

1023343 Ontario Inc.
4973 Old Brock Road
Claremont, City of Pickering, Ontario

PLANNING JUSTIFICATION REPORT ADDENDUM

Zoning By-law Amendment



D.G. Biddle & Associates Limited
consulting engineers and planners

File No. 121041

May 2022

1.0A

INTRODUCTION

D.G. Biddle and Associates Limited has been retained by 1023343 Ontario Inc. (Doreen Kemp) to provide professional consulting services in support of an application to amend the City of Pickering Zoning By-law No. 6640/06 to allow for a residential detached dwelling use at 4793 Old Brock Road in the Hamlet of Claremont, City of Pickering, Regional Municipality of Durham.

A Planning Justification Report was prepared by D.G. Biddle and Associates in support of a zoning by-law amendment application to allow for residential detached dwelling use on the lot and to add a site-specific permission for a reduced lot size to accommodate two residential lots. Subsequent to the first submission, the owner has decided to only pursue the use permission and to withdraw the request for the reduced lot area. The owner now seeks a zoning by-law amendment to authorize the use of the property as a residential detached dwelling and to use the existing building on the site as such. No second residential lot is being pursued.

This Addendum is an update to the relevant information provided within the D.G. Biddle Planning Justification Report of May 2021 based on the change to the zoning by-law amendment request and to address comments on the first submission. Only amended sections of the Planning Justification Report are included in this addendum and section numbers are appended with an "A".

The Zoning By-law Amendment application seeks to make the following changes:

Document	Requested Amendments
City of Pickering Zoning By-law No. 6640/06	A) Change zone category of the subject property from Oak Ridges Moraine – General Commercial (ORM-C2) Zone to Oak Ridges Moraine – Hamlet Residential Five (ORM-R5) Zone and Oak Ridges Moraine – Hamlet Residential Five (ORM-R5) Zone.

3.0A PROPOSED ZONING BY-LAW AMENDMENT

The owner proposes to add an additional use permission to the Oak Ridges Moraine General Commercial (ORM-C2) Zone through a site-specific exception zone.

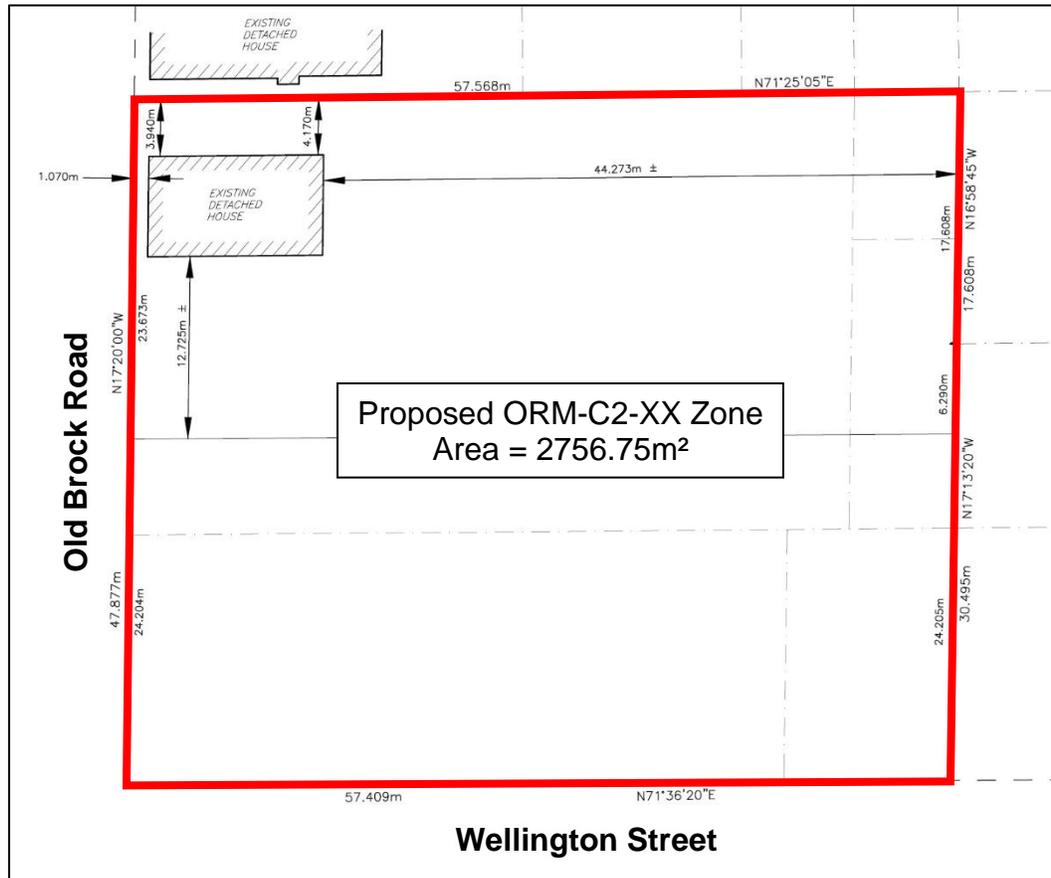


Figure 1: Existing site plan

Almost the whole of the property is classified as Oak Ridges Moraine – General Commercial (ORM-C2) Zone, which does not permit a detached dwelling as a primary use.

