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**From:** Catherine Rose, MCIP, RPP  
Chief Planner

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**Subject:** Zoning By-law Amendment Application A 14/21  
197229 Ontario Inc.  
5329 Brock Road

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## **1. Purpose of this Report**

The purpose of this report is to provide preliminary information regarding an application for Zoning By-law Amendment, submitted by 197229 Ontario Inc., to permit an existing landscape and pool installation business on the subject lands. This report contains general information on the applicable Official Plan and other related policies, and identifies matters raised to date.

This report is intended to assist members of the public and other interested stakeholders to understand the proposal. The Planning & Development Committee will hear public delegations on the application, ask questions of clarification, and identify any planning issues. This report is for information and no decision on this application is being made at this time. Staff will bring forward a recommendation report for consideration by the Planning & Development Committee upon completion of a comprehensive evaluation of the proposal.

## **2. Property Location and Description**

The subject lands are located on the east side of the original Brock Road that runs through Claremont (herein after referred to as "Old Brock Road"), west of Brock Road (the Claremont By-pass) and north of the Canadian Pacific railway (see Location Map, Attachment #1). The property has an area of approximately 0.61 of a hectare, with approximately 56 metres of frontage along Old Brock Road. An existing wetland area is identified at the southeast corner of the property. There are numerous trees and shrubs located to the west and north of the wetland area.

There is an existing trailer located at the northwest corner of the property that is proposed to remain. There are also shipping containers and outdoor storage, including the storage of landscaping material and numerous vehicles, currently located on the property. These structures were placed on the property after the owner purchased the property in 2017. The owner has also erected a 2-metre high wood fence along the front lot line, which is proposed to remain.

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The surrounding land uses are as follows (see Air Photo Map, Attachment #2):

- North & East: Immediately to the north is a large parcel of land that contains a barn and a detached dwelling (5359 Brock Road). Further north is another large parcel of land (5435 Brock Road) currently occupied by an existing industrial building for a machinery sales and repair shop, a temporary trailer for a landscape business and a detached dwelling. An application for Zoning By-law Amendment (A 09/21) for 5435 Brock Road is currently under review to rezone the property to an appropriate zone category to formalize the existing industrial uses and to expand the list of permitted uses, to facilitate the redevelopment of the lands for industrial and commercial purposes.
- South: Immediately to the south is a vacant parcel of land. Further south is an industrial building occupied by an auto repair shop, and the Canadian Pacific Railway.
- West: To the west, across Old Brock Road, is a vacant parcel that is wooded and contains a stream. At the northwest corner of Old Brock Road and Hoxton Street is a commercial building occupied by a retail store selling household/farm supplies, and a restaurant.

### **3. Active Violations**

#### **3.1 Toronto and Region Conservation – Notice of Violation**

The applicant has indicated that shortly after they acquired the lands in 2017, fill was placed on the property and a wood fence was erected along the front lot line, in efforts to curb the dumping of household and construction garbage that was occurring on the site.

On September 10, 2018, the Toronto and Region Conservation Authority (TRCA) served a notice of violation to the applicant for the placement of illegal fill on the property, in contravention of Ontario Regulation 166/06, pertaining to the regulation of development, interference with wetlands and alterations to shorelines and watercourses.

The applicant has indicated that discussions with the TRCA are ongoing to resolve this matter, including the preparation of an Environmental Impact Study by the applicant, conducting site visits between the TRCA and the applicant to stake the wetland area, and the requirement for a vegetation buffer between the developable area of the property and the wetland area.

This application has been circulated to the TRCA for their review and comment. As of the date of this report, no comments have been received from the TRCA.

#### **3.2 City of Pickering – Notice of Zoning Contravention**

After purchasing the property in 2017, the applicant began to use the property to operate a landscape and pool installation business. In 2018, the City of Pickering received a complaint from an area resident pertaining to the change in use. The City's By-law Enforcement staff completed a site visit and confirmed that the site was being used illegally to operate a landscape business, whereas the zoning by-law only permits residential, agricultural and conservation uses on the property.

On September 5, 2018, the City of Pickering provided a notice of zoning contravention to the applicant for the illegal operation of the landscape business.

