



Principals

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May 9, 2024

GWD File: PN 2475 – MZO

Environmental Registry of Ontario
Municipal Services Office – Central Ontario
777 Bay Street, 16th Floor
Toronto, ON M7A 2J3

Re: **Minister's Zoning Order Request**
Environmental Registry of Ontario Posting No. 019-8516
250 Rossland Road East (Block 1, Plan 40M-2737), Town of Ajax
2353662 Ontario Limited

Gagnon Walker Domes Ltd. ("GWD") is agent to 2353662 Ontario Limited ("Client"); the registered owner of the property municipally known as 250 Rossland Road East, in the Town of Ajax. Recently, Plan 40M-2737 was registered which created a series of development blocks on the property. This included Block 1 of Plan 40M-2737 ("subject site").

On January 23, 2023, Town of Ajax Council passed a motion to request a Minister's Zoning Order ("MZO") to permit a mixed use development on the subject site. The MZO would facilitate approximately 800 apartment dwelling units and a minimum of 9,300 m² of non-residential gross floor area within multiple buildings on the subject site, with the objective of expediting the delivery of much needed new housing and employment within the Town of Ajax.

Town of Ajax Staff and our Client have worked cooperatively on finalizing a draft Ontario Regulation pertaining to the MZO request (enclosed). On behalf of our Client, we request that the Minister of Municipal Affairs and Housing approve the MZO request and facilitate the mixed use development of the subject site as advanced through the draft Ontario Regulation jointly prepared and supported by the Town of Ajax.

Regards,

Richard Domes, B.A., C.P.T.
Partner, Principal Planner

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APPENDIX A

With respect to the Town of Ajax, Regional Municipality of Durham

Subsection 34.1 (9) of the Planning Act

Definitions

1. In this Order,

“Affordable Housing” means:

In the case of rental housing is a unit where rent does not exceed 80% of the average monthly market rent for units of the same type and number of bedrooms, in the year that they are occupied, in accordance with bulletins released by the Ministry of Municipal Affairs and Housing; and

In the case of ownership housing is a unit where the purchase price does not exceed 80% of the average market purchase price for units of the same type and number of bedrooms, in the year that the unit is sold, in accordance with bulletins released by the Ministry of Municipal Affairs and Housing;

“Apartment Dwelling” means a building consisting of four (4) or more dwelling units which units have a common entrance from the street level and common halls and/or stairs, elevators and yards; and individual units at ground level within a building may have an independent entrance to the street;

“Base building” means the portion of a building that is between two and eight storeys.

“Building tower” means the portion of a building that is nine storeys or higher.

“Indoor amenity space” means a common area or areas that are provided for the recreational or social purposes of the occupants of a building;

“Long-term care home” has the same meaning as in the *Long-Term Care Homes Act, 2007*;

“Retirement home” has the same meaning as in the *Retirement Homes Act, 2010*;

“Zoning by-law” means the Town of Ajax Zoning By-law 95-2003, as amended.

Application

2.

- (1) This Order applies to lands in the Town of Ajax, in the Regional Municipality of Durham, in the Province of Ontario, as shown on the map included with this Order as Appendix B, described as Block 1 on Plan 40M-2737, and further identified by Property Identification Number [XXX]-4456 (LT) registered in the Land Registry Office for the Land Titles Division of Durham Region (No. 40).
- (2) For the purposes of this Order, the lands described in subsection (1) are considered to be a single lot.
- (3) Despite any existing or future severance, partition, or division of the lands described in subsection

(1), the provisions of this Order apply to all of the lands as if no severance, partition, or division had occurred.

Condition, Affordable Housing

3. The Owner has entered into an agreement with the Town for the provision of affordable dwelling units. This agreement shall stipulate that a minimum of 5% of the constructed dwelling units will be Affordable Housing for a minimum 25-year period. This agreement shall also address, but not be limited to: eligibility criteria to occupy an affordable dwelling unit; affordable ownership and/or affordable rental rates; annual auditing and reporting to the Town; if the affordable dwelling units are rental, the Owner's responsibility for managing and operating the affordable rental units; and, if the affordable dwelling units are ownership, restrictions on the resale of an affordable unit within the minimum 25-year affordability period. The agreement shall also secure a balanced mixture of unit sizes, including one-, two- and three-bedroom units. The Owner covenants and agrees that the Town will register this agreement against the title to the lands.

