Section 34 of the <i>Planning Act</i> . The following conditions shall first be completed to the satisfaction of the City of Pickering:		
a)	a block development plan, approved by City Council, has been prepared to demonstrate the orderly development of the lands providing details regarding such matters as: <i>street</i> and <i>block</i> pattern; pedestrian, landscape and open space connections; parking strategy; community uses such as parks, <i>community centres</i> and other public uses; public and private street right-of-way design; and phasing of the proposed development	

H2	(Part of Lot 23, Concession 1)	Parent Zone: CC1
Schedule 8		Amending By-law: N/A
7.2.1 Only Permitted Uses Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be used for the following:		
a)	All uses permitted in the applicable Zone	
7.2.2 Zone Regulations Prior to Removal of the “H”		
For such time as the “H” symbol is in place, only the following shall be permitted:		
a)	<i>existing buildings</i> or <i>structures</i> legally <i>existing</i> on the effective date of this By-law	
b)	additions or expansions to <i>existing buildings</i> or <i>structures</i> shall be permitted provided that such additions or expansions shall not exceed 10 percent of the <i>gross floor area</i> of all <i>existing buildings</i> and <i>structures</i> as legally existed on the effective date of this By-law	
c)	new <i>buildings</i> or <i>structures</i> , subject to the provisions of this By-law, provided that the maximum combined <i>gross floor area</i> shall not exceed 3,000 square metres	

7.2.3 Conditions for Removal of the “H”

The “H” symbol shall, upon application by the landowner, be removed by City Council passing a By-law under Section 34 of the *Planning Act*. The following conditions shall first be completed to the satisfaction of the City of Pickering:

- | | |
|----|---|
| a) | a block development plan, approved by City Council, has been prepared to demonstrate the orderly development of the lands providing details regarding such matters as: <i>street</i> and <i>block</i> pattern; pedestrian, landscape and open space connections; parking strategy; community uses such as parks, <i>community centres</i> and other public uses; conservation and enhancement of natural features; public and private street right-of-way design; and phasing of the proposed development |
| b) | appropriate road infrastructure is in place or will be provided in conjunction with the development |
| c) | an Environmental Assessment or equivalent comprehensive evaluation of alternatives for flood remediation and a road crossing of the Pine Creek valley corridor, as identified on Schedule 2 of the Official Plan, has been completed to the satisfaction of the City of Pickering and the Toronto and Region Conservation Authority |
| d) | an Environmental Impact Study and a detailed engineering design and restoration plan for the rehabilitation of Pine Creek valley corridor has been completed to the satisfaction of the City of Pickering and the Toronto and Region Conservation Authority |
| e) | the execution of an Agreement to ensure that the Pine Creek valley corridor will be conveyed into public ownership upon completion of the works to the satisfaction of the City of Pickering and the Toronto and Region Conservation Authority |
| f) | appropriate arrangements have been made to the satisfaction of the City of Pickering and the Toronto and Region Conservation Authority to implement the recommendations of the Environmental Assessment or equivalent comprehensive evaluation |

H3	(Part of Lot 23, Concession 1)	Parent Zone: CC1
Schedule 8		Amending By-law: N/A
7.3 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed by City Council passing a By-law under Section 34 of the <i>Planning Act</i> . The following conditions shall first be completed to the satisfaction of the City of Pickering:		
a)	appropriate public road infrastructure is in place or will be provided in conjunction with the development	
b)	an Environmental Assessment or equivalent comprehensive evaluation of alternatives for flood remediation and a road crossing of the Pine Creek valley corridor has been completed to the satisfaction of the City of Pickering and the Toronto and Region Conservation Authority	
c)	an Environmental Impact Study and a detailed engineering design and restoration plan for the rehabilitation of Pine Creek valley corridor has been completed to the satisfaction of the City of Pickering and the Toronto and Region Conservation Authority	
d)	the execution of an Agreement to ensure that the Pine Creek valley corridor will be conveyed into public ownership upon completion of the works to the satisfaction of the City of Pickering and the Toronto and Region Conservation Authority	
e)	appropriate arrangements have been made to the satisfaction of the City of Pickering and the Toronto and Region Conservation Authority to implement the recommendations of the Environmental Assessment or equivalent comprehensive evaluation	

