

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 44-2023

A By-law to adopt Amendment No. 74 to the Official Plan for the Town of Ajax.

WHEREAS, the area subject to this amendment consists of the lands municipally known as 190 Westney Road South, as identified on Schedule "A" to this By-law;

AND WHEREAS, the Regional Municipality of Durham Act and the *Planning Act*, as amended, authorize the Town of Ajax to pass by-laws for the adoption or repeal of the Official Plan and amendments thereto;

AND WHEREAS, a Public Open House was held on February 2, 2023 for the purpose of presenting Official Plan Amendment Application OPA21-A2 for public consultation;

AND WHEREAS, a Statutory Public Meeting was held on September 5, 2023 pursuant to the *Planning Act* to hear submissions respecting the proposed Amendment No. 74 to the Town of Ajax Official Plan.

NOW THEREFORE, the Council of the Corporation of the Town of Ajax enacts as follows:

THAT Amendment No. 74 to the Official Plan of the Town of Ajax, is hereby approved.

THAT this By-law shall come into force and take effect from and after the final passing hereof.

READ a first and second time this fifth day of September, 2023.

READ a third time and passed this fifth day of September, 2023.

Mayor

Deputy Clerk

Amendment No. 74 to the Town of Ajax Official Plan

1. Purpose

The purpose of this amendment is to establish an Area Specific Policy for the subject lands to permit an increase in height, an increase in density, a site-specific employment density, and the extent of uses proposed, to accommodate the development of a high-rise, mixed use building within the GO Transit Station Mixed Use Area designation. More specifically, this amendment will set the following development standards as it relates to the development of the subject lands:

- a new maximum and minimum building height;
- a new maximum and minimum base building/podium height;
- a new maximum density limit (Floor Space Index);
- a new minimum density requirement (Floor Space Index) as it relates to employment uses; and
- a new maximum gross floor area for individual retail stores and service commercial uses.

2. Location

The lands subject to this amendment are located at the northwest corner of Westney Road South and O'Brien Court, between Highway 401 to the north and Bayly Street West to the south. The subject lands are municipally known as 190 Westney Road South. The subject lands are illustrated on Schedule "A" attached hereto.

3. Basis

The subject lands are designated GO Transit Station Mixed Use Area, as illustrated on Schedules 'A-1' and 'A-2', within the Town of Ajax Official Plan. The GO Transit Station Mixed Use Area is identified as one of the Town's intensification areas and is intended to introduce a mix of uses that take advantage of transit accessibility in the vicinity of the Ajax GO Station and support the surrounding employment lands. The intent of the GO Transit Station Mixed Use Area is to create a mixed use centre that includes services for commuters and enables living and working while minimizing car use. It is envisioned to represent an employment and mixed commercial area that introduces residential uses, thereby allowing for living areas in close proximity to employment.

Amendment No. 186 to the Durham Regional Official Plan includes the delineation of a Protected Major Transit Station Area (PMTSA) at the Ajax GO Station. Amendment No. 186 has been forwarded to the Ministry of Municipal Affairs and Housing for their approval. The proposed PMTSA would extend the existing boundaries of the GO Transit Station Mixed Use Area of Town of Ajax Official Plan.

The following uses are permitted in the GO Transit Station Mixed Use Area designation: a broad variety of prestige employment and commercial uses that are compatible with residential uses; office uses; institutional uses; community facilities; cultural, entertainment, and recreational uses; and medium density and high density residential uses (mid-rise and tall buildings in accordance with Section 3.2.4.1 of the Official Plan). The following uses are prohibited: any individual retail store or service commercial uses, in a building, with a ground floor plate in excess of 500 square metres in size; and retail stores that require outdoor storage.

Mid-rise and tall buildings are permitted in accordance with the urban design policies of the Official Plan (Section 3.2.4.1) within a building height range of 3-storeys (required minimum) and 25-storeys (permitted maximum). A minimum density, specifically a Floor Space Index (FSI) of 1.0, is required, and the maximum density limit is an FSI of 2.5, provided that in all development, employment uses represent at least one-third of the total density.

Further, in accordance with the built form urban design policies of Section 3.2.4.1 of the Official Plan, the base building/podium of tall buildings shall be between 2 and 8-storeys in height, or a height equal to the width of the street from building face to building face, whichever is less. In the context of the subject lands, 8-storeys is the lesser of the two measurements which would apply.