#### 4. Applicant's Proposal

197229 Ontario Inc. has submitted an application for Zoning By-law Amendment to rezone the developable portion of the subject lands to permit the following uses:

- a landscape and pool installation business;
- outdoor storage of landscape material;
- an office; and
- a storage barn for landscape equipment and material.

The applicant is seeking this request to legalize the existing landscape and pool installation business that currently operates on the property. The remaining portion of the subject lands, containing the wetland area, are to be environmentally protected. The numerous trees and shrubs located to the west and north of the wetland area are proposed to remain and function as a buffer between the wetland area and the developable portion of the site.

The existing trailer on the property is proposed to remain in its current location and will be used as an office. Immediately to the south of the trailer, the applicant is proposing to provide 7 parking spaces and no accessible spaces. The existing shipping containers and outdoor storage area are also proposed to remain on the property.

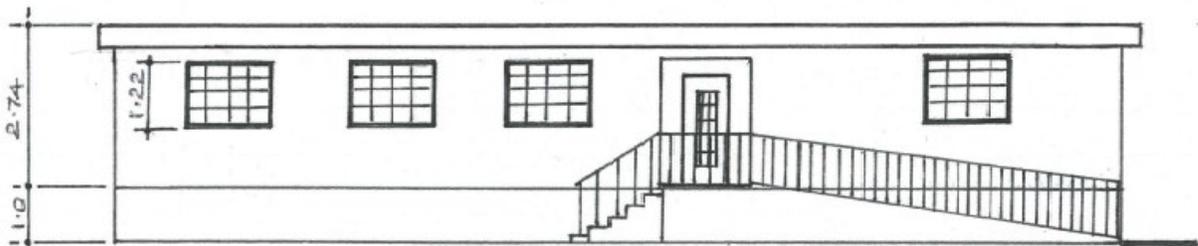


Figure 1: Front elevation of the existing trailer, proposed to be used for an office

The applicant is also proposing to construct a 297 square metre, single-storey metal fabricated storage barn, for the purpose of storing landscape equipment and material (see Submitted Site Plan, Attachment #3).