H4	(Part of Lot 21 and 22, Concession 1)	Parent Zone: CC1
Schedule 8		Amending By-law: N/A
H4 removed by Ontario Municipal Board Decision/Order dated: _____, 2018 for File No. PL170549		

H5	(Part of Lot 21, Concession 1)	Parent Zone: CC2
Schedule 8		Amending By-law: N/A
7.5 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed by City Council passing a By-law under Section 34 of the <i>Planning Act</i> . The following conditions shall first be completed to the satisfaction of the City of Pickering:		
a)	a block development plan, approved by City Council, has been prepared to demonstrate the orderly development of the lands providing details regarding such matters as: <i>street</i> and <i>block</i> pattern; pedestrian, landscape and open space connections; parking strategy; community uses such as parks, <i>community centres</i> and other public uses; public and private street right-of-way design; and phasing of the proposed development	
b)	appropriate road infrastructure is in place or will be provided in conjunction with the development	

H6	(Part of Lots 21 and 22, Concession 1)	Parent Zone: CC2
Schedule 8		Amending By-law: N/A
7.6 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed by City Council passing a By-law under Section 34 of the <i>Planning Act</i> . The following conditions shall first be completed to the satisfaction of the City of Pickering:		
a)	a block development plan, approved by City Council, has been prepared to demonstrate the orderly development of the lands providing details regarding such matters as: <i>street</i> and <i>block</i> pattern; pedestrian, landscape and open space connections; parking strategy; community uses such as parks, <i>community centres</i> and other public uses; conservation and enhancement of natural features; public and private street right-of-way design; and phasing of the proposed development	
b)	a comprehensive transportation study has been conducted to assess the impact on the transportation system and appropriate road infrastructure is in place to support the development of the lands	
c)	cost sharing agreements for matters such as community uses, <i>public parks</i> , municipal roads and infrastructure, are made between the participating landowners	
d)	an Environmental Impact Study and a detailed engineering design and restoration plan for the rehabilitation of Krosno Creek valley corridor consistent with the Final Floodplain Rationalization Study for Krosno Creek, prepared by TMIG, dated February 2015 and the Krosno Creek Restoration Plan and Cross Section Drawings, prepared by Schaeffers, dated March 9, 2017 have been completed to the satisfaction of the City of Pickering and the Toronto and Region Conservation Authority. In addition, all Toronto and Region Conservation Authority comments 5 – 7, 8 – 22 and 23, dated February 27 th , 2017 shall be addressed to the satisfaction of the Toronto and Region Conservation Authority	

e)	the execution of an Agreement to ensure that the restored and rehabilitated Krosno Creek valley corridor, to include 6.0 metres from the long-term stable top of bank, will be conveyed into public ownership upon completion of the works, to the satisfaction of the City of Pickering
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H7	(Part of Lots 20 and 21, Concession 1)	Parent Zone: CC2
Schedule 8		Amending By-law: N/A

