

To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,  
Economic and Development Services Department

Report Number: ED-23-43

Date of Report: March 1, 2023

Date of Meeting: March 6, 2023

Subject: City-initiated Amendments to the Oshawa Official Plan,  
Windfields Part II Plan, Zoning By-law 60-94, and Brownfields  
Renaissance, Simcoe Street South Renaissance and  
Wentworth Street West Community Improvement Plans

Ward: All Wards

File: 12-12

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## **1.0 Purpose**

The purpose of this Report is to obtain Council authorization to initiate the public process under the Planning Act for Council to consider various proposed City-initiated amendments to the Oshawa Official Plan (the “O.O.P.”), Windfields Part II Plan, Zoning By-law 60-94, Brownfields Renaissance Community Improvement Plan, Simcoe Street South Renaissance Community Improvement Plan and Wentworth Street West Community Improvement Plan.

## **2.0 Recommendation**

That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-23-43 dated March 1, 2023, the Economic and Development Services Department be authorized to initiate the statutory public process under the Planning Act for Council to consider proposed City-initiated amendments to the Oshawa Official Plan, Windfields Part II Plan, Zoning By-law 60-94, Brownfields Renaissance Community Improvement Plan, Simcoe Street South Renaissance Community Improvement Plan and Wentworth Street West Community Improvement Plan, generally in accordance with Attachments 1 and 2 to said Report.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

### **4.1 Public**

In the event Council approves the Recommendation, a public meeting will be advertised and held, pursuant to the Planning Act, on the proposed amendments as generally set out in Attachments 1 and 2. Advertising for the public meeting would be published in the Oshawa This Week newspaper.

### **4.2 Other Departments and Agencies**

In the event Council approves the Recommendation, other departments and agencies will be circulated the proposed amendments as set out in Attachments 1 and 2 for review and comment as part of the formal amendment process.

## **5.0 Analysis**

On June 6, 1994, Council adopted Comprehensive Zoning By-law 60-94 for the City of Oshawa. During the process which led to the adoption of Zoning By-law 60-94, Council was advised that this Department would regularly review and update the by-law to address any problems, keep the by-law current, user-friendly and able to expedite appropriate development.

As a result of these regular reviews and updates, Council has approved a number of City-initiated, technical and housekeeping amendments to Zoning By-law 60-94.

It is now appropriate to consider another round of City-initiated amendments to address issues which have been identified since the last update. The proposed amendments are set out in Attachments 1 and 2 to this Report.

The proposed amendments are intended to improve customer service, maintain the currency and effectiveness of the Oshawa Official Plan and Zoning By-law 60-94 and reduce the number of Committee of Adjustment applications.

A number of proposed amendments to the Oshawa Official Plan and Zoning By-law 60-94 are intended to respond to the recent amendments made to the Planning Act by Bill 23, *More Homes Built Faster Act, 2022*. These amendments relate primarily to the regulations related to additional residential units permitted in detached houses, semi-detached houses and rowhouses in urban serviced areas. Bill 23 allows additional residential units on lots containing these dwelling types in urban areas on full municipal water and sanitary sewers “as-of-right” regardless of municipal zoning regulations. Therefore, it is appropriate that the City implement policies and standards to regulate such uses under the new Provincial framework in the Oshawa context.

## **6.0 Financial Implications**

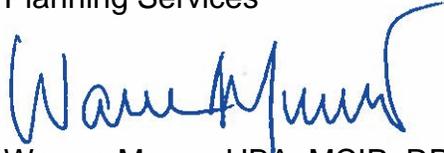
Anticipated costs to the City are included in the appropriate 2023 Departmental budgets and relate primarily to newspaper advertising costs for any public meeting and the passing of any by-laws.

## 7.0 Relationship to the Oshawa Strategic Plan

The Recommendation advances the Accountable Leadership goal in the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,  
Planning Services



Warren Munro, HBA, MCIP, RPP, Commissioner,  
Economic and Development Services Department

**1. Oshawa Official Plan: Windfields Part II Plan: Schedule “A” Windfields Land Use and Road Plan and Zoning By-law Schedule “A”: Zoning Maps A4 and North Half**

**Issue:**

The lands subject to these particular proposed amendments are located on the west side of Kentucky Derby Way, north of Britannia Avenue West. The subject lands are designated as Community Use – Separate Elementary School in the Windfields Part II Plan which permits community uses including a school. The policies of the Windfields Part II Plan permit Low Density Residential and Medium Density I Residential uses in the event a school is not needed. The subject lands are zoned CIN/R2(10) (Community Institutional/Residential). The CIN Zone permits a range of community uses including a school, and the R2(10) (Residential) Zone permits single detached dwellings and semi-detached dwellings/buildings.

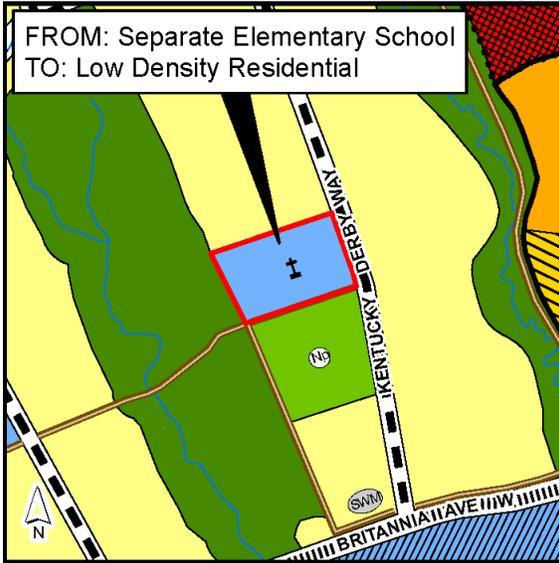
The subject lands were included in a plan of subdivision registered by Tribute Communities (“Tribute”) as a block for an elementary school for the Durham Catholic District School Board (the “Board”). The Board had a 5-year window to purchase the lands from Tribute. However, the Board advised Tribute and the City in writing that it did not need the lands for a school.

Subsequently, Tribute registered a new plan of subdivision specifically for the subject lands (Plan 40M-2707) which subdivided the block into 36 single detached dwelling lots and a new road (Miyako Court). Each of the 36 lots has been sold by Tribute and a building permit for a new single detached dwelling has been issued by the City for each lot. Construction of a school is no longer possible on these lands.

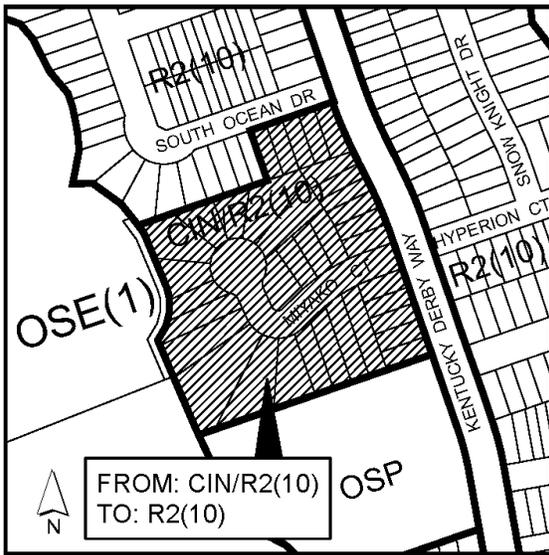
Consequently, it is appropriate to amend the Windfields Part II Plan by changing the designation of the subject lands from Community Use – Separate Elementary School to Low Density Residential and to amend Zoning By-law 60-94 by rezoning the subject lands from CIN/R2(10) (Community Institutional/Residential) to R2(10) (Residential) to reflect the current use.