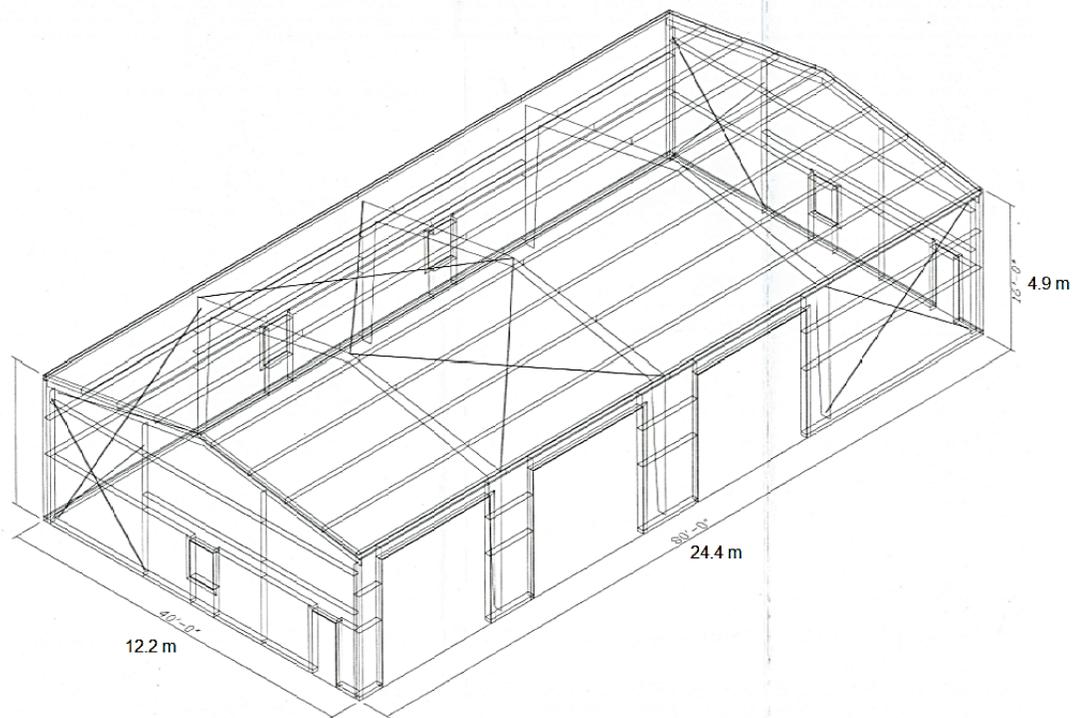


Figure 2: Rendering of the proposed metal fabricated storage barn

Municipal servicing is not available. There is an existing well on the property, which the owner is proposing to recommission. The owner will require approval from the Region of Durham Health Department in order to recommission the well. The owner is considering providing a washroom facility on the property, through the use of an outdoor portable toilet or a holding tank.

Currently, the site is accessed by a driveway off of Old Brock Road. This access is proposed to remain.

The proposed development will be subject to site plan approval.

## 5. Policy Framework

### 5.1 Oak Ridges Moraine Conservation Plan

The Oak Ridges Moraine Conservation Plan (ORMCP) designates the subject lands as “Countryside Area – Rural Settlement”. Small-scale commercial and industrial uses are permitted in Rural Settlement Areas, provided the uses does not require large-scale modifications of terrain and/or vegetation, or large-scale buildings and structures.

Rural Settlements are a component of the Countryside Area. The Plan states that an application for a small-scale commercial or industrial use within a Countryside Area may not be approved unless the applicant demonstrates that the buildings and structures will be planned, designed and constructed so as not to adversely affect the rural character of the Countryside Areas and the ecological integrity of the Plan Area. In addition, the applicant must demonstrate that the new or expanded uses will have no adverse impacts on surrounding agricultural operations and lands, or that such impacts will be minimized and mitigated to the extent possible.

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The ORMCP identifies the subject lands as being within a Landform Conservation Area (Category 2). An application for development within a landform conservation area (Category 2) must identify planning, design and construction practices that will keep disturbance to landform character to a minimum, including:

- limiting the portion of the net developable area of the site that is disturbed to not more than 50 percent of the total area of the site; and
- limiting the portion of the net developable area of the site that has impervious surfaces to more than 20 percent of the total area of the site.

The applicant's proposal will be assessed against the provisions of the ORMCP during the further processing of the application.

## **5.2 Durham Regional Official Plan**

The Durham Regional Official Plan designates the subject lands as "Oak Ridges Moraine Areas – Countryside Area". Small-scale commercial and industrial uses are permitted within the Countryside Area.

The applicant's proposal will be assessed against the policies and provisions of the Durham Regional Official Plan during the further processing of this application.

## **5.3 Pickering Official Plan**

The Pickering Official Plan designates the subject lands as "Rural Settlements – Oak Ridges Moraine Rural Hamlets". This designation provides opportunities for redevelopment and infilling within the existing hamlet boundary, permitting a variety of uses including residential, employment, commercial, community, cultural and recreational.

The Claremont Settlement Map (Schedule IV – 10 to the City's Official Plan) designates the subject lands as "Hamlet Employment". Permissible uses within Hamlet Employment designation include manufacturing, assembly, processing of goods, service industries, research and development facilities, warehousing, storage of goods and materials, offices, limited retailing associated with an industrial operation, and automotive uses.

The City's Official Plan identifies the east half of the property, where the wetland area and major vegetation are located, as "Natural Heritage System" containing significant woodlands. The Official Plan states that the Natural Heritage System plays a key role in defining Pickering's natural landscape, and in sustaining a healthy ecological system, and that Council shall endeavour to protect, conserve and enhance its Natural Heritage System.

Policy 10.3 of the Official Plan states that City Council shall encourage public and private practices that protect important key natural heritage features and landscapes in their natural state, including:

- requiring where development is proposed, restoration planting and encouraging in other areas naturalized vegetation protection zones adjacent to key natural heritage and key hydrologic features; and

- encouraging cooperation with private land owners in the management of their lands through education, conservation easements and/or public acquisition, where warranted.