While the proposed development conforms with the permitted uses, the proposed development does not conform with the maximum height and density limits, minimum employment density requirements, and maximum retail floor plate permissions of the GO Transit Station Mixed Use Area designation. The proposed development also does not

conform with maximum base building/podium height for tall buildings. An Official Amendment is required to establish an Area Specific Policy for the subject lands to permit an increase in height, an increase in density, a site-specific employment density, and the extent of uses proposed. More specifically, this amendment will set the following development standards as it relates to the development of the subject lands:

- a new maximum and minimum building height;
- a new maximum and minimum base building/podium height;
- a new maximum density limit (Floor Space Index);
- a new minimum density requirement (Floor Space Index) as it relates to employment uses; and
- a new maximum gross floor area for individual retail stores and service commercial uses.

The proposed development makes use of underutilized land and will contribute to creating a mixed use centre that includes services for commuters and the broader community. The proposed development will provide a significant residential complex near higher order transit together with commercial uses.

Studies and reports that were completed to support this amendment were:

- Planning Justification Report
(prepared by MPLAN Inc.)
- Traffic Impact Study
(prepared by AECOM Canada Ltd.)
- Functional Servicing & Stormwater Management Report
(prepared by Pinestone Engineering Ltd.)
- Land Use Compatibility Study
(prepared by GHD)
- Arborist Report
(prepared by Strybos Barron King Landscape Architecture)
- Urban Design Guidelines
(prepared by Richard Wengle Architect Inc.)
- Shadow Study
(prepared by Richard Wengle Architect Inc.)
- Phase One Environmental Site Assessment
(prepared by G2S Consulting Inc.)
- Geotechnical Investigation
(prepared by Soil Engineers Ltd.)

4. Actual Amendment

a) Schedule ‘G’ – Lands Subject to Area Specific Policies is hereby amended as follows and as illustrated on Schedule “B” attached hereto:

- i) Add new Area Specific Policy Section 6.37.

b) Section 6 – Area Specific Policies is hereby amended by adding the following section, which reads as follows:

6.37 190 Westney Road South

Notwithstanding Section 3.2.3.5 b), d), and e) of the GO Transit Station Mixed Use Area, and Section 3.2.4.1 a) iv) of the urban design policies for intensification areas and corridors, specifically as it relates to base building/podium height, the following shall apply to the lands designated GO Transit Station Mixed Use Area, municipally known as 190 Westney Road South:

- a) The maximum building height is 62-storeys and the minimum building height is 55-storeys.
- b) The maximum base building/podium height is 10-storeys and the minimum base

building/podium height is 8-storeys.

- c) The maximum density limit is a Floor Space Index of 15.
- d) The minimum density for employment uses is a Floor Space Index of 0.8.
- e) Any individual retail store or service commercial uses, in a building, shall not exceed a gross floor area of 2,000 square metres in size. Further, retail stores or service commercial uses that require outdoor storage are prohibited.