**Proposed Amendment:**

(a) Amend Schedule “A” Windfields Land Use and Road Plan.



(b) Amend Schedule “A” – Zoning Maps A4 and North Half.



**2. Official Plan Policy 2.4.5.12 and Zoning By-law Sentence 3.5.2(60)**

**Issue:**

The Oshawa Official Plan (the “O.O.P.”) contains a site specific policy for 900 Champlain Avenue which came into effect in 1999. It reads as follows:

“2.4.5.12 Notwithstanding any provision of this Plan to the contrary, a retail warehouse for the sale of home furnishings may be permitted on lands municipally known as 900 Champlain Avenue with a *gross floor area* not exceeding a maximum of 2,325 square metres (25,000 sq. ft.)”

In 1999, Zoning By-law 60-94 was amended to rezone 900 Champlain Avenue from PI (Prestige Industrial) to a site specific PI/SPC-A(4) (Prestige Industrial/Special Purpose Commercial) Zone. The SPC-A(4) Zone permitted only a retail warehouse for the sale of home furnishings, and permitted a maximum gross floor area of 2,325 square metres (25,000 sq. ft.).

In 2004, the City passed a City-initiated amendment to Zoning By-law 60-94 to change the zoning of various properties north of Champlain Avenue, west of the C.P. Railway spur line, such that a retail warehouse would be a permitted use on all of the properties. The amendment created a new SPC-A(6) (Special Purpose Commercial) Zone that applies to numerous properties along the north side of Champlain Avenue. This 2004 amendment replaced the SPC-A(4) Zone on 900 Champlain Avenue with the SPC-A(6) Zone. Sentences 19.3.8(1) and 19.3.8(2) of Zoning By-law 60-94 pertain to the SPC-A(6) Zone and state the following:

- “19.3.8(1) Notwithstanding Subsection 19.1 and the definition of Retail Warehouse to the contrary, in any SPC-A(6) Zone as shown on Schedule “A” to this By-law, the following is the only permitted use:
- (a) A retail warehouse having a minimum gross floor area of 2,000m<sup>2</sup>.
- 19.3.8(2) The aggregate total gross floor area for retail warehouses shall not exceed 16,260m<sup>2</sup> in the area zoned SPC-A(6).”

As a result, 900 Champlain Avenue is subject to zoning that requires a minimum gross floor area of 2,000 square metres (21,528 sq. ft.) for a retail warehouse, but is also subject to an official plan policy that permits a maximum gross floor area of 2,325 square metres (25,000 sq. ft.). Given that the primary planning intent is to apply a maximum gross floor area limit across the entire SPC-A(6) Zone as opposed to a particular property, O.O.P. Policy 2.4.5.12 is redundant in consideration of the current zoning for 900 Champlain Avenue. Accordingly, it is appropriate to delete the policy from the O.O.P. and amend Sentence 3.5.2(60)(c) of Zoning By-law 60-94 which makes reference to the policy.

**Proposed Amendment:**

- (a) Delete O.O.P. Policy 2.4.5.12 in its entirety.
- (b) Re-number subsequent O.O.P. policies accordingly, including any references to the existing policy numbers in the O.O.P. and Zoning By-law to ensure the correct cross references are maintained, such as:
- Policy 2.4.2.3(j) of the O.O.P. would be amended to cross reference Policy 2.4.5.18 rather than 2.4.5.19, and,
  - Sentence 3.5.2(60)(c) of Zoning By-law 60-94 would be amended to cross reference Policy 2.4.5.16 rather than 2.4.5.17.

### 3. Official Plan Policy 2.3.6.8

#### Issue:

Policy 2.3.6.8 of the O.O.P. states:

“New residential *development* at the southeast corner of Simcoe Street South and Harbour Road will not be allowed to proceed until the requirements of the Ministry of the Environment, Conservation and Parks are met with respect to the resolution of any adverse environmental effects or constraints on residential *development* associated with contaminated soils on site or on adjacent lands, including proximity to a former waste disposal site.”

This policy was first introduced to the O.O.P. in 1995 as a result of a review of the land use permissions and vision for the harbour area. Currently, the City owns the lands at the southeast corner of Simcoe Street South and Harbour Road, as well as other lands on the east side of Simcoe Street South, south of the Oshawa Creek. In 2018, the City amended Zoning By-law 60-94 to rezone the lands at the southeast corner of Simcoe Street South and Harbour Road from R4-A/R6-B (Residential) to OSP(1) (Park Open Space). The City recently completed construction of the Ed Broadbent Waterfront Park, the site of which includes these lands. Consequently, with no prospect for residential development, O.O.P. Policy 2.3.6.8 is redundant.

#### Proposed Amendment:

- (a) Delete Policy 2.3.6.8 of the O.O.P. in its entirety.
- (b) Re-number subsequent policies accordingly, including any references to the existing policy numbers in the O.O.P. to ensure the correct cross references are maintained, such as in two occurrences in Policy 2.3.6.17.

### 4. Official Plan Policies 4.5.2 and 4.5.3

#### Issue:

Policies 4.5.2 and 4.5.3 of the O.O.P. fall under Section 4.5 dealing with Property Standards and Maintenance. These two policies incorrectly reference the Planning Act as the enabling legislation that allowed the City to pass Property Standards By-law 1-2002 (the “P.S.B.”). In actuality, as described in Recital 1 of the P.S.B., Section 15.1(3) of the *Building Code Act*, 1992, S.O. 1992, c.23 is the mechanism authorizing the passing of a By-law for prescribing standards for the maintenance and occupancy of property.

In view of the legislative framework noted above, it is appropriate to amend Policies 4.5.2 and 4.5.3 to delete any reference to the Planning Act, and replace it with reference to the Building Code Act.

## **Proposed Amendment:**

- (a) Amend Policy 4.5.2 by deleting the words “Planning Act” and replacing them with the words “Building Code Act” such that it reads as follows:

“Under the provisions of the Building Code Act, Council shall adopt a by-law:

- (a) For prescribing standards for the maintenance and occupancy of property and prohibiting the occupancy or use of a property that does not conform to the standards;
- (b) For requiring properties that do not conform to the standards to be repaired and maintained to conform to the standards, or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.

- (b) Amend Policy 4.5.3 by deleting the words “Planning Act” and replacing them with the words “Building Code Act” such that it reads as follows:

“The City shall appoint a Property Standards Officer and establish a Property Standards Committee in order to administer the minimum maintenance and occupancy by-laws passed pursuant to The Building Code Act.”

## **5. Oshawa Official Plan Policy 6.7.3: Student Accommodation**

### **Issue:**

Policy 6.7.3 of the O.O.P. states:

“The City shall encourage an appropriate supply of off-campus student accommodation in appropriate locations including predominantly along arterial road corridors, in a purpose built north student village area and within and around the Downtown Oshawa Urban Growth Centre.”

The intended site for the purpose-built student village in the Windfields area at the time the policy was written was the northwest quadrant of Simcoe Street North and Britannia Avenue West, which has since been developed with townhouse units.

It is appropriate to amend O.O.P. Policy 6.7.3 to remove reference to specific locations for off-site student accommodations in consideration of the following:

- The creation of a purpose-built student village in Windfields is no longer possible, as the intended site has now been developed (nor is it necessary, given the proliferation of student housing along the Simcoe Street North corridor in proximity to Ontario Tech University and Durham College); and,
- Pursuant to the City of Oshawa Parking Study, a definition for “Student Housing” is being prepared to implement parking rates for student housing projects. Given that the proposed definition contains a specific geographic reference to where student housing may be located, it is appropriate that the recommended changes to O.O.P. Policy 6.7.3 be undertaken to ensure that the O.O.P. and Zoning By-law 60-94 are in alignment.