An Environmental Impact Study is required for any proposed development within the Oak Ridges Moraine on lands within the minimum area of influence that relates to a key natural heritage feature and the related minimum vegetation protection zone. The study must demonstrate the following:

- that the development or site alteration applied for will have no adverse effects on the key natural heritage feature or on the related ecological functions;
- identify planning, design and construction practices that will maintain and, where possible, improve or restore the health, diversity and size of the key natural heritage feature and its connectivity with other key natural heritage features; and
- how connectivity within and between key natural heritage features will be maintained and, where possible, improved or restored before, during and after construction.

The subject property appears to be located on a Highly Vulnerable Aquifer. Under the City's Official Plan, lands on a Highly Vulnerable Aquifer must provide designated areas for snow storage in a location where melting snow cannot carry contaminants and salt loads directly into Highly Vulnerable Aquifers.

Old Brock Road is identified as a local road within the Pickering Official Plan, designed to carry local traffic and provide access to individual properties, to other local roads and collector roads. Local roads generally have a right-of-way width of up to 20 metres, except local roads serving industrial properties which may have a right-of-way width of up to 23 metres.

The applicant's proposal will be assessed against the policies and provisions of the Pickering Official Plan during the further processing of this application.

#### **5.4 Zoning By-law**

The subject property is currently zoned "ORM-A – Oak Ridges Moraine Agricultural Zone" and "ORM-EP – Oak Ridges Moraine Environmental Protection Zone" within Zoning By-law 3037, as amended by By-law 6640/06 (see Zoning Map, Attachment #4). Permitted uses within the ORM-A Zone include agricultural uses, detached dwelling, home-based business and home industry, among other conservation and farm-related uses. Permitted uses within the ORM-EP Zone include resource management, conservation projects and flood and erosion control projects.

The applicant is requesting to rezone the developable portion of the subject property to an appropriate zone category to permit the following uses: a landscape and pool installation business; outdoor storage of landscape material; an office; and a storage barn for landscape equipment and material. In addition, the portion of the lands identified as natural heritage features and their associated buffer will be rezoned ORM-EP Zone.

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## **6. Comments Received**

### **6.1 Public Comments**

Notice of the Electronic Statutory Public Meeting regarding this application was provided through a mailing to all properties within 150 metres of the subject lands (in total, the notice was mailed to 20 property owners, including the Claremont and District Community Association). A public meeting notice sign was erected at the property on March 28, 2022, located along the Old Brock Road frontage.

As of the date of this report, no comments have been received from the public.

### **6.2 Agency Comments**

The application was circulated to the following agencies for their review and comment: Region of Durham (Planning Department, Health Department & Works Department), Toronto and Region Conservation Authority, Canadian Pacific Railway, Bell Canada, Rogers Cable, Enbridge Gas, Elexicon Energy and Hydro One.

As of the date of this report, comments have been received from the following agencies:

#### **6.2.1 Enbridge Gas Inc.**

- Enbridge Gas Inc. does not object to the proposed application, however reserves the right to amend development conditions.

### **6.3 City Department Comments**

The application was circulated to the following City departments for their review and comment: Engineering Services, Building Services, Fire Services and Sustainability.

As of the date of this report, comments have been received from the following departments:

#### **6.3.1 Sustainability**

- The proposed development achieves the minimum points required by the City's Sustainable Development Guidelines, and achieves Level 2 with 24 points.
- The applicant proposes the following optional sustainability measures to achieve the minimum Level 1 of the City's Sustainable Development Guidelines:
  - innovative elements which integrates various environmental objectives of the City and TRCA;
  - exceeds regulatory requirements for protection of the wetland feature, natural heritage system, and minimizing the impacts of stormwater and maximizing site permeability;
  - exceeds minimum requirements to protect and enhance biodiversity on the site through an aquatic and terrestrial strategy;
  - planting of native and non-invasive species without the use of fertilizers and pesticides; and
  - development of an infill site.

- Staff will be requesting further details from the proponent to confirm how the proposed sustainability measures have been or will be met, through the site plan review process.