5. Implementation

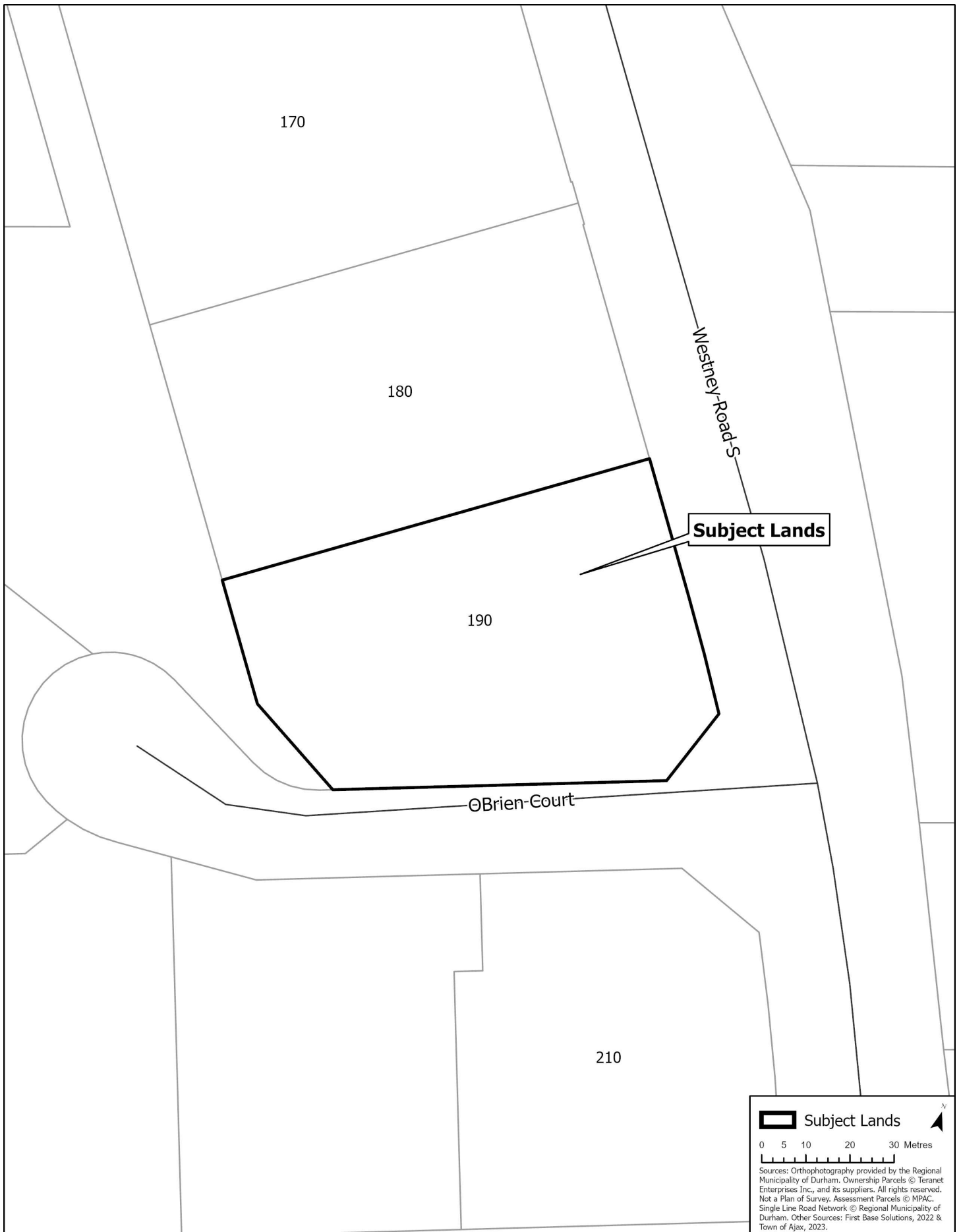
The provisions set forth in the Town of Ajax Official Plan, regarding the implementation of the Plan, shall apply to this Amendment.

6. Interpretation

The provisions set forth in the Town of Ajax Official Plan that are not otherwise in conflict with this Amendment shall continue to apply.

Schedule "A"
Lands Subject to Amendment No. 74

to the Town of Ajax Official Plan



Schedule "B"
to Amendment No. 74

to the Town of Ajax Official Plan

TOWN OF AJAX
Official Plan

Add new Area Specific Policy Section 6.37



EXCERPT FROM SCHEDULE 'G'
Lands Subject to Area Specific Policies

Sources: Region of Durham, 2022
Town of Ajax, 2022



Date of Consolidation: October 14, 2022

TOWN OF AJAX OFFICIAL PLAN EXCERPT
SCHEDULE 'G' – LANDS SUBJECT TO AREA SPECIFIC POLICIES

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 45-2023

Being a By-law passed pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to amend Zoning By-law No. 95-2003, as amended, of the Corporation of the Town of Ajax.

WHEREAS, authority is granted under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, for Council to pass this By-law;

AND WHEREAS, a Public Open House was held on February 2, 2023 for the purpose of presenting Zoning By-law Amendment Application Z4/21 for public consultation;

AND WHEREAS, a Statutory Public Meeting was held in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, on September 5, 2023 for the purpose of considering Zoning By-law Amendment Application Z4/21;

AND WHEREAS, the Council of the Town of Ajax deems it appropriate to pass an implementing Zoning By-law pursuant to Zoning By-law Amendment Application Z4/21 to regulate the future development of the subject lands, as outlined on Schedule "A" attached hereto.

NOW THEREFORE, the Council of the Corporation of the Town of Ajax enacts as follows:

1. THAT the Zoning Schedule, specifically Map 36, attached to and forming part of Zoning By-law No. 95-2003, as amended, is hereby further amended by rezoning the subject lands, municipally known as 190 Westney Road South, from "Prestige Employment (PE) Zone" to "GO Station Mixed Use (GS) Zone, Holding ('H') Provision, with Exception 214 [GS (H), Exception 214]", as outlined on Schedule "B" attached hereto.
2. THAT the Exception Schedule, specifically Map 36, attached to and forming part of Zoning By-law No. 95-2003, as amended, is hereby further amended to add and delineate the boundaries of Exception 214, for the subject lands, as outlined on Schedule "C" attached hereto.
3. THAT Zoning By-law No. 95-2003, as amended, is hereby further amended by adding the following new Exception under Section 7.1.1, List of Exceptions, as follows:

Exception	Zoning	Map	By-law	File Reference
214	GS (H)	36	45-2023	OPA21-A2 Z4/21
i) Location:	190 Westney Road South			
ii) Legal Description:	Part of Block M, Plan M-25, Parts 8 and 9, Plan 40R-18895, Town of Ajax, Regional Municipality of Durham All of PIN: 26461-0042 (LT)			
iii) Permitted Uses:	<p><i>Art gallery, commercial fitness centre, commercial school, convenience store ⁽¹⁾, day care facility, dry cleaning depot, financial institution, hotel, library, licensed accessory outdoor patio ⁽²⁾, medical clinic, office, personal service shop, place of assembly, place of entertainment, place of worship, restaurant, retail store ⁽¹⁾, self serve laundromat, unlicensed accessory outdoor patio, apartment dwelling ⁽³⁾, retirement home, and senior citizens' apartment.</i></p> <p>⁽¹⁾ No individual <i>retail store</i> or <i>convenience store</i> shall exceed a <i>gross floor area</i> of 2,000.0 m² in size. Further, <i>outdoor storage</i> is not permitted.</p> <p>⁽²⁾ A <i>licensed accessory outdoor patio</i> is permitted provided that the <i>licensed accessory outdoor patio</i> meets the provisions in Section 6.3.1.1 of Zoning By-law 95-2003, as amended.</p> <p>⁽³⁾ Only permitted on the upper floors of a <i>building</i> with ground level commercial uses.</p>			

Exception	Zoning	Map	By-law	File Reference
214	GS (H)	36	45-2023	OPA21-A2 Z4/21

iv) Development Standards:

The following development standards shall apply:

a) Minimum Setback from *Front Lot Line* (Westney Road South):

- | | |
|--|-------|
| i) Residential mixed use <i>building</i> | 0.0 m |
| ii) Underground parking garage | 0.0 m |

b) Minimum Setback from *Exterior Side Lot Line* (O'Brien Court):

- | | |
|--|----------------------|
| i) Residential mixed use <i>building</i> (ground floor only, excluding any structural columns) | 9.0 m ⁽⁴⁾ |
| ii) Underground parking garage | 0.0 m |

c) Minimum Setback from *Interior Side Lot Line*:

- | | |
|--|-------|
| i) Residential mixed use <i>building</i> | 4.5 m |
| ii) Underground parking garage | 4.5 m |

d) Minimum Setback from *Rear Lot Line*:

- | | |
|--|----------------------|
| i) Residential mixed use <i>building</i> (excluding balconies) | 9.0 m ⁽⁵⁾ |
| ii) Underground parking garage | 0.0 m |

e) Minimum Setback from *Daylighting Triangle*:

0.0 m

f) Minimum Tower Stepback:

The tower ⁽⁶⁾ shall stepback from the face of the base *building/podium* ⁽⁷⁾ a minimum of 2.0 metres. This stepback requirement shall only apply to the portion of the *building* adjacent to Westney Road South.

In the event that the existing easement is removed and/or reduced in size, the minimum 2.0 metre stepback requirement shall apply to all portions of the *building*.

g) Maximum Tower Floor Plate Size:

The maximum residential tower floor plate shall be no greater than 800.0 m², excluding balconies.

h) Minimum Tower Separation Distance:

The minimum tower separation distance shall be 25.0 metres from a tower on the same development site, and any tower shall be setback a minimum of 12.5 metres from an *interior side lot line*.

i) Maximum *Building Height*:

62-storeys

- | | |
|---|------------|
| i) Maximum Base <i>Building/Podium Height</i> : | 10-storeys |
|---|------------|

j) Minimum *Building Height*:

55-storeys

- | | |
|---|-----------|
| i) Minimum Base <i>Building/Podium Height</i> : | 8-storeys |
|---|-----------|

k) Minimum Floor/Storey *Height* (ground floor and 2nd storey):

4.5 m

l) Maximum *Floor Space Index* (FSI):

15

m) Minimum *Floor Space Index* (FSI) for Employment/Commercial Uses:

0.8

Exception	Zoning	Map	By-law	File Reference
214	GS (H)	36	45-2023	OPA21-A2 Z4/21
n)	Minimum <i>Gross Floor Area</i> for a <i>Retail Store</i> (Grocery Store):			1,500.0 m ²
o)	Maximum <i>Lot Coverage</i> :			80%
p)	Minimum Amount of Amenity Space:			
i)	Indoor Amenity Space			2.0 m ² per <i>dwelling unit</i>
ii)	Outdoor Amenity Space ⁽⁸⁾			1.5 m ² per <i>dwelling unit</i>
q)	<i>Building</i> Occupancy:			
	No more than 50% of the total residential <i>dwelling units</i> shall be occupied until a <i>retail store</i> , specifically a grocery store, and a <i>day care facility</i> have occupied the <i>building</i> and are fully operational.			
r)	Affordability Requirement:			
	A minimum of 5% of the total residential <i>dwelling units</i> shall be affordable units, as defined by Provincial policy.			
s)	Unit Size Requirement:			
	A minimum of 50 residential <i>dwelling units</i> shall be three bedroom units or larger.			
t)	Minimum Parking:			
	835 spaces, provided that:			
	<ul style="list-style-type: none"> - a ridesharing service is implemented and fully operational prior to occupancy of 60% of the total residential <i>dwelling units</i> - a minimum of 730 spaces are provided for the exclusive use of residential occupants and visitors - a minimum of 80 spaces are provided for the exclusive use of employment/commercial uses - a minimum of 25 spaces are provided for the exclusive use of a ridesharing service 			
u)	Minimum Two-Way Drive Aisle Width:			6.7 m
v)	Minimum Number of Required <i>Loading Spaces</i> :			
	Notwithstanding Section 5.13 of Zoning By-law 95-2003, as amended, a minimum of 3.0 <i>loading spaces</i> are required. The provisions of Section 5.13.1 shall not apply to such <i>loading spaces</i> ; however, such <i>loading spaces</i> shall be screened from public view.			
w)	<i>Accessory buildings or structures</i> shall only be permitted within common outdoor amenity spaces. The provisions of Section 4.1.1 of Zoning By-law 95-2003 shall not apply to such <i>accessory buildings or structures</i> .			
x)	Notwithstanding Section 4.21.1 of Zoning By-law 95-2003, a minimum setback of 0.0 metres shall be permitted between any wall of a <i>building</i> containing a door and any <i>lot line</i> .			
(4)	In the event that the existing easement is removed, the minimum setback from the <i>exterior side lot line</i> shall be 0.0 metres. In the event that the existing easement is reduced in size, then the minimum setback from the <i>exterior side lot line</i> shall be reflective of the size (width) of the easement.			
(5)	In the event that the existing easement is removed, the minimum setback from the <i>rear lot line</i> shall be 0.0 metres. In the event that the existing easement is reduced in size, then the minimum setback from the <i>rear lot line</i> shall be reflective of the size (width) of the easement.			
(6)	Tower shall mean the portion of a tall <i>building</i> above the base <i>building/podium</i> .			
(7)	Base <i>building/podium</i> shall mean the lower portion of a tall <i>building</i> from <i>established grade</i> to the base of the tower.			

Exception	Zoning	Map	By-law	File Reference
214	GS (H)	36	45-2023	OPA21-A2 Z4/21
<p>⁽⁸⁾ Outdoor amenity space shall not include private balconies/terraces accessed through a unit. Private balconies/terraces are in addition to and shall not be allocated to such minimum amenity space requirement.</p> <p>Except as amended herein, all other provisions of Zoning By-law 95-2003, as amended, shall apply.</p>				

4. THAT Zoning By-law No. 95-2003, as amended, is hereby further amended by adding the following Holding Provision under Section 8.1.1, List of Holding Provisions, as follows:

By-law No.	Property Description	Permitted Use Until Holding Provision Removed	Conditions for Removal	Date Enacted
45-2023	<p>190 Westney Road South</p> <p>Part of Block M, Plan M-25, Parts 8 and 9, Plan 40R-18895, Town of Ajax, Regional Municipality of Durham All of PIN: 26461-0042 (LT)</p> <p>Owner: 190 Westney Holdings Ltd.</p> <p>File Reference: Z4/21</p>	<p>Prior to removing the holding provision, the subject lands may be used in accordance with the provisions of the Prestige Employment (PE) Zone as outlined in Section 6.4.</p>	<ul style="list-style-type: none"> The applicant/owner enter into an agreement with the Town for the provision of affordable dwelling units. Such agreement will address, but not be limited to, the applicant's/owner's responsibility for operating/implementing the affordable units, eligibility criteria to occupy/purchase an affordable unit, affordable rates/prices, affordability period, and annual auditing and reporting to the Town. The applicant/owner covenants and agrees that the Town may register this agreement against the title to the lands. 	September 5, 2023

5. THAT Zoning By-law No. 95-2003, as amended, is hereby further amended only to the extent necessary to give effect to the provisions of this By-law.
6. THAT this By-law not come into full force and effect until Official Plan Amendment No. 74 is in full force and effect.