The regulation of off-site student accommodations will defer to the Zoning By-law once the aforementioned amendment to implement this component of the City's Parking Study is undertaken.

**Proposed Amendment:**

- (a) Amend Policy 6.7.3 by deleting the words “including predominantly along arterial road corridors, in a purpose built north student village area and within and around the Downtown Oshawa Urban Growth Centre” such that it reads as follows:

“The City shall encourage an appropriate supply of off-campus student accommodation in appropriate locations.”

**6. Oshawa Official Plan Policy 6.4.2: Residential Intensification – Accessory Apartments**

**Issue:**

In 2019, the Province passed Bill 108, More Homes, More Choice Act, 2019 (“Bill 108”) which amended the Planning Act to require that a municipality include policies in their official plan that authorize the introduction of one additional residential unit in the primary residential building and one additional residential unit in an accessory building for “detached houses”, “semi-detached houses” and “rowhouses” (townhouses). While the inclusion of these policies was mandatory, the timing for implementation through the amendment process was discretionary, with municipalities given flexibility to either undertake the necessary amendments voluntarily, at any time, or during the mandatory updating of official plans required under Section 26(1.1) of the Planning Act.

The Province also enacted various requirements and standards for these additional residential units, including requirements related to the provision of parking.

On November 28, 2022, the Province passed Bill 23, *More Homes Built Faster Act, 2022*, which further amended the Planning Act to now instead stipulate that no municipal official plan may contain any policy that has the effect of prohibiting the use of:

- a) Two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- b) Three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential unit; or,
- c) One residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

The O.O.P. policies dealing with additional residential units have not been updated since 2014. Under the current O.O.P. policy framework, as implemented through Subsection 5.12 of the Zoning By-law (see discussion under Section 7 of this Attachment), only the addition of one accessory apartment within either a single detached dwelling or a semi-detached dwelling is contemplated, pursuant to Policies 6.4.1 and 6.4.2(d). These policies read as follows:

“6.4.1 *Residential Intensification* means the creation of new residential units or accommodation in existing buildings or on previously developed land in appropriate locations within the Major Urban Area and generally includes *residential infill housing, residential redevelopment, non-residential conversion*, garden suites, pursuant to Section 39.1 of the Planning Act, *lodging housing* and *accessory apartments*.”

“6.4.2 For the purposes of this Plan:

...

(d) *Accessory apartment* shall mean a self-contained dwelling unit within a single detached dwelling or semi-detached dwelling.”

Effective November 28, 2022, the Planning Act allows up to three residential units on a parcel of urban residential land containing a detached house, semi-detached house or rowhouse, one of which may be in an ancillary building or structure (e.g. a carriage house), regardless of any municipal official plan. Accordingly, it is appropriate for the City to update the O.O.P. to implement policies that address the expanded permissions for accessory apartments introduced pursuant to Bill 23.

### **Proposed Amendment:**

(a) Delete Policy 6.4.2(d) and replace it with the following:

“(d) *Accessory apartment* shall mean a self-contained dwelling unit, within a single detached dwelling, semi-detached dwelling, duplex or street townhouse dwelling, or within a building accessory to a single detached dwelling, semi-detached dwelling, duplex or street townhouse dwelling.”

(b) Add a new Policy 6.4.10 that reads as follows:

“6.4.10 The zoning by-law shall contain provisions for regulating *accessory apartments* in the main building and in an accessory building, including regulations directing accessory apartments to locate outside of *Hazard Lands*, as determined by the Central Lake Ontario Conservation Authority. Notwithstanding any provision of this Plan to the contrary, a severance that has the effect of causing an accessory building containing an accessory apartment to be the main building on a lot shall not be permitted by this Plan.”

## **7. Zoning By-law Section 2, Subsection 5.12, Section 39 and Schedule “H” related to Accessory Apartments**

### **Issue:**

In 2019, the Province passed Bill 108 which amended the Planning Act to require that a municipality include policies in their official plan that authorize the introduction of one additional residential unit in the primary residential building and one additional residential unit in an accessory building for “detached houses”, “semi-detached houses” and “rowhouses” (townhouses). Bill 108 also stipulated that municipalities shall ensure that zoning by-laws give effect to the official plan policies related to additional residential units.

On November 28, 2022, the Province passed Bill 23 which further amended the Planning Act to now instead stipulate that zoning by-laws cannot prohibit:

- a) Two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- b) Three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential unit; or,
- c) One residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

The proposed amendment described in Section 6 of this Attachment (see above) outlines the proposed amendments to the O.O.P. in this regard.

Bill 23 added a definition to the Planning Act for a “parcel of urban residential land” which means a parcel of land within a settlement area on which residential uses are permitted and that is served by municipal sanitary and water services.

Bill 23 also amended the Planning Act to stipulate that a municipality may not require more than one parking space for each residential unit in a detached house, semi-detached house or rowhouse or in any associated accessory building. Therefore, although Zoning By-law 60-94 requires two parking spaces for a single detached dwelling, semi-detached dwelling and street townhouse dwelling, the addition of one more residential unit on such a lot would not trigger the need for an additional space (e.g. a single detached dwelling on a lot with two dwelling units in total on the lot would require only two parking spaces). A single detached dwelling, semi-detached dwelling or street townhouse dwelling on a lot with three dwelling units in total on the lot would require three parking spaces (one per unit).

The current definition of “Accessory Apartment” in Zoning By-law 60-94 reads as follows:

“**ACCESSORY APARTMENT**” means a self-contained dwelling unit, within a single detached dwelling or semi-detached dwelling.”

In general, the current zoning regulations applicable to accessory apartments are as follows:

- Accessory apartments are permitted in any single detached dwelling or semi-detached dwelling (but not in accessory buildings) located in an R1, R2, R5 (Residential), OSR-A (Rural Open Space), OS-ORM (Oak Ridges Moraine Open Space), AG-A, AG-B (Agricultural) or AG-ORM (Oak Ridges Moraine Agricultural) Zone, subject to regulations. However, notwithstanding the zoning, accessory apartments are not permitted in the area shown on Schedule “H” of Zoning By-law 60-94 which corresponds to the City’s Residential Rental Licensing Area;
- The main dwelling must be a permitted use within the zone in which the accessory apartment is located;
- A maximum of one (1) accessory apartment is permitted on a lot;
- A minimum lot frontage of 11 metres (36 ft.) is required;
- One (1) parking space is required per accessory apartment in addition to the minimum required number of parking spaces for the single detached dwelling or semi-detached dwelling; and,
- The parking space for the accessory apartment shall be directly accessible from the street and cannot be in tandem with a parking space supplied for the single detached dwelling or semi-detached dwelling.

Accessory apartments are not currently permitted in townhouses.

As a result of Bill 23, the Planning Act no longer requires municipalities to permit up to two additional residential units accessory to a single detached dwelling, semi-detached dwelling or townhouse in areas outside of serviced urban areas (i.e. rural areas).

All other zoning regulations applicable to single detached dwellings and semi-detached dwellings also apply (e.g. minimum 50% landscaped open space in the front yard).

Prior to the passing of Bill 23, staff had been investigating potential zoning changes in order to implement Bill 108. In January 2020, the City held an Intensification Summit with local small builders and developers, and in May 2021 the City held a two-unit and tiny home workshop with local small builders and developers.