## **7. Planning & Design Section Comments**

The following is a summary of key concerns/issues or matters of importance raised to date. These matters, and others identified through the circulation and detailed review of the proposal, are required to be addressed by the applicant before a final recommendation report to Planning & Development Committee:

- ensure conformity with the policies in the Oak Ridges Moraine Conservation Plan, Durham Regional Official Plan and Pickering Official Plan;
- review whether the policies in the Oak Ridges Moraine Conservation Plan that relate to landform conservation areas apply to the subject lands;
- in consultation with the TRCA, determine whether the proposed 10-metre buffer is sufficient to protect the existing wetland at the southeast corner of the site;
- ensure the identified natural heritage features and associated buffers are rezoned to ORM-EP Zone, and determine whether these lands should be conveyed to public ownership for the long-term protection of these environmental features;
- establish appropriate restrictions for the proposed outdoor storage use, such as regulating the type and amount of outdoor storage permitted on the lot, and regulate where outdoor storage may be located on the site, as to not have a negative visual impact on surrounding properties;
- ensure the Region of Durham Health Department has no objections to the recommissioning of the existing well and the proposed washroom facility on the property;
- ensure the notice of violation issued by the TRCA is resolved to the satisfaction of the TRCA; and
- review the City's fence by-law in relation to the 2-metre high wood fence the applicant erected along the front lot line.

Further issues may be identified following receipt and review of comments from the circulated departments, agencies and public. The City Development Department will conclude its position on the application after it has received and assessed comments from the circulated departments, agencies, and public.

## **8. Information Received**

Copies of the plans and studies submitted in support of the application are listed below and available for viewing on the City's website at [pickering.ca/devapp](http://pickering.ca/devapp) or at the offices of the City of Pickering, City Development Department:

- Planning Report, prepared by Grant Morris Associates Ltd., dated December 29, 2021;
- Site Screening Questionnaire, prepared by Cambium Inc., dated June 20, 2019;
- Grading Plan & Hydrogeological Assessment, prepared by Valdor Engineering Inc., dated June 9, 2021;
- Geotechnical Report, prepared by Cambium Inc., dated July 9, 2019;

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- Archaeological Assessment, prepared by ASI Heritage, dated May, 21, 2019;
  - Arborist Report, prepared by D. Andrew White, dated October 21, 2020;
  - Landscape Plan, prepared by Marton Smith Landscape Architects, dated May 2021;
  - Site Plan & Elevations, prepared by Grant Morris Associates Ltd., dated April 2020;
  - Survey, prepared by ertl Surveyors; dated 2017; and
  - Natural Heritage Evaluation; prepared by Cunningham Environmental Associates, dated March 2021.

## **9. Procedural Information**

### **9.1 General**

- written comments regarding this proposal should be directed to the City Development Department;
- oral comments may be made at the Statutory Public Meeting;
- all comments received will be noted and used as input to a Recommendation Report prepared by the City Development Department for a subsequent meeting of Council or a Committee of Council;
- any member of the public who wishes to reserve the option to appeal Council's decision must provide comments to the City before Council adopts any by-law for this proposal; and
- any member of the public who wishes to be notified of Council's decision regarding this proposal must request such in writing to the City Clerk.

## **10. Owner/Applicant Information**

The owner of this property is 197229 Ontario Inc., who is represented by Grant Morris Associates Ltd.