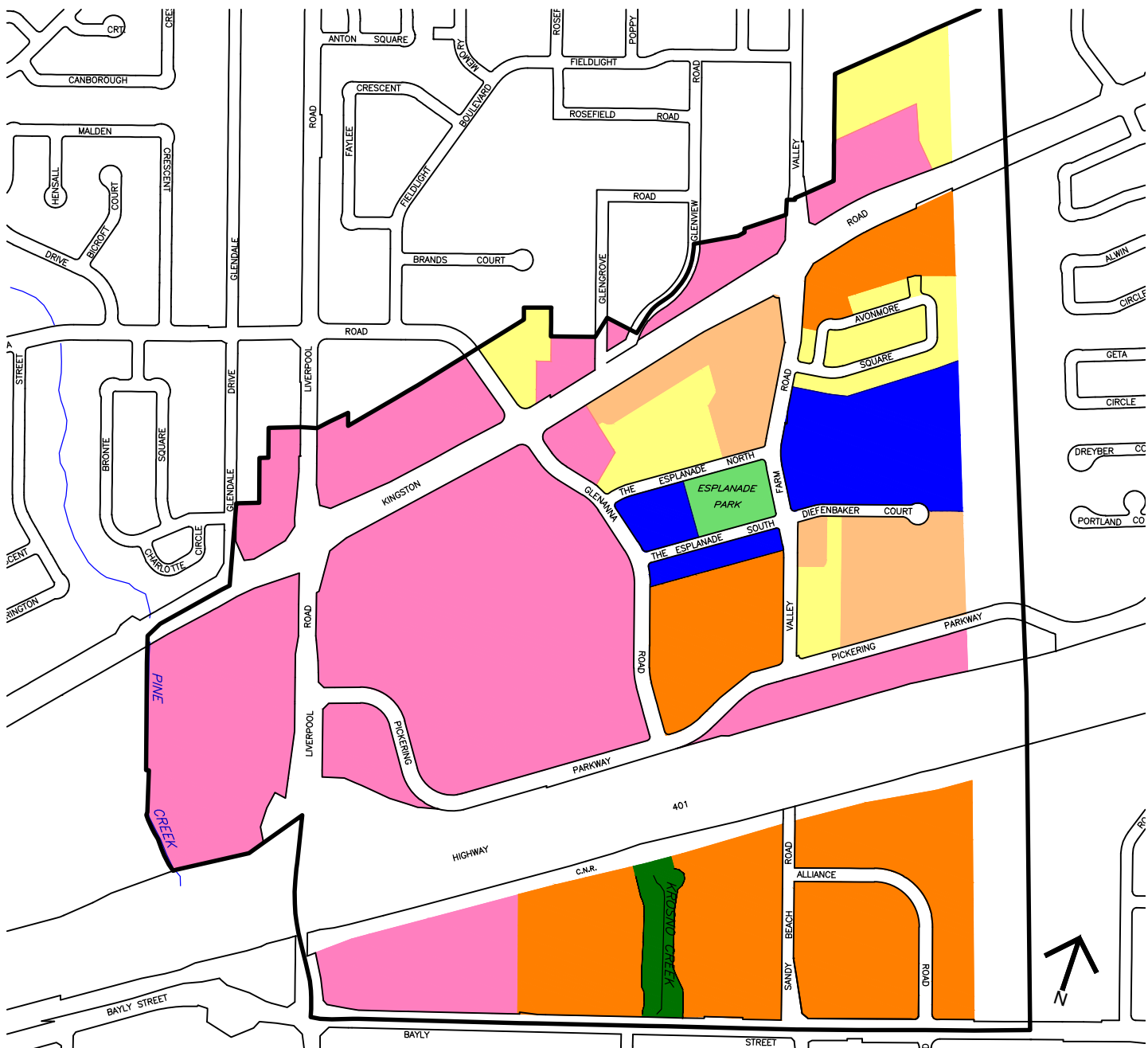
7.7 Conditions for Removal of the “H”

The “H” symbol shall, upon application by the landowner, be removed by City Council passing a By-law under Section 34 of the *Planning Act*. The following conditions shall first be completed to the satisfaction of the City of Pickering:

a)	a block development plan, approved by City Council, has been prepared to demonstrate the orderly development of the lands providing details regarding such matters as: <i>street</i> and <i>block</i> pattern; pedestrian, landscape and open space connections; parking strategy; community uses such as parks, <i>community centres</i> and other public uses; conservation and enhancement of natural features; public and private street right-of-way design; and phasing of the proposed development
b)	a comprehensive transportation study has been conducted to assess the impact on the transportation system and appropriate road infrastructure is in place to support the development of the lands
c)	cost sharing agreements for matters such as community uses, <i>public parks</i> , municipal roads and infrastructure, are made between the participating landowners

8.0 Schedules

☐ City Centre



PICKERING CITY CENTRE ZONING BY-LAW SCHEDULE 2

LEGEND - Land Use Categories

- CC1 - City Centre One
 - CC2 - City Centre Two
 - CCR1 - City Centre Residential One
 - CCR2 - City Centre Residential Two
 - CCC - City Centre Civic
 - OS - Open Space
 - NHS - Natural Heritage System
- * boundary of Krosno Creek to be further refined