Permitted uses

4. Every use of land and every erection, location or use of any building or structure is prohibited on the lands described in subsection 2 (1), except for:

(1) Any of the following residential uses:

- (a) Apartment Dwelling
- (b) Long-term Care Home
- (c) Retirement Home
- (d) Live-work Unit

(2) Any of the following non-residential uses:

- (a) Banquet Facility
- (b) Commercial Fitness Centre
- (c) Commercial School
- (d) Convenience Store
- (e) Day Care Facility
- (f) Dry Cleaning Depot
- (g) Financial Institution
- (h) Hotel
- (i) Licensed Accessory Outdoor Patio
- (j) Medical Clinic
- (k) Office
- (l) Personal Service Shop
- (m) Place of Entertainment
- (n) Restaurant
- (o) Retail Store
- (p) Service and Repair Shop
- (q) Unlicensed Accessory Outdoor Patio
- (r) Veterinary Clinic

Zoning requirements

5. For the purposes of applying the zoning by-law, the lands described in subsection 2(1) are:

- (1) considered to be within the Local Commercial (LC) zone,
- (2) are exempt from the provisions of Exception 163 of the zoning by-law, and
- (3) define lot lines as follows:
 - (a) front lot line: Penn-Gaskell Drive
 - (b) exterior side lot lines: Salem Road North and Spitty Road
 - (c) rear lot line: west property line

6. The requirements of the zoning by-law shall apply to the lands described in subsection 2 (1), except for:

- (1) A maximum of 800 apartment dwelling units.
- (2) A minimum setback of 3.0 metres from the front lot line.
- (3) A maximum setback of 9.0 metres from the front lot line.
- (4) A minimum setback of 3.0 metres from the exterior side lot line.
- (5) A maximum setback of 6.0 metres from the exterior side lot line abutting Spitty Road and a maximum setback of 9.0 metres from the exterior side lot line abutting Salem Road North.
- (6) A minimum setback of 0.0 metres for a below grade parking garage to all lot lines.
- (7) A minimum setback of 12.5 metres from the rear lot line.
- (8) A minimum height of 11.0 metres.
- (9) A maximum height of 25 storeys.
- (10) Despite subsection 6 (9), elevator enclosures and mechanical penthouses are exempt from the maximum height provision provided that the aggregate floor area does not exceed 40 percent.
- (11) A minimum ground floor finished ceiling height of 4.0 metres.
- (12) A maximum building tower floorplate for residential uses of 800 square metres, excluding balconies.
- (13) A minimum building tower separation distance of 25 metres from building tower face to building tower face.
- (14) A minimum building tower setback of 12.5 metres from a rear lot line.
- (15) A minimum building tower stepback from the edge of a base building facing a public street of 2.0 metres.

- (16) A minimum of 1.0 parking spaces per dwelling unit for the exclusive use of occupants.
- (17) A minimum of 0.25 parking spaces per dwelling unit for the exclusive use of visitors.
- (18) The parking space requirements for non-residential uses identified in section 3 (2) shall comply with the requirements of the Zoning By-law.
- (19) In addition to the minimum parking space requirements set out in sections 6 (16), (17) and (18) parking spaces shall be provided for persons with disabilities in accordance with the Accessibility for Ontarians with Disabilities Act, 2005.
- (20) No parking spaces or drive aisles shall be located within a front yard, exterior side yard, or any yard that abuts a public street.
- (21) No loading area or loading door shall face a public street.
- (22) A minimum of 0.8 long term bicycle parking spaces per dwelling unit, where a long term bicycle parking space is fully sheltered and has secure access.
- (23) A minimum of 0.2 short term bicycle parking spaces per dwelling unit, where a short-term bicycle parking space may or may not be fully sheltered.
- (24) A minimum of 60% of the street frontage along Salem Road North, shall be occupied by building walls constructed within the minimum and maximum setbacks from the exterior lot line.
- (25) A minimum landscape buffer of 3.0 metres shall be required between a base building and a public street; and a minimum of 9.0 metres between a surface parking area or drive aisle and a public street.
- (26) Despite any other provision of this Order, a minimum gross floor area of 9,300 square metres of all buildings and structures, or part thereof, shall accommodate non-residential uses identified in section 3 (2) of this order.
- (27) Despite section 6 (1) and 6(26),
 - (a) A maximum of 200 apartment dwelling units are permitted until a minimum of 1,000 square metres of non-residential gross floor area has been constructed;
 - (b) A maximum of 400 apartment dwelling units are permitted until a minimum of 4,650 square metres of non-residential gross floor area has been constructed; and
 - (c) A maximum of 700 apartment dwelling units are permitted until a minimum of 9,300 square metres of non-residential gross floor area has been constructed.
- (28) A minimum of 10 percent landscape open space is required.
- (29) A minimum of 4.0 square metres of indoor amenity space and outdoor amenity space per dwelling unit shall be required, of which a minimum of 2.0 square metres shall be for indoor amenity space and 2.0 square metres shall be for outdoor amenity space.
- (30) In addition to the permitted encroachments into required yards in section 4.2 of the zoning by-law, balconies shall be permitted to encroach a maximum permitted distance of 1.8 metres into a required yard setback or tower setback above the building podium, but no balcony

shall be permitted to encroach into a required daylight triangle.

Terms of use

(16)

- (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order.
- (2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force
- (3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use is not altered.
- (4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Deemed by-law

(17) This Order is deemed for all purposes, except the purposes of section 24 of the Act, to be and to always have been a by- law passed by the council of the Town of Ajax.

APPENDIX B