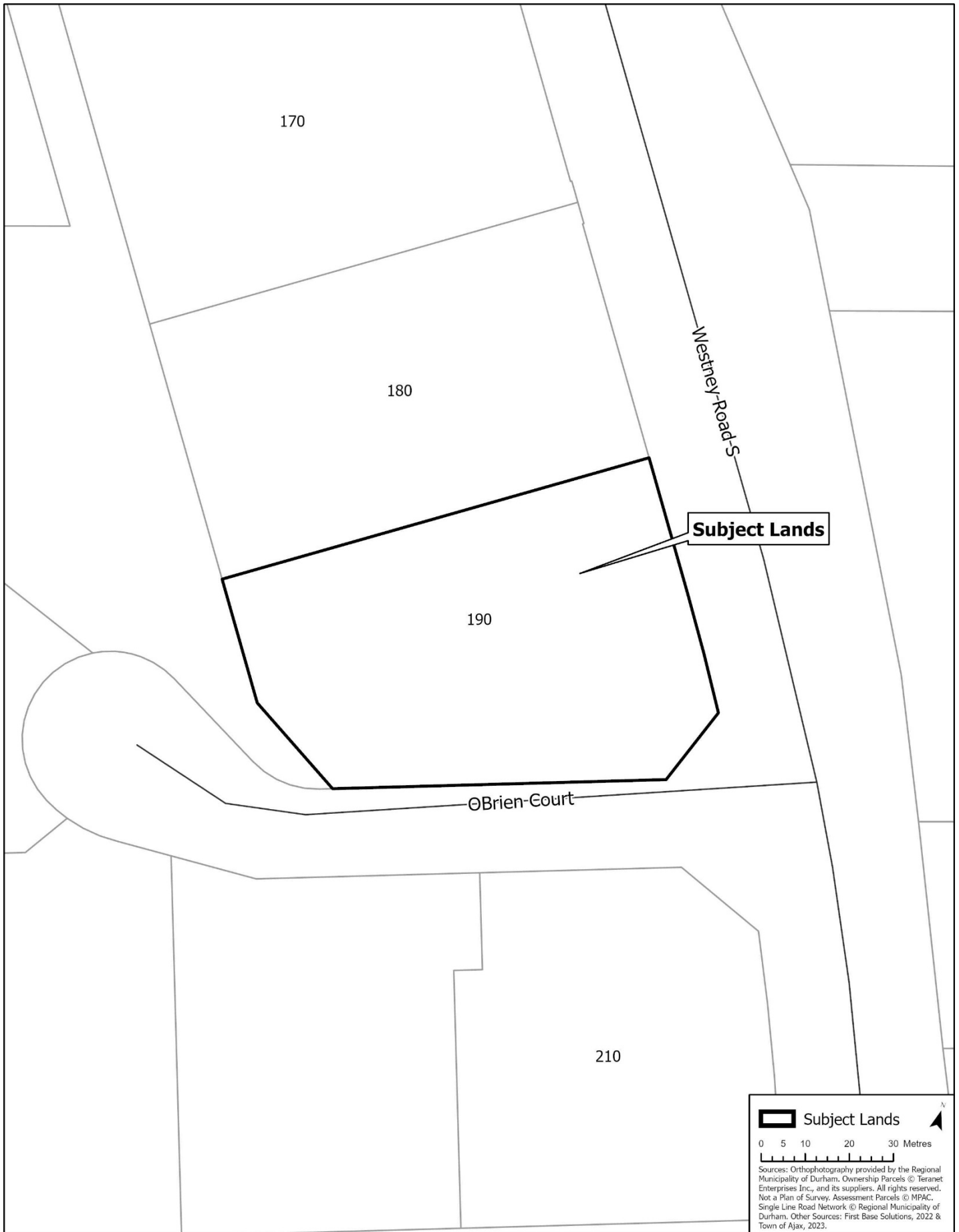
READ a first and second time this fifth day of September, 2023.

READ a third time and passed this fifth day of September, 2023.