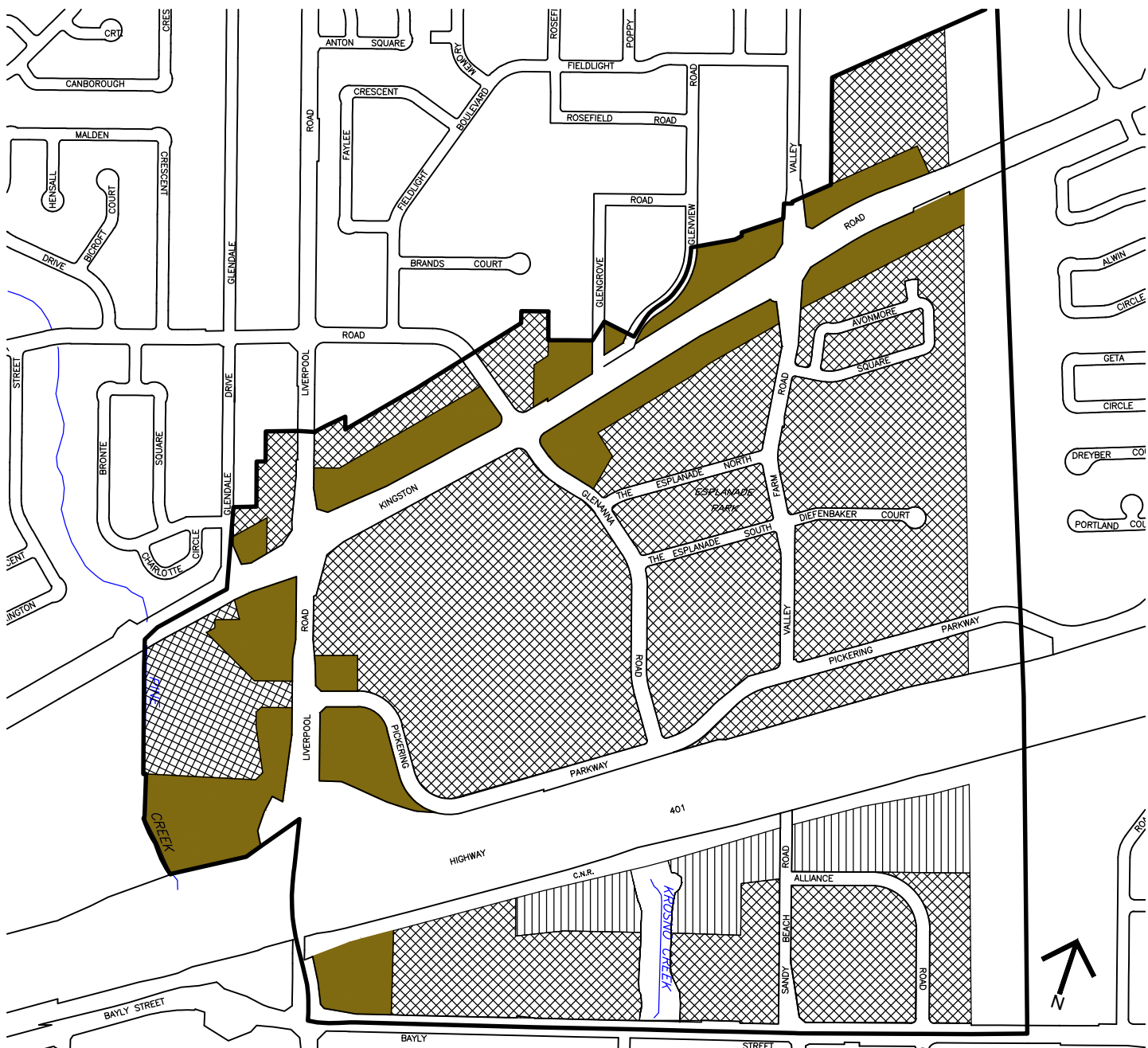
PICKERING CITY CENTRE ZONING BY-LAW

SCHEDULE 3

LEGEND - Minimum FSI

0.75

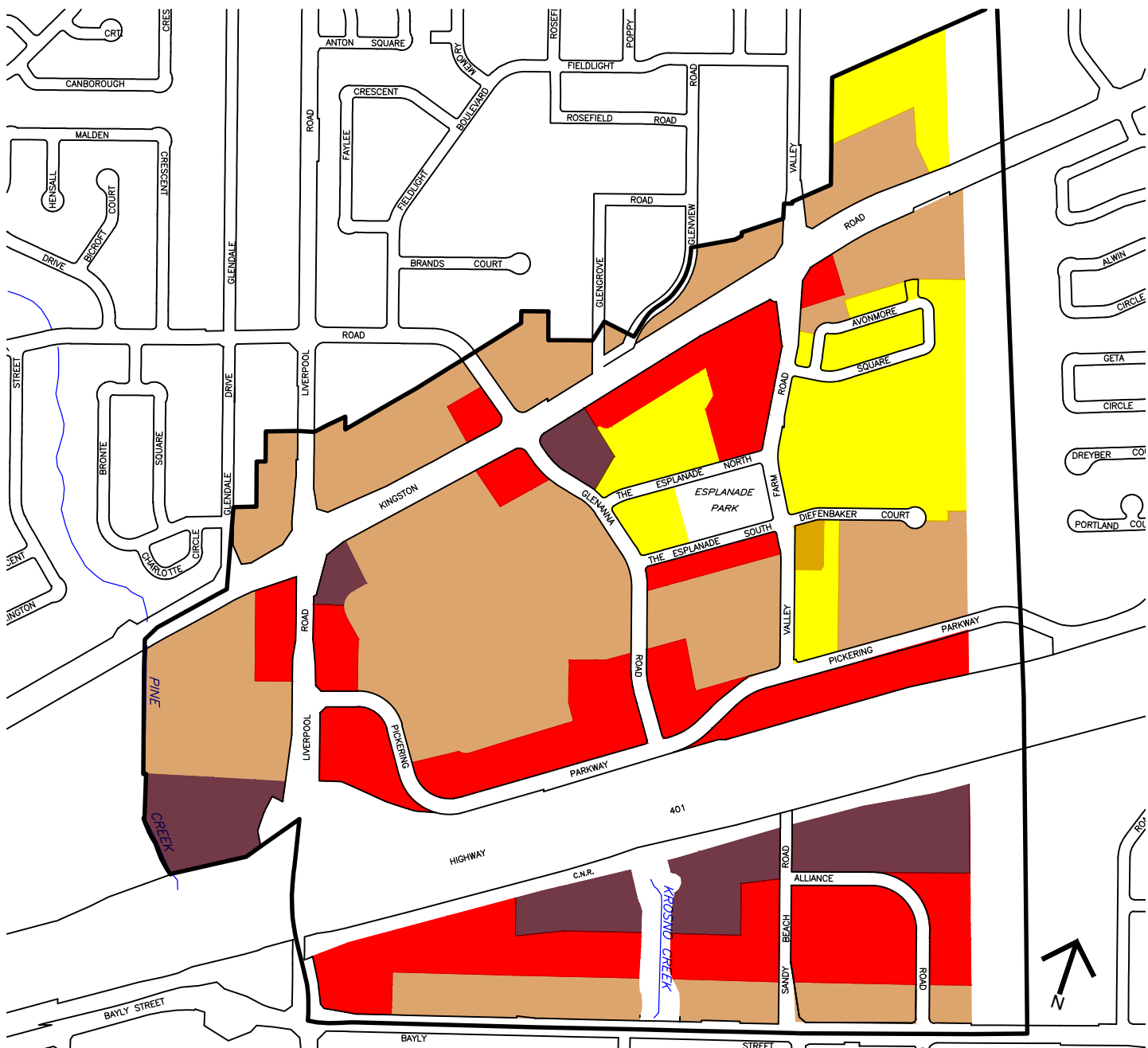
2.0



PICKERING CITY CENTRE ZONING BY-LAW SCHEDULE 4