The requested zoning by-law amendment would change the zone category to Oak Ridges Moraine – General Commercial Exception (ORM-C2-XX) Zone to add a site-specific additional use permission as a residential detached dwelling. The proposed additional use would be required to conform to the performance standards of the ORM-R5 performance standards, as described in Table 1, below.

Table 1: ORM-R5 performance standards

Performance Standard	ORM-R5 Zone Requirement	Existing
Minimum Lot Frontage	22.0m	47.8m
Minimum Lot Area	1,390m ²	2,769.2 m ²
Min. Front Yard	9.0m	1.1m
Min. Interior Side Yard	1.8m	3.9m
Min. Exterior Side Yard	4.5m	36.9m
Min. Rear Yard	9.0m	44.2m
Maximum Lot Coverage	20%	6%
Maximum Height (m)	12	+/-7.5m
Minimum Dwelling Unit Gross Floor Area	100m ²	168m ²
Maximum Dwellings Per Lot	1	1

4.0A PLANNING CONTEXT

4.4A OAK RIDGES MORAINÉ CONSERVATION PLAN (2017)

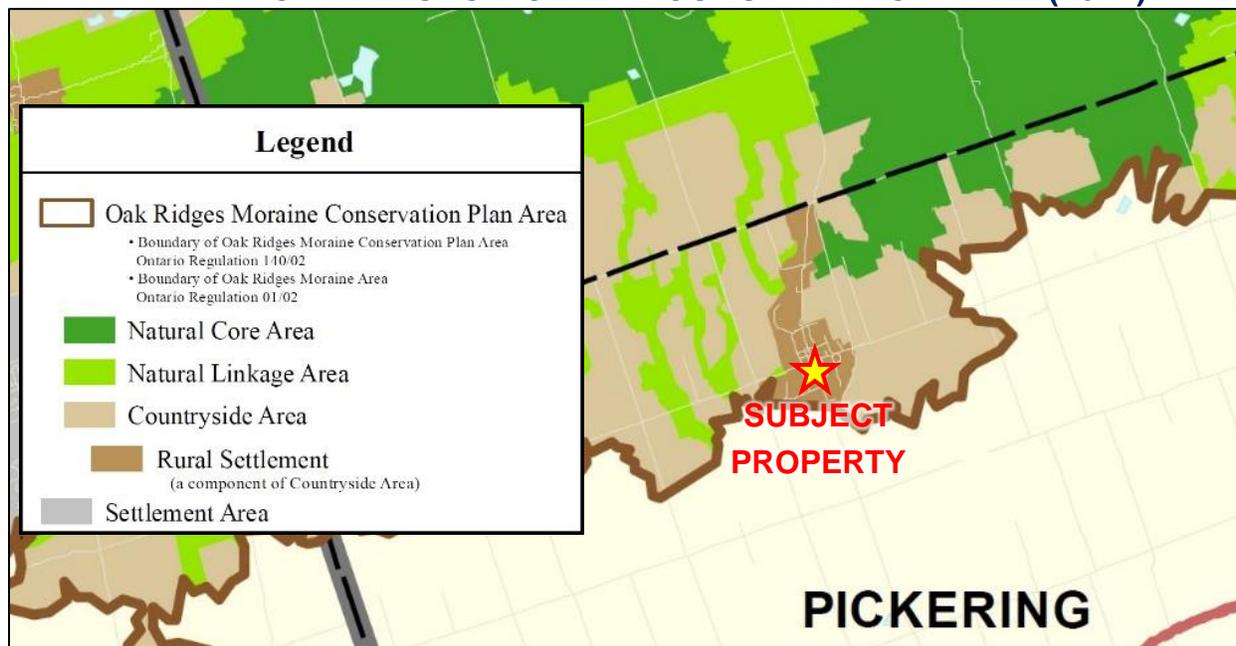


Figure 2: Oak Ridges Moraine Conservation Plan land use plan excerpt

The Oak Ridges Moraine Conservaiton Plan puts the subject property within the **Rural Settlement** land use designation, which is a component of the **Countryside Area** land use designation. The Rural Settlement land use designation permits

Countryside Areas are “*areas of rural land use such as agriculture, recreation, residential development, Rural Settlements, mineral aggregate operations, parks and open space.*” – ORMCP S. 10. (1) 3.