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### **Attachments:**

1. Location Map
2. Air Photo Map
3. Submitted Site Plan
4. Zoning Map

**Prepared By:**

Original Signed By

Isabel Lima  
(Acting) Planner II

Original Signed By

Nilesh Surti, MCIP, RPP  
Manager, Development Review  
& Urban Design

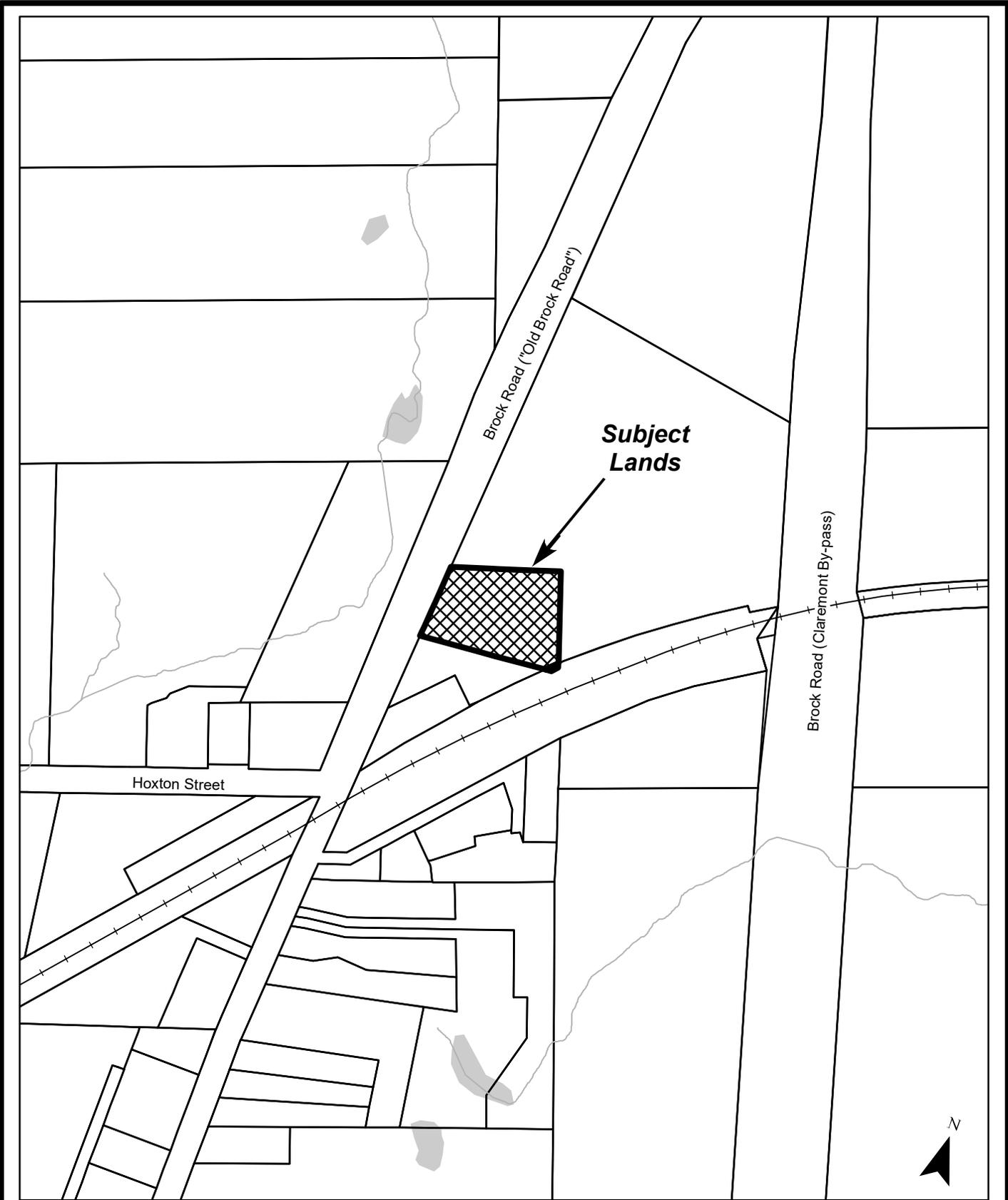
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Date of Report: April 13, 2022