In order to permit up to two accessory apartments in association with a single detached dwelling, semi-detached dwelling, duplex or street townhouse dwelling on a parcel of urban residential land and to implement the Province’s new requirements and standards, the definition of accessory apartment must be amended and new regulations established. The regulations of Subsection 5.1 of the Zoning By-law pertaining to accessory buildings will continue to apply to accessory buildings containing accessory apartments unless

otherwise noted. For example, an accessory building cannot exceed 4.5 metres (14.76 ft.) in height, and the footprint of all accessory buildings on a lot cannot exceed the lesser of 8% of the lot, 60 square metres (645.84 sq. ft.) or 50% of the coverage of the main house.

Effective November 28, 2022, a landowner is permitted “as-of-right” to have up to three residential units on a parcel of urban residential land containing a single detached dwelling, semi-detached dwelling or street townhouse dwelling, one of which may be in an associated accessory building, regardless of whether or not a municipality has updated their Zoning By-law. Staff note that this “as-of-right” permission also applies to the parcels of urban residential land comprising the area shown on Schedule “H” of Zoning By-law 60-94, which was established to delineate where accessory apartments are restricted notwithstanding any R1, R2 or R5 (Residential) zoning in place. Consequently, Schedule “H” has been made redundant by Bill 23.

In view of the foregoing, it is appropriate that the City update Zoning By-law 60-94 to implement the permissions and regulations in a manner appropriate to the Oshawa context, addressing such matters as parking requirements and size and setbacks of accessory buildings with accessory apartments.

### **Proposed Amendments:**

- (a) Amend the definition of “Accessory” by adding after the word “habitation” in paragraph (c) thereunder the text “except in the case of a building accessory to a single detached dwelling, semi-detached dwelling, semi-detached building, duplex or street townhouse dwelling that contains a lawful accessory apartment”, such that the definition of “Accessory” reads as follows:

“**ACCESSORY**” is an adjective used to describe a building, structure or use. When so used, it means that the building, structure, or use has the following characteristics:

- (a) It is a building, structure, or use which is commonly incidental, subordinate or secondary and exclusively devoted to the main building or structure, or the main, principal or primary use;
- (b) It is located on the same lot as the main building or structure, or the main, principal or primary use; and,
- (c) An “accessory building” shall mean a detached building not used for human habitation except in the case of a building accessory to a single detached dwelling, semi-detached dwelling, semi-detached building, duplex or street townhouse dwelling that contains a lawful accessory apartment.”

- (b) Delete the definition of “Accessory Apartment” in its entirety and replace it with the following:

“**ACCESSORY APARTMENT**” means a self-contained dwelling unit, within a single detached dwelling, semi-detached dwelling, semi-detached building, duplex or street townhouse dwelling, or within a building accessory to a single detached dwelling, semi-detached dwelling, semi-detached building, duplex or street townhouse dwelling.”

- (c) Amend the definition of “Single Detached Dwelling” to include the words “or an accessory building containing an accessory apartment” after the words “mobile home” such that the definition of “Single Detached Dwelling” reads as follows:

“**SINGLE DETACHED DWELLING**” means a building which is freestanding, separate and detached from other main buildings or main structures and which contains only a dwelling unit, but does not include a mobile home or an accessory building containing an accessory apartment.”

- (d) Delete Article 5.12.1 in its entirety and replace it with the following:

“5.12.1 Accessory apartments shall be permitted within any single detached dwelling, semi-detached dwelling, semi-detached building, duplex or street townhouse dwelling or within a building accessory to a single detached dwelling, semi-detached dwelling, semi-detached building, duplex or street townhouse dwelling located in a R1-A, R1-B, R1-C, R1-D, R1-E, R2, R3 or R5 Zone, subject to the provisions of this subsection and the following:

- (a) The lot shall be serviced by full municipal water and sanitary sewer services.
- (b) The accessory apartment shall not be located within any hazard lands as determined by the Central Lake Ontario Conservation Authority including, but not limited to, the regulatory flood limits or erosion hazard limits.
- (c) The main dwelling is a permitted use within the zone in which it is located. Where the main dwelling is only permitted as an interim use by an “h” holding symbol, accessory apartments shall not be permitted.
- (d) A lot containing an accessory apartment is subject to the provisions and regulations of this By-law applicable to the main use and main building, as the case may be.
- (e) A lot containing one single detached dwelling, semi-detached dwelling or street townhouse dwelling may have a maximum of two accessory apartments in a single detached dwelling, semi-detached dwelling or street townhouse dwelling if there is no accessory apartment in an accessory building on the lot.
- (f) A lot containing one single detached dwelling, semi-detached dwelling or street townhouse dwelling may have one accessory apartment in a single detached dwelling, semi-detached dwelling or street townhouse dwelling and one accessory apartment in an accessory building on the lot.
- (g) A lot containing one duplex may have one accessory apartment in the duplex or in an accessory building, but not both. For clarity, this provision permits a maximum of three 3 dwelling units in total on a lot.

- (h) A lot containing one semi-detached building may have one accessory apartment in the semi-detached building or in an accessory building, but not both. For clarity, this provision permits a maximum of three 3 dwelling units in total on a lot.
- (i) A lot containing two single detached dwellings may have an accessory apartment in a main building or in an accessory building provided that no more than three dwelling units in total occupy the lot.
- (j) A lot containing two duplexes, two semi-detached dwellings, or a single detached dwelling in combination with either a semi-detached building or duplex, may not have an accessory apartment in a main building or in an accessory building.
- (k) A lot containing three or more single detached dwellings, semi-detached dwellings, duplexes or street townhouse dwellings, or any combination of the same that amounts to a total of three or more dwelling units on the lot, may not have an accessory apartment in a main building or in an accessory building.
- (l) An accessory building containing an accessory apartment shall be separated from the main building by not less than 3.0m.
- (m) An accessory building containing an accessory apartment shall be setback a minimum of 30m from any railway right-of-way.
- (n) An accessory building containing an accessory apartment shall be setback a minimum of 14m from the Highway 401 or Highway 407 East property line.
- (o) An accessory building containing an accessory apartment shall be setback a minimum of 7.0m from the outer limit of any gas pipeline corridor.
- (p) The exterior entrance to an accessory apartment in an accessory building shall be accessed by a minimum 0.81m wide unobstructed walkway provided from a street line or 0.3m reserve. For the purpose of this sentence, a walkway is defined as a hard surface treated pathway that provides pedestrian access. Unobstructed means free of obstacles such as, but not limited to, fences without a gate, hedges, trees, heat pumps, air exchangers, air conditioners, downspouts, chimney breasts, bay windows, porches, vent pipes or ramps, steps or stairs not intended to provide pedestrian access between the street line or 0.3m reserve and the accessory building, up to a height of 2.3m. This provision shall not prevent the establishment of a gate to access the side yard or rear yard, or the establishment of parking spaces or a driveway.
- (q) Notwithstanding the provisions of Articles 5.1.2, 5.1.3 and 5.1.4 and Sentence 5.12.1(l) of this By-law to the contrary, an accessory building existing as of [date of approval of this City-initiated by-law amendment] that is accessory to a single detached dwelling, semi-detached dwelling,

semi-detached building, duplex or street townhouse dwelling may be used as an accessory apartment subject to the floor area of the accessory apartment in the accessory building not exceeding 60 square metres and compliance with the provisions in this Subsection.