LEGEND - Minimum Building Height

-  10.5 metres (3 Functional Floors)
-  19.5 metres
-  55.0 metres

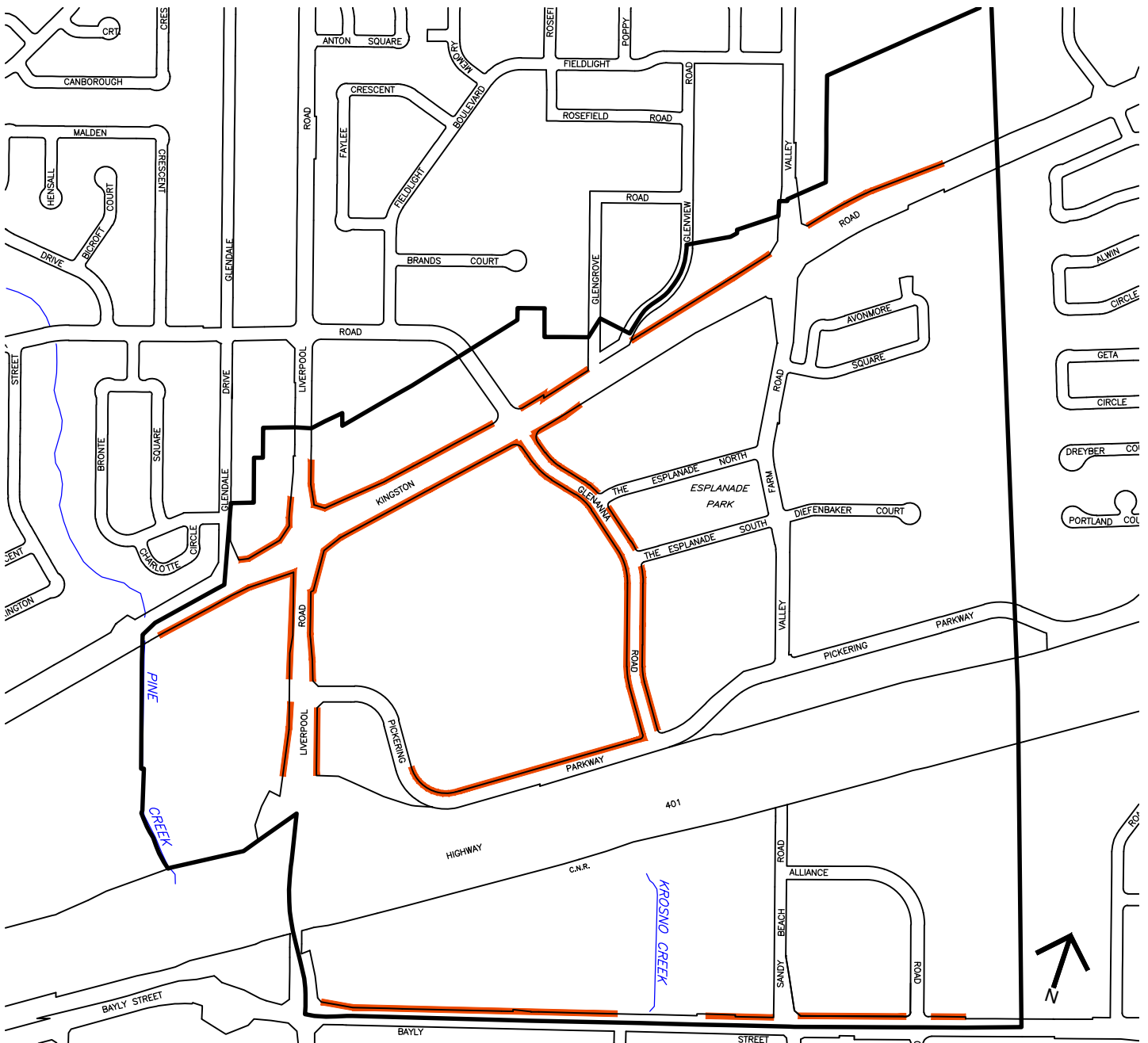


PICKERING CITY CENTRE ZONING BY-LAW

SCHEDULE 5

LEGEND - Maximum Building Height