**Approved/Endorsed By:**

Original Signed By

Catherine Rose, MCIP, RPP  
Chief Planner

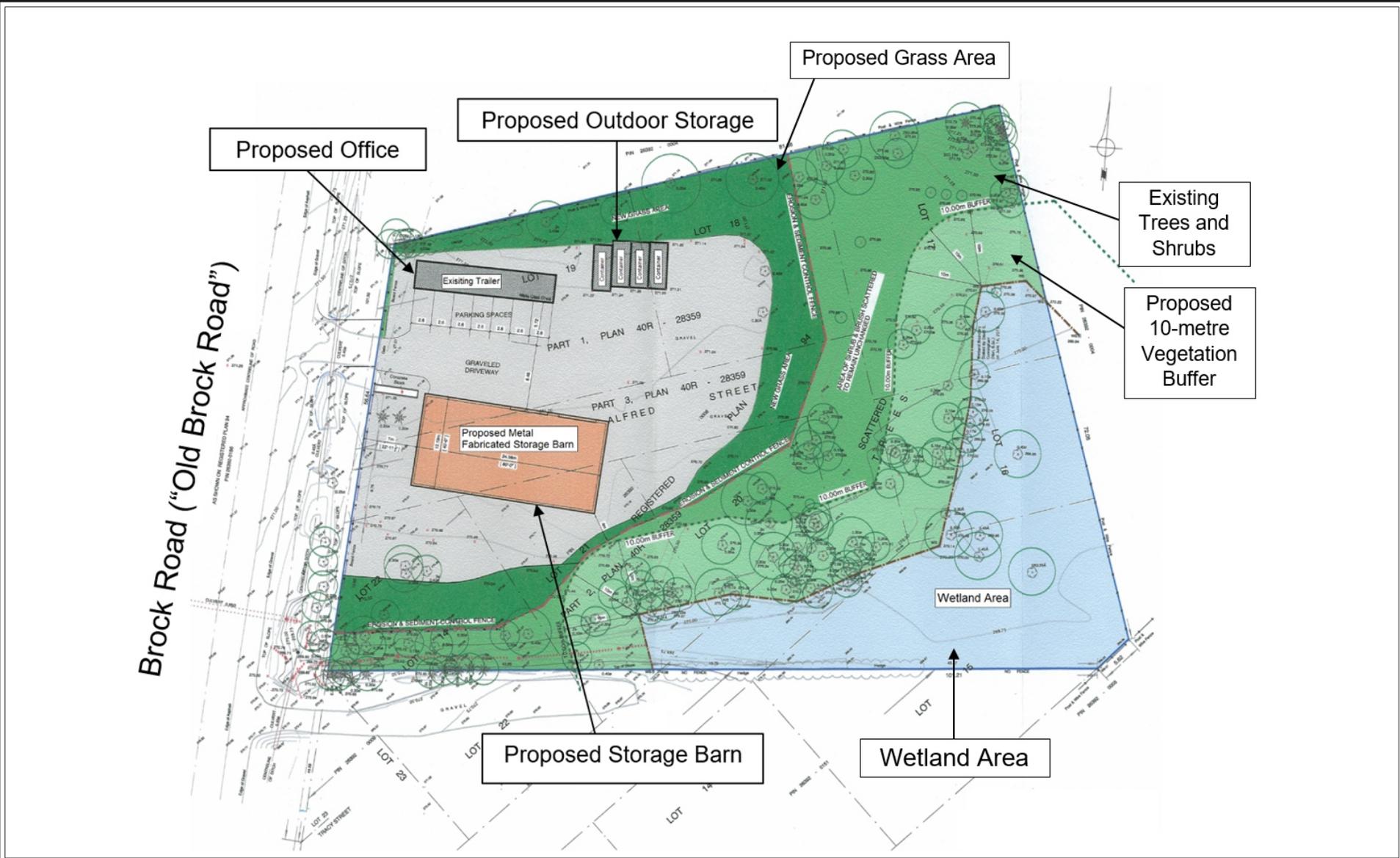


 City Development Department	<b>Location Map</b>
	<b>File:</b> A 14/21
	<b>Applicant:</b> 197229 Ontario Ltd.
	<b>Municipal Address:</b> 5329 Brock Road ("Old Brock Road")
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	<b>SCALE:</b> 1:4,000 <small>THIS IS NOT A PLAN OF SURVEY.</small>



City of  
**PICKERING**  
 City Development  
 Department

<b>Air Photo Map</b>	
File: A14/21	
Applicant: 197229 Ontario Ltd.	
Municipal Address: 5329 Brock Road ("Old Brock Road")	
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Date: Mar. 02, 2022	SCALE: 1:4,000 THIS IS NOT A PLAN OF SURVEY.