- (r) Notwithstanding Article 4.6.1 to the contrary, building features and structures are permitted to project from the exterior building walls of an accessory building containing an accessory apartment in accordance with Table 5.12 to the extent permitted herein:

**Table 5.12**

<b>Structure or Building Feature</b>	<b>Exterior Building Wall</b>	<b>Maximum Projection Permitted</b>
(a) Cantilevered canopies or roofs, bay windows, chimney breasts and vent pipes	All directions	0.6m
(b) Window sills, cornices, pilasters, eaves, gutters	All directions	0.6m
(c) Fire escapes	Facing an exterior side lot line or the main building	2.4m
(d) Unenclosed porches, decks, steps and ramps	Facing an exterior side lot line or the main building	2.4m
(e) Balconies and roofs over balconies	Facing an exterior side lot line or the main building	1.5m
(f) Heat pumps, air exchangers and/or air conditioners	Facing an exterior side lot line or the main building	1.2m
(g) Unenclosed access ramps and lifts for persons with accessible needs	Facing an exterior side lot line or the main building	Unlimited

- (e) Delete Article 5.12.2 in its entirety and replace it with the following:

“5.12.2 In accordance with Table 39.3B of this By-law, for any single detached dwelling, semi-detached dwelling, duplex or street townhouse dwelling containing more than one dwelling unit on the lot cumulatively in the main building, or in the main building and in an accessory building, one parking space shall be provided per dwelling unit on the lot.”

(f) Delete Article 5.12.3 in its entirety and replace it with the following:

“5.12.3 An accessory apartment is subject to the provisions of this subsection and the general provisions and regulations of this by-law applicable to a single detached dwelling, semi-detached dwelling, semi-detached building, duplex or street townhouse dwelling, as the case may be.”

(g) Delete Article 5.12.4 in its entirety and replace it with the following:

“5.12.4 Notwithstanding Articles 39.4.1 and 39.4.3 to the contrary, no aisle need be provided in conjunction with a parking space for any dwelling unit in accordance with Table 39.3B on a lot featuring a single detached dwelling, semi-detached dwelling, semi-detached building, duplex or street townhouse dwelling as the main building, provided, however, that at least one parking space for each dwelling unit on the lot is directly accessible from a street and each parking space may be a tandem parking space only with other parking spaces assigned to the same unit.”

(h) Delete Article 5.12.5 in its entirety and replace it with the following:

“5.12.5 An accessory apartment not permitted by Article 5.12.1 shall be permitted within any single detached dwelling or semi-detached dwelling located in a R1, R2, R5, OSR-A, OS-ORM, AG-A, AG-B or AG-ORM Zone, subject to the provisions of this subsection and the following:

- (a) The main dwelling is a permitted use within the zone in which it is located. Where the main dwelling is only permitted as an interim use by an “h” holding symbol, an accessory apartment shall not be permitted;
- (b) The accessory apartment shall not be located within any hazard lands as determined by the Central Lake Ontario Conservation Authority including, but not limited to, the regulatory flood limits or erosion hazard limits;
- (c) The maximum number of accessory apartments permitted on a lot is one (1);
- (d) A minimum lot frontage of 11m shall be provided; and,
- (e) A lot containing two or more single detached dwellings or semi-detached dwellings, or any of each in combination, may not have an accessory apartment.”

(i) Delete the entirety of Article 5.12.6 and associated Sentences 5.12.6(1), 5.12.6(2) and 5.12.6(3) thereunder and replace with the following:

“5.12.6 Where an accessory apartment is located within a single detached dwelling, semi-detached dwelling or street townhouse dwelling, each dwelling unit on the lot within the main building shall have at least seventy-five percent

(75%) of its gross floor area located wholly above or below another dwelling unit on the lot within the main building.

(j) Amend certain rows and/or columns under the column headings of Table 39.3B – Residential Parking Requirements as follows:

- i. In relation to accessory apartments, add the text “– pursuant to Article 5.12.5” in the first column of the first row.
- ii. In relation to the parking requirements for duplexes, add after the words “1 per dwelling unit” in the second column of the sixth row the words “including for an accessory apartment located on a lot in association with a duplex”.
- iii. In relation to the parking requirements for semi-detached buildings, add after the words “4 parking spaces per building” in the second column of the twelfth row the words “containing no associated accessory apartment units, either within the main building or in an accessory structure associated with a dwelling unit in the main building”.
- iv. In relation to the parking requirements for semi-detached dwellings, add after the words “2 per dwelling unit” in the second column of the thirteenth row the text “; however, only 1 parking space per dwelling unit shall be required for a lot containing a semi-detached dwelling and up to two accessory apartments”.
- v. In relation to the parking requirements for single detached dwellings, add after the words “2 per dwelling unit” in the second column of the fifteenth row the text “; however, only 1 parking space per dwelling unit shall be required for a lot containing a single detached dwelling and up to two accessory apartments”.
- vi. In relation to the parking requirements for street townhouse dwellings, add after the words “2 per dwelling unit” in the second column of the sixteenth row the text “; however, only 1 parking space per dwelling unit shall be required for a lot containing a street townhouse dwelling and up to two accessory apartments”.

(k) Amend the Schedules section of the Table of Contents by deleting the words “Accessory Apartments Restricted Area” in relation to Schedule “H” and replacing them with the text “[Not in use]”.

(l) Delete Schedule “H”, Accessory Apartments Restricted Area, and replace with a placeholder page indicating Schedule “H” is not in use.

## **8. Zoning By-law Section 2: Definitions and Subsection 4.6: Permitted Yard Encroachments**

### **Issue:**

Building features that project from a building, function as a roof over an outdoor unenclosed area and are supported by one or more columns opposite the building are considered to be part of the “building” as defined by Zoning By-law 60-94, but are not calculated as part of the lot coverage of the building based on the definition of “lot coverage” in the Zoning By-law. These features may be considered to be such features as

unenclosed decks, unenclosed porches or unenclosed platforms if they are present under the roof projection. Patios, decks and unenclosed porches are considered “landscaped open space”.

The definitions of “building”, “lot coverage” and “landscaped open space” are as follows:

**“BUILDING”** means any structure consisting of a roof supported by walls or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods, chattels or equipment and includes a carport.

**“LOT COVERAGE”** means that percentage of the lot area covered by all buildings above ground level, excluding a fruit cellar and building features that project beyond the main walls of a building such as window sills, cornices, pilasters, cantilevered canopies or roofs, eaves, gutters, bay windows, chimney breasts, unenclosed decks, unenclosed porches or unenclosed platforms, and cantilevered balconies whether open or enclosed.

**“LANDSCAPED OPEN SPACE”** means open space on a lot which is used for landscaping of any kind or land which is used for any accessory recreational purpose and, notwithstanding the generality of the foregoing, includes lawns, flower beds, shrubbery, trees and other plantings, decorative pools, ponds and other natural water bodies, private walkways, patios, unenclosed porches, tennis courts, shuffleboard courts, playgrounds, swimming pools, pool areas, decks and similar recreational facilities, but does not include any parking space, aisle, driveway or loading space.

It is recommended that the definition of “lot coverage” be amended to make it explicit that roof projections supported by one or more columns are not part of the lot coverage and are included as landscaped open space. Further, it is recommended that Table 4.6 of the Zoning By-law (which regulates maximum encroachments of certain features) be amended to specifically stipulate that such roof projections can only project 2.4m into a required front yard or rear yard and 1.5m into a required exterior side yard.