5.0A PLANNING POLICY

The planning policy justification for the proposed Zoning By-law Amendments is based on a review of the applicable policies in the Provincial Policy Statement 2020, The Growth Plan for the Greater Golden Horseshoe 2019, the Oak Ridges Moraine Conservation Plan (2017), the Durham Region Official Plan (DROP) and the City of Pickering Official Plan.

5.2.2A OAK RIDGES MORAINÉ CONSERVATION PLAN (2017)

“The Oak Ridges Moraine Conservation Plan is an ecologically based plan that provides land use and resource management direction for the 190,000 hectares of land and water within the Moraine.” – ORMCP preamble

“The purpose of the Oak Ridges Moraine Conservation Plan is to provide land use and resource management planning direction to provincial ministers, ministries, and agencies, municipalities, landowners and other stakeholders on how to protect the Moraine’s ecological and hydrological features and functions.” – ORMCP preamble

Minor residential infill within a Rural Settlement land use designation is permitted within the ORMCP Plan Area. Permitted development includes change of use to a residential use permission through a zoning by-law amendment, subject to priority policies for the protection of ecological and agricultural functions.

5.5A CONFORMITY WITH POLICY

The requested amendment to the City of Pickering Zoning By-law 6640/06 is consistent with the relevant polices of the Provincial Policy Statement (2020), and conforms to the relevant policies of the Growth Plan for the Greater Golden Horseshoe (2019) the Oak Ridges Moraine Conservation Plan (2017), the Durham Region Official Plan and the City of Pickering Official Plan.

7.0A DISCUSSION

The existing residential detached dwelling use is legal non-conforming. The use has been established and continues to the present, and is consistent with the uses in the immediate vicinity and does not create any land use conflicts. It is therefore appropriate to rezone the property to allow for the additional use as detached dwelling to match the existing surrounding land uses.

The applicant proposes to rezone the property to allow for the additional use of the property as a detached residential dwelling. In order to maintain the intent of the City of Pickering Official Plan policies for the Claremont Settlement area regarding the protection of the local commercial downtown, the draft amending zoning by-law will keep the ORM-C2 use permissions and performance standards intact while only adding the one additional residential use. The new detached dwelling use permission will rely on the performance standards of the ORM-R5 Zone. Should the commercial real estate market see the need for additional space in the future, the applicant and any future owner will have the opportunity to use the site for any of the commercial uses under the ORM-C2 Zone.

In consideration that the existing lot is partially an ORM-R5 Zone, and that detached dwellings are prevalent within the neighbourhood, and that a detached dwelling use has no adverse impact on adjacent land uses, it is the writer's opinion that a detached dwelling use is appropriate in the context of the surrounding uses, and that the requested additional use permission represents good planning.

8.0A CONCLUSION AND PLANNING JUSTIFICATION

The proposed Zoning By-law Amendment addresses the relevant policies of the Provincial Policy Statements (2020), the Growth Plan for the Greater Golden Horseshoe (2019), the Oak Ridges Moraine Conservation Plan (2017) the Durham Region Official Plan and the City of Pickering Official Plan.

This report has reviewed the existing use of the subject property against the relevant Provincial, Regional and Municipal planning policy and concluded that the proposed Zoning By-law Amendment to change the zone category from Commercial ORM-C2 Zone to Residential ORM-R5 Zone is appropriate for the neighbourhood from a land use planning perspective.

It is the opinion of the writer that the proposed Zoning By-law Amendment, as outlined in this Planning Justification Report, is consistent with the Provincial Policy initiatives and current Regional and City planning policy and represents good planning.

Respectfully submitted
D.G. BIDDLE & ASSOCIATES LIMITED
ENGINEERS AND PLANNERS

Prepared by:

Michael J. Fry

Michael J. Fry, M.C.I.P, R.P.P.
Planning Manager



APPENDIX “A”