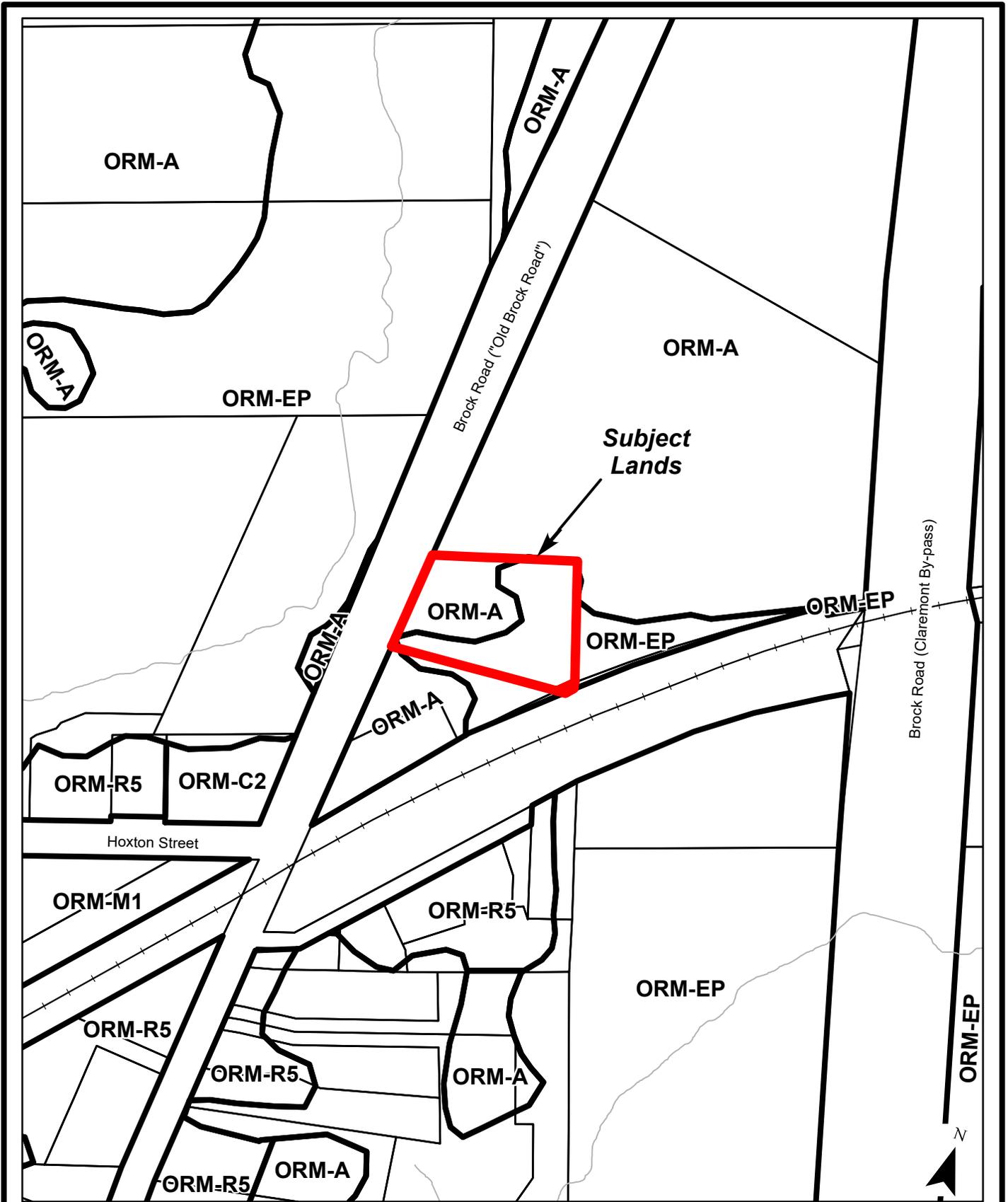


City of  
**PICKERING**  
 City Development  
 Department

**Submitted Site Plan**  
**File No:** A 14/21  
**Applicant:** 197229 Ontario Ltd.  
**Municipal Address:** 5329 Brock Road ("Old Brock Road")

FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING CITY DEVELOPMENT DEPARTMENT.

**DATE:** April 12, 2022



<p><i>City of</i> <b>PICKERING</b> City Development Department</p>	<p><b>Zoning Map</b></p>
	<p><b>File:</b> A 14/21</p>
	<p><b>Applicant:</b> 197229 Ontario Ltd.</p>
	<p><b>Municipal Address:</b> 5329 Brock Road ("Old Brock Road")</p>
<p><small>This zoning map is a graphical representation of the zoning schedules and is not a plan of survey. The zoning schedules in Zoning By-Law 2511, as amended, are the official schedules. In any situation where the zoning schedules are found to differ from this map, the text of the signed By-Law, as amended, will take precedence in the interpretation of zoning.</small></p>	<p><b>Date:</b> Apr. 14, 2022</p>
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