#### **Proposed Amendment:**

- (a) Amend the definition of “lot coverage” in Section 2 of Zoning By-law 60-94 to delete the word “and” after the text “unenclosed platforms” and add the text “, and roof projections supported by one or more columns not associated with unenclosed porches, decks, steps and ramps” after the words “open or enclosed” such that it reads as follows:

**“LOT COVERAGE”** means that percentage of the lot area covered by all buildings above ground level, excluding a fruit cellar and building features that project beyond the main walls of a building such as window sills, cornices, pilasters, cantilevered canopies or roofs, eaves, gutters, bay windows, chimney breasts, unenclosed decks, unenclosed porches or unenclosed platforms, cantilevered balconies whether open or enclosed, and roof projections supported by one or more columns not associated with unenclosed porches, decks, steps and ramps.

(b) Amend certain rows and/or columns under the column headings of Table 4.6 as follows:

i. Add a new row between the existing third and fourth rows that appears as follows:

(d) Roof projections supported by one or more columns not associated with unenclosed porches, decks, steps and ramps	Front and rear	2.4m
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ii. Add a new row between the existing twelfth and thirteenth rows that appears as follows:

(n) Roof projections supported by one or more columns not associated with unenclosed porches, decks, steps and ramps	Exterior Side	1.5m
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iii. Relabel item references (d) through (l) appearing in the first column of existing rows 4 through 12, respectively, as item references (e) through (m); and,

iv. Relabel item references (m) and (n) appearing in the first column of existing rows 13 and 14, respectively, as item references (o) and (p).

**9. Zoning By-law Subsection 3.8 and Schedule “A”: Maps A1 and B1**

**Issue:**

In 2022, the Central Lake Ontario Conservation Authority’s Board of Directors endorsed the Lake Ontario Shoreline Hazard Summary, Risk Assessment and Management Plan (the “C.L.O.C.A. Report”). Section 4.5 of the C.L.O.C.A. Report outlines municipal zoning recommendations for incorporating revised shoreline hazards within two Shoreline Damage Centres (S.D.C.s) in Oshawa.

The two S.D.C.s and the recommended zoning changes outlined in the C.L.O.C.A. Report pertain to the following areas:

- Lands on the south side of Stone Street: These properties are occupied by single detached dwellings and semi-detached dwellings. The C.L.O.C.A. Report recommends that the existing OSW (Waterfront Open Space) Zone currently in place along the southerly portion of these lands be extended northward such that the landward extent of the zone aligns with the erosion hazard setback, which is the governing shoreline hazard for this particular S.D.C. This northerly extension of the OSW (Waterfront Open Space) Zone would replace portions of these properties currently zoned R2 (Residential). The R2 (Residential) Zone permits single detached dwellings, semi-detached dwellings and duplexes; and,
- Lands generally south of Muskoka Avenue and Kluane Avenue: The C.L.O.C.A. Report recommends that the southern portion of these lands currently zoned OSW (Waterfront

Open Space) be replaced with an OSH (Hazard Lands Open Space) Zone to cover the full extent of the identified hazard lands, which are generally covered by the erosion hazard except at the west end of the S.D.C. where it is governed by the flooding hazard.

After further review and discussion with C.L.O.C.A. staff, City staff have concluded that the OSW (Waterfront Open Space) Zone is not the most suitable zone to apply to the hazard lands on the south side of Stone Street, considering that the intention is to prevent any further development due to the risks identified in the C.L.O.C.A. Report. While the OSW (Waterfront Open Space) Zone prohibits residential dwellings, it does permit uses such as an amphitheater, auditorium and club. Conversely, the OSB (Open Space Buffer) Zone is a more restrictive zone as it only permits:

- (a) Flood and erosion control structures or facilities;
- (b) Storm drainage control facilities;
- (c) An earth berm; and,
- (d) Educational, scientific or day recreational uses for the enjoyment of a natural area.

In view of the foregoing, City staff recommend undertaking the following zoning changes to implement the recommendations of the C.L.O.C.A. Report:

- Lands on the south side of Stone Street: Replace the OSW (Waterfront Open Space) Zone and portions of the abutting R2 (Residential) Zone with an OSB (Open Space Buffer) Zone. The extent of the OSB (Open Space Buffer) Zone would align with the erosion hazard setback identified by the C.L.O.C.A. Report. Currently all existing houses in the area are situated within the R2 (Residential) Zone. The proposed zoning map change would place a number of existing homes in the proposed OSB (Open Space Buffer) Zone. Moving forward, these homes would have legal non-conforming status; and,
- Lands generally south of Muskoka Avenue and Kluane Avenue: Replace portions of the existing OSW (Waterfront Open Space) Zone on lands generally south of Muskoka Avenue and Kluane Avenue with OSB (Open Space Buffer) zoning based on the extent of the hazard lands identified by the C.L.O.C.A. Report.

Additional language is also required within Sentence 3.8.2(d) of the Zoning By-law to reference the erosion hazard line as the potential limit to any zoning boundary determination. Currently Sentence 3.8.2(d) only references the regulatory flood line and the top of bank of a valley.

**Proposed Amendment:**

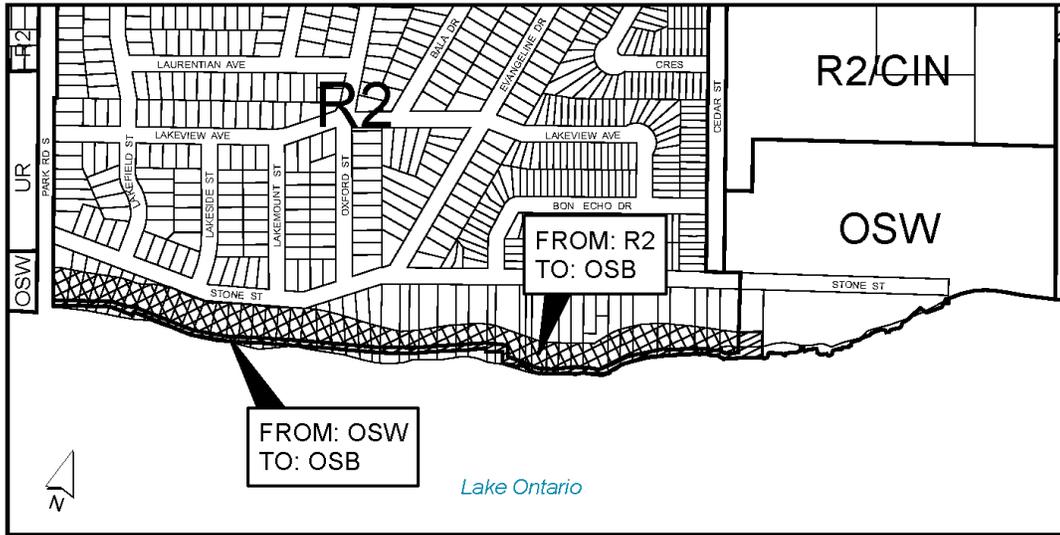
(a) Delete Paragraph (d) of Article 3.8.2 in its entirety and replace it with the following:

“3.8.2 (d) The most restrictive of any of the following:

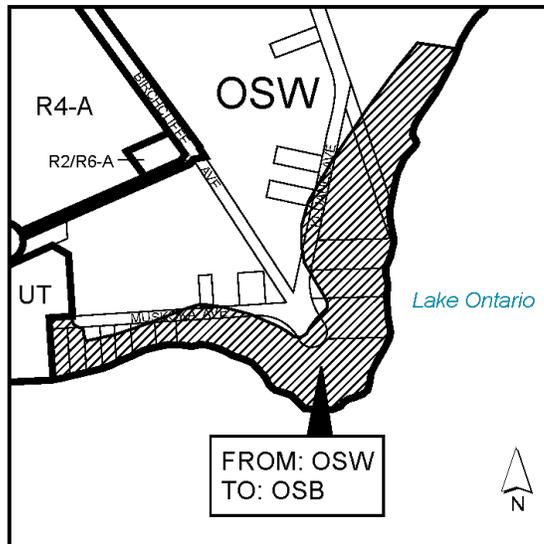
- i. the regulatory flood line, as determined by the Central Lake Ontario Conservation Authority;
- ii. the erosion hazard line, as determined by the Central Lake Ontario Conservation Authority; or,

- iii. the top of a bank of a valley and, where the top of bank is or becomes the most restrictive, the boundary shall move with any change in such top of bank.”