Policy Review

Oak Ridges Moraine Conservation Plan 2017

Policy No.	Policy Text	Analysis
Section 13 – Countryside Areas, Policy 1	The purpose of Countryside Areas is to encourage agricultural and other rural uses that support the Plan’s objectives by, (a) protecting prime agricultural areas; (b) promoting and protecting agricultural and other rural land uses and normal farm practices; (c) maintaining the rural character of the Rural Settlements;	The proposed Zoning By-law Amendment conforms to and does not conflict with Section 13 Policy 1 by; <ul style="list-style-type: none"> • Not having an adverse impact on prime agricultural areas, and • Maintaining the rural character of the Claremont Hamlet by implementing a low-rise, low density use permission copying the use permissions and performance standards of lands to the west, east and south of the subject lands.
Section 13 – Countryside Areas, Policy 2	Countryside Areas also have the objectives of, (a) maintaining, and where possible improving or restoring the ecological integrity of the Plan Area; (b) maintaining, and where possible improving or restoring, the health, diversity, size, and connectivity of key natural heritage features, key hydrologic features and the related ecological functions; (c) maintaining the quantity and quality of groundwater and surface water; (d) maintaining groundwater recharge; (e) maintaining natural stream form and flow characteristics; (f) protecting landform features; (g.1) conserving cultural heritage resources;	The proposed Zoning By-law Amendment conforms to and does not conflict with Section 13 Policy 1 by; <ul style="list-style-type: none"> • not having an adverse impact on the ecological integrity of the Plan Area, • not having an adverse impact on the key natural heritage features and key hydrologic features, • not having an adverse impact on the groundwater and surface water, • not having an adverse impact on groundwater recharge, • not having an adverse impact on the natural stream form and flow characteristics, • not having an adverse impact on landform features, and • not having an adverse impact on cultural heritage resources.
Section 13 – Countryside Areas, Policy 4	With respect to land in a Rural Settlement, the following uses are permitted, subject to Parts III and IV, in addition to the uses listed in subsection (3): 1. Residential development in accordance with paragraph 3 of subsection 15 (1).	“Development” includes a change of land use as per the definitions within the ORMCP. The proposed residential development includes minor infill within a Rural Settlements land use designation.
Section 15 – New Lots in Countryside Areas, Policy 1	New lots may be created in Countryside Areas for the following purposes only, and subject to Parts III and IV: 3. Minor infill within Rural Settlements.	The proposed residential development includes minor infill within a Rural Settlements land use designation.

City of Pickering Official Plan

Policy No.	Policy Text	Analysis
Policy 13.12(a) – Settlement 10: Claremont	(City Council shall) encourage opportunities for enhancing the historic village of Claremont through general or site specific zoning that allows the introduction of arts and craft studios, custom workshops and small-scale commercial enterprises on suitable sites, providing the historic character of the village and the interests of neighbouring residents are respected;	The proposed amending zoning by-law will allow for commercial retail, service and office uses to continue.

<p>Policy 13.12(b) – Settlement 10: Claremont</p>	<p>(City Council shall) encourage retail, shopping, office and other business uses to locate in the hamlet commercial area surrounding Central Street and Brock Road;</p>	<p>The proposed amending zoning by-law will allow for commercial retail, service and office uses to continue.</p>
<p>Policy 13.12(d) – Settlement 10: Claremont</p>	<p>(City Council shall) recognize that most of Claremont is designated as Oak Ridges Moraine Rural Hamlet on Schedule I, in accordance with the Oak Ridges Moraine Conservation Plan, and accordingly, City Council shall: (iii) require development or site alteration to be subject to the Oak Ridges Moraine policies as set out in Chapter 16 in addition to the policies of the Oak Ridges Moraine Conservation Plan;</p>	<p>The proposed additional use of the property as a detached dwelling is in conformance with the ORM policies of the Pickering OP and the policies of the ORMCP.</p>

**Appendix “B”
Draft Amending Zoning By-law**

The Corporation of the City of Pickering

By-law No. XXXX/22

Being a by-law to amend By-Law Number 6640/06, as amended, of the Corporation of the City of Pickering with respect to lands known municipally as 4973 Old Brock Road.

IT IS ENACTED as a by-law of the Corporation of the City of Pickering by its Council as follows:

1. By-Law 6640/06, as amended, is further amended by changing the zoning for the lands shown on the enlarged portion hereto as Schedule “A” from ORM-C2 to ORM-C2-XX and from ORM-R5 to ORM-C2-XX so that Schedule VI to By-law 6640/06 shall be amended as shown on the enlarged portion Schedule VI attached to this By-law as Schedule “A”.
2. By-law 664/06, as amended, is further amended by adding the following text to the end of Subsection 9.3.3:

“9.3.3.XX ORM-C2-XX
 a) In addition to the uses permitted in Subsection 9.3.1, a detached dwelling shall be permitted on lands zoned “ORM-C2-XX” subject to the Area Requirements of Subsection 8.2.1.”
3. Schedule “A” attached hereto forms part of this By-law.
4. This By-law shall come into force in accordance with the provisions of the Planning Act.

By-law passed this _____ day of _____, 2022.

David Ryan, Mayor

Susan Cassel, City Clerk

Schedule "A"