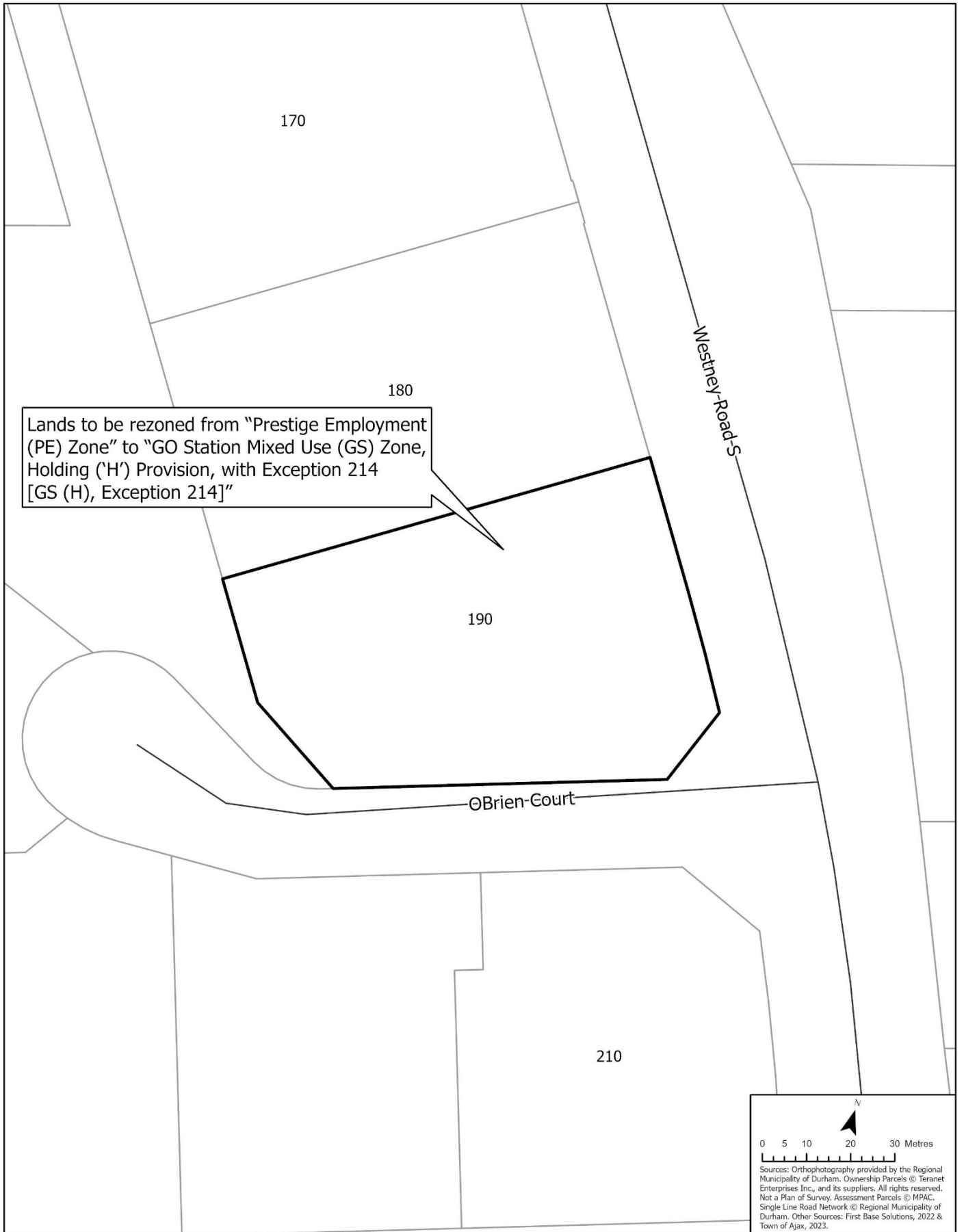
Mayor

Deputy Clerk

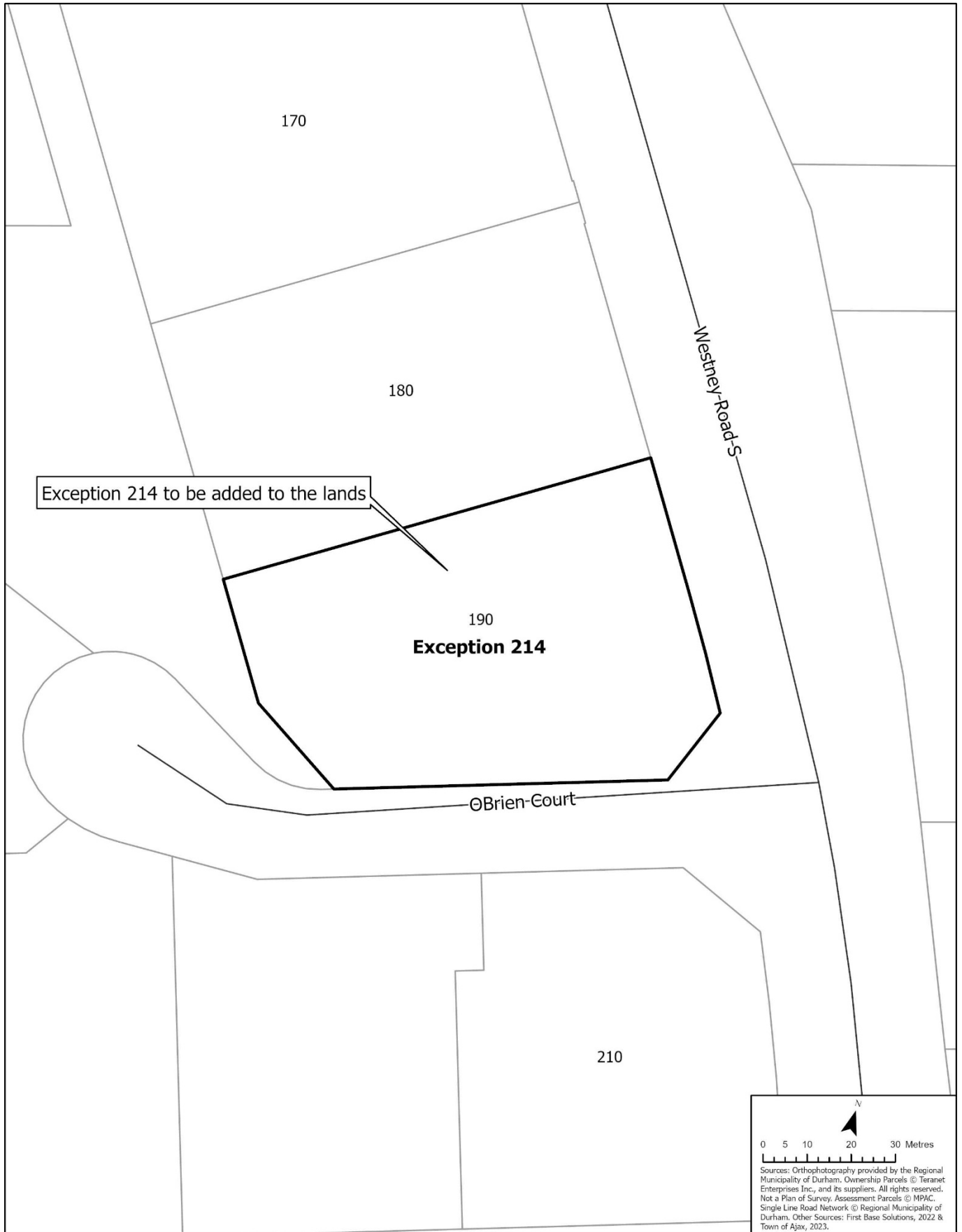
Schedule "A" to By-Law Number 45-2023



Schedule "B" to By-Law Number 45-2023



Schedule "C" to By-Law Number 45-2023



Explanatory Note to By-Law Number 45-2023

In accordance with Official Plan Amendment Application OPA21-A2 and Zoning By-law Amendment Application Z4/21, the purpose of this By-law is to:

- rezone the subject lands from the Prestige Employment (PE) Zone to the GO Station Mixed Use (GS) Zone;
- establish a site-specific Exception (Exception 214) for the GS Zone, to permit a range of uses and set development standards that would implement the proposed development of a mixed use building on the subject lands; and
- place a Holding (H) Provision on the subject lands requiring the fulfillment of conditions.

This By-law applies to the lands municipally known as 190 Westney Road South.

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 46-2023

Being a By-Law to confirm the proceedings of the Council of the Corporation of the Town of Ajax at its special meeting of September 5, 2023.

WHEREAS Section 5 (3) of the *Municipal Act, 2001*, as amended, provides that municipal powers shall be exercised by By-law, unless the municipality is specifically authorized to do otherwise;

AND WHEREAS it is deemed expedient and desirable that the proceedings of the Council of the Corporation of the Town of Ajax at this meeting be confirmed and adopted by By-law.

NOW THEREFORE, BE IT ENACTED AND IT IS HEREBY ENACTED as a By-law of the Corporation of the Town of Ajax by the Council thereof as follows:

1. That the actions of the Council at its special meeting held on the 5th day of September, 2023 and in respect of each motion, resolution and other action passed and taken by the Council at its said meeting, is, except where the prior approval of the Ontario Land Tribunal or other body is required, hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this By-law.
2. That the Head of the Council and proper officers of the Corporation of the Town of Ajax are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain appropriate approvals where required, except where otherwise provided, and to affix the Corporate Seal of the Corporation of the Town of Ajax to all such documents.

READ a first and second time this Fifth day of September, 2023.

READ a third time and passed this Fifth day of September, 2023.

Mayor

D-Clerk