(b) Amend Schedule “A” - Zoning Maps A1 and B1:



(c) Amend Schedule “A” – Zoning Map B1:



## **10. Zoning By-law Subsection 3.13: Oak Ridges Moraine Conservation Plan**

### **Issue:**

Article 3.13.1 of Zoning By-law 60-94 states that the following features are shown on Schedule “E” to the Zoning By-law:

- Key Natural Heritage Features and Hydrologically Sensitive Features as identified by the Oak Ridges Moraine Conservation Plan;
- A 120 metre Area of Influence around such features; and,
- Minimum Vegetation Protection Zones within the Area of Influence.

However, Schedule “E” to the Zoning By-law is a map identifying the Methadone Clinic Prohibited Area.

Article 3.13.1 was first introduced through related City-initiated amendments to the O.O.P. and Zoning By-law 60-94 undertaken in 2006 as part of the Oak Ridges Moraine Conservation Plan implementation process. At that time, a new schedule (entitled “Schedule ‘E’ – Areas Where a Natural Heritage Evaluation and/or a Hydrological Evaluation May Be Required”) to identify lands requiring a natural heritage evaluation and/or hydrological evaluation to be completed prior to development was initially proposed by staff. However, the schedule was ultimately excluded from the amending zoning by-law that was passed, while inadvertently the reference to the schedule in Article 3.13.1 remained.

As a housekeeping matter, it is appropriate that Article 3.13.1 be deleted as it serves no purpose without a corresponding schedule to reference, and the information it was intended to contain is provided in greater detail in the O.O.P. text and schedules.

### **Proposed Amendment:**

- (a) Delete Article 3.13.1 in its entirety.
- (b) Re-number Articles 3.13.2 and 3.13.3 to 3.13.1 and 3.13.2, respectively.

## **11. Zoning By-law Subsection 4.13: Temporary Sales Office and Model Homes**

### **Issue:**

Over the last several years, staff have received a number of requests for temporary leasing offices to be located on lands proposed for development of a rental tenure. These are typically apartment buildings or retirement homes. A leasing office, whether it is temporary or otherwise, is considered a Business Office in the Zoning By-law and is only permitted in certain zones which do not often coincide with residential zones that permit apartment buildings.

Subsection 4.13 of Zoning By-law 60-94 permits a temporary sales office for the sale of residential lots or dwelling units in a plan of subdivision or condominium that has received draft plan approval, regardless of the zone the development is located within, subject to certain conditions.

This amendment proposes to amend Articles 4.13.1 and 4.13.3 to include language indicating that a leasing office is also a permitted use.

In view of the foregoing, it is appropriate to amend Subsection 4.13 of the Zoning By-law to permit a leasing office in order to provide flexibility for developments that propose rental tenure.

**Proposed Amendment:**

(a) Amend Subsection 4.13 by adding the words “**Leasing or**” after the word “**Temporary**” and before the word “**Sales**”.

(b) Delete Article 4.13.1 in its entirety and replace it with the following:

“4.13.1 Notwithstanding any other provision of this By-law, a temporary leasing or sales office, used exclusively for the lease or sale of residential lots or dwelling units in a plan of subdivision or condominium, which has received draft plan approval in the case of a sales office or site plan approval in the case of a leasing office, may be located on lands within the approved draft plan or site plan subject to Article 4.13.3 until all of the lots or dwelling units have been sold in the case of a sales office or, in the case of a leasing office, all the dwelling units have been leased or the residential building for which the leased units are located in has become occupied.”

(c) Amend Article 4.13.3 by adding the words “leasing or” after the word “temporary” and before the word “sales” in the first line.

## **12. Zoning By-law Section 8: R3 Residential Zones**

**Issue:**

The R3-A (Residential) Zone permits street townhouses.

A typical street townhouse lot is 6 metres (19.7 ft.) wide by 30 metres (98.4 ft.) deep, which equates to a lot area of 180 square metres (1,938 sq. ft.). The current R3-A (Residential) Zone requires a minimum lot area of 185 square metres (1,991 sq. ft.).

It is proposed that the minimum lot area for street townhouses in the R3-A (Residential) Zone be reduced from 185 square metres (1,991 sq. ft.) to 180 square metres (1,938 sq. ft.) to reflect the typical lot size.

**Proposed Amendment:**

(a) Amend Table 8.2 – Regulations for R3 Zones to require a minimum lot area per dwelling unit of 180 square metres (1,938 sq. ft.) in the R3-A Zone instead of 185 square metres (1,991 sq. ft.).

### 13. Zoning By-law Sections 2 and 10: Definitions for Small Apartment Buildings and R5 Residential Zones

#### Issue:

The existing R5 (Residential) Zones permit single detached dwellings, semi-detached buildings, semi-detached dwellings, duplexes and apartment buildings.

Apartment buildings in an R5-A (Residential) Zone may not exceed 6 units or a net residential density of 60 units per hectare (24 u/ac.), whichever is lesser. The R5-A (Residential) Zone requires a minimum lot frontage of 19 metres (62.3 ft.) and specifies a maximum building height of 10.5 metres (34.4 ft.).

Apartment buildings in an R5-B (Residential) Zone may not exceed a net residential density of 85 units per hectare (34 u/ac.). The R5-B (Residential) Zone requires a minimum lot frontage of 25 metres (82.0 ft.) and specifies a maximum building height of 13 metres (42.65 ft.).

The zoning regulations of the R5-A and R5-B (Residential) Zones in their current form make it challenging for property owners to develop small apartment buildings (i.e. 3 to 6 apartment units) in areas where they are permitted. The regulations apply to all apartment buildings in the same manner, regardless of the number of units in the building. For example, the regulations of the R5-B (Residential) Zone for a 4-unit apartment building are the same as the regulations for a 20-unit apartment building.

To address these challenges and facilitate the delivery of small-scale apartment buildings, new definitions for 3-unit, 4-unit, 5-unit and 6-unit apartment buildings are proposed to be added to the Zoning By-law (Triplex, Fourplex, Fiveplex and Sixplex). The zoning regulations of the R5-A and R5-B (Residential) Zones for these uses would be amended to be tailored to their scale. The maximum height permitted would not change.

In addition, staff propose that a new R5-C (Residential) Zone be created that would permit only Triplexes, Fourplexes, Fiveplexes and Sixplexes. The R5-C (Residential) Zone would be used primarily in compound zones with R6 (Residential) Zones (e.g. R5-C/R6-B) in order to allow the regulations of the R5-C (Residential) Zone to apply to small apartment buildings (3 to 6 apartment units) and the regulations of the R6 (Residential) Zone to apply to larger apartment buildings (7 or more apartment units). The maximum height permitted would be the same as the R5-B (Residential) Zone.

#### Proposed Amendments:

(a) Add the following definitions:

“**TRIPLEX**” means an apartment building containing only 3 dwelling units.