- 17 metres
- 47 metres
- 77 metres
- 122 metres

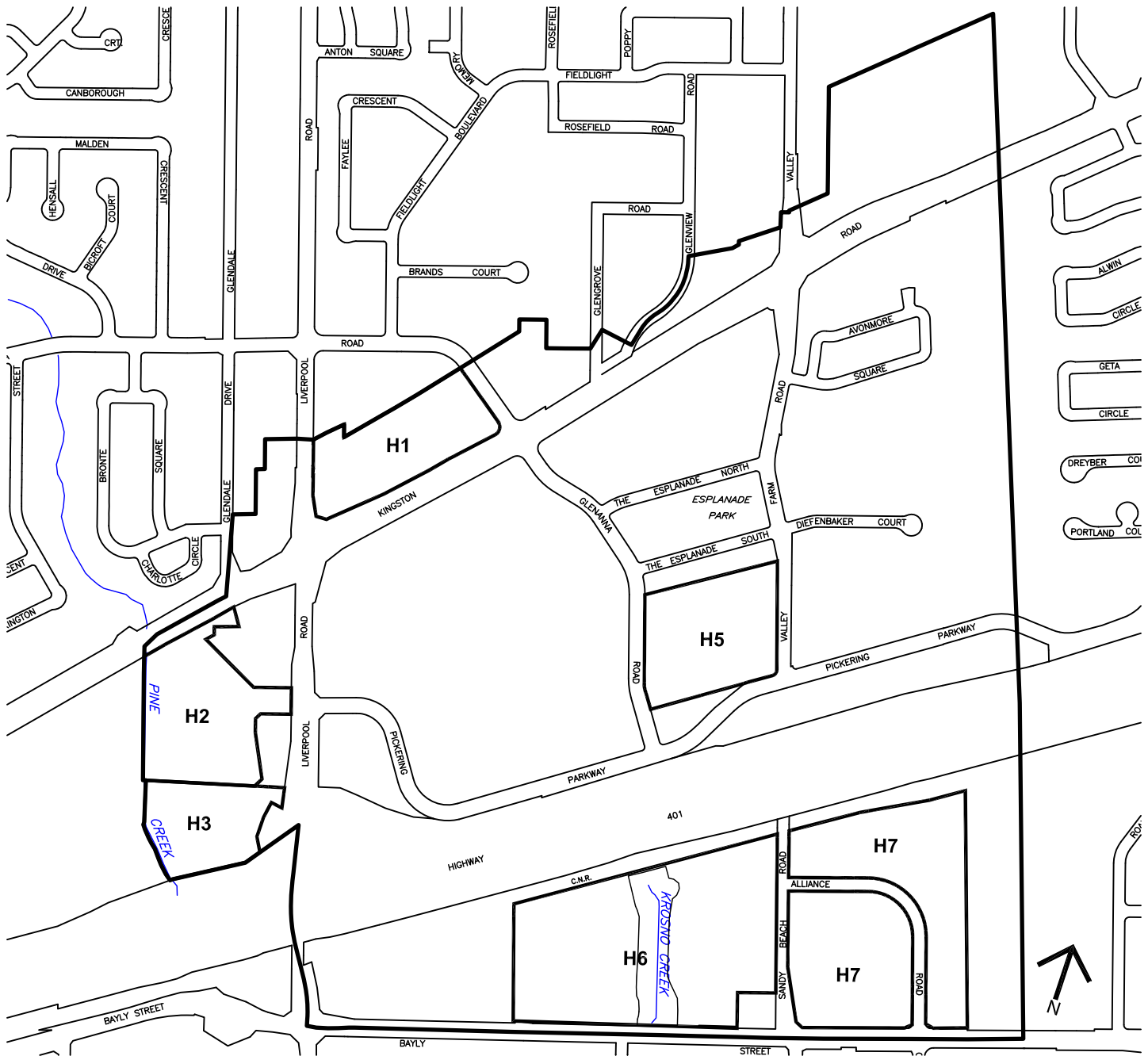


PICKERING CITY CENTRE ZONING BY-LAW

SCHEDULE 6

LEGEND - Active At Grade Frontages

— Required Active At Grade Frontages



PICKERING CITY CENTRE ZONING BY-LAW

SCHEDULE 8

LEGEND - Holding Provisions

Hold Zones

9.0 Reading and Signatures

By-law passed this 11th day of April, 2017.

David Ryan, Mayor

Debbie Shields, City Clerk