“**FOURPLEX**” means an apartment building containing only 4 dwelling units.

“**FIVEPLEX**” means an apartment building containing only 5 dwelling units.

“**SIXPLEX**” means an apartment building containing only 6 dwelling units.

(b) Amend Subsection 10.1 by adding a new R5-C (Residential) Zone (see Attachment 2):

- i. The R5-A and R5-B (Residential) Zones will continue to permit single detached dwellings, semi-detached buildings, semi-detached dwellings, duplexes and apartment buildings.
- ii. The R5-C (Residential) Zone will permit only apartment buildings, specifically, triplexes, fourplexes, fiveplexes and sixplexes.

(c) Amend Article 10.1.1 as follows:

- i. Delete the text “below:” at the end of the Article and replace it with the text “in this Subsection.”; and,
- ii. Delete the list of uses referenced as items (a) through (e).

(d) Add a new Article 10.1.2 that reads as follows:

“10.1.2 The following uses are permitted in any R5-A or R5-B Zone:

- (a) Single detached dwelling
- (b) Semi-detached building
- (c) Semi-detached dwelling
- (d) Duplex
- (e) Triplex
- (f) Fourplex
- (g) Fiveplex
- (h) Sixplex
- (i) Apartment building”

(e) Add a new Article 10.1.3 that reads as follows:

“10.1.3 The following uses are permitted in any R5-C Zone:

- (a) Triplex
- (b) Fourplex
- (c) Fiveplex
- (d) Sixplex

(f) Amend Article 10.2.1 by deleting the reference to “Table 10.2” and replacing it with a reference to “Tables 10.2A and 10.2B”.

(g) Amend Article 10.2.2 to indicate that an apartment building shall contain no more than six (6) dwelling units in the R5-C (Residential) Zone [Article 10.2.2 already states that an apartment building in an R5-A (Residential) Zone shall contain no more than 6 dwelling units].

(h) Add a new Article 10.2.3 that states that where a compound zone includes an R5 (Residential) Zone and an R6 (Residential) Zone (e.g. R5-C/R6-B), the provisions prescribed by the R5 (Residential) Zone for an apartment building shall be complied with for any triplex, fourplex, fiveplex or sixplex.

- (i) Amend Table 10.2 – Regulations for R5 Zones under Subsection 10.2 by:
  - i. Renaming it as “Table 10.2A – Regulations for R5-A and R5-B Zones (Excluding Apartment Buildings)”.
  - ii. Removing the regulations for apartment buildings.
  - iii. Removing the regulations pertaining to “Minimum Landscaped Open Space” and “Maximum Density-Dwelling Units Per Hectare”.

Attachment 2 shows the proposed changes to Table 10.2.

- (j) Add a new Table 10.2B entitled “Regulations for R5-A, R5-B and R5-C Zones (Apartment Buildings)” under Subsection 10.2 which shall contain zoning regulations for triplexes, fourplexes, fiveplexes and sixplexes in the R5-A and R5-C (Residential) Zones, and triplexes, fourplexes, fiveplexes, sixplexes and apartment buildings containing 7 or more dwelling units in the R5-B (Residential) Zone. The zoning regulations for these types of apartment buildings have been tailored to each. Attachment 2 shows the proposed new Table 10.2B.
- (k) Maintain all existing site specific zoning conditions, as necessary.
- (l) Amend Sentence 10.3.9(2) by deleting the text “10.2” and replacing it with the text “Subsection 10.2”.
- (m) Amend Sentences 10.3.10(1) and 10.3.12(6) by deleting the text “Table 10.2” and replacing it with the text “Subsection 10.2”.

## **14. Zoning By-law Section 11: R6 Residential Zones**

### **Issue:**

The R6-A (Residential) Zone permits apartment buildings having up to 6 units or a maximum density of 60 units per hectare (24 u/ac.), whichever is lesser. It also permits a maximum building height of 10.5 metres (34.4 ft.).

It is proposed that the regulations for the R6-A (Residential) Zone be updated to better reflect modern design principles for small apartment buildings as well as transition principles for such development in the vicinity of low-rise residential neighbourhoods.

Further, a new article must be added that allows the proposed regulations for small apartment buildings described above in Section 13 of this Attachment to be applied where a compound zone includes an R5 (Residential) Zone and an R6 (Residential) Zone (e.g. R5-C/R6-B).

### **Proposed Amendments:**

- (a) Add a new Article 11.2.2 that reads as follows:

“11.2.2 Notwithstanding Articles 3.6.1 and 3.6.2 to the contrary, where a compound zone includes an R5 Zone and an R6 Zone, the provisions prescribed by the

R5 Zone for an apartment building shall be complied with for any triplex, fourplex, fiveplex or sixplex.”

(b) Amend Table 11.2 - Regulations for R6 Zones by:

- i. Changing the minimum interior side yard depth in the R6-A (Residential) Zone from 1.5 metres (4.9 ft.) for each storey or half storey to 1.5 metres (4.9 ft.) for a one-storey building and 3.0 metres (9.8 ft.) for any building over one storey.
- ii. Changing the maximum lot coverage in the R6-A (Residential) Zone from 33% to 40%.
- iii. Changing the minimum landscaped open space in the R6-A and R6-B (Residential) Zones from thirty-five percent (35%) to thirty percent (30%).

(c) Maintain all existing site specific zoning conditions, as necessary.

## **15. Zoning By-law Section 9: R4 Residential Zones**

### **Issue:**

The R4 (Residential) Zone permits block townhouses.

It is proposed that the regulations for the R4-A (Residential) Zone be updated to better reflect modern design principles. Block townhouses along an arterial road should be located closer to the street to better frame the urban streetscape.

### **Proposed Amendments:**

- (a) Amend Table 9.2 – Regulations for R4 Zones in Subsection 9.2 by requiring a minimum front yard depth and exterior side yard depth of 6.0 metres (19.7 ft.) abutting an arterial road rather than 9.0 metres (29.5 ft.).
- (b) Maintain all existing site specific zoning conditions, as necessary.

## **16. Zoning By-law Section 2: Definitions and Section 33: Airport Zones**

### **Issue:**

The Zoning By-law lists “Recreational Use” as a permitted use in the AP-A, AP-B and AP-D (Airport) Zones.

The term “Recreational Use” while not defined in Zoning By-law 60-94, can be considered to reflect an activity that is recreational in nature that takes place indoors or outdoors.

The AP-A (Airport) Zone applies only to lands north of the Oshawa Executive Airport directly abutting the airport facility. These lands have access to the airport taxiways and as a result are primarily intended to be used for aviation related uses. The AP-A (Airport) Zone also permits uses such as, but not limited to, airport, club, aviation related commercial uses, aviation related institutional uses, aviation related transport terminal, and aviation related warehouse.

It is recommended that “Recreational Use” be removed as a permitted use in the AP-A (Airport) Zone.

**Proposed Amendments:**

- (a) Amend Section 33.1.2 by deleting item (i) Recreational Use from the list of permitted uses in the AP-A Zone and renumbering the list accordingly.

**17. Zoning By-law Section 37: Urban Reserve Zones**

**Issue:**

Policy 9.3.3 of the O.O.P. states that the City may zone lands to an agricultural or other appropriate zoning category where there is insufficient information to determine specific zoning categories or where the development of such lands is considered to be premature or not in the public interest. Such lands shall be zoned in accordance with the policies of the O.O.P. at such time as there is sufficient information to determine specific zoning categories and the development of such lands is no longer considered to be premature or not in the public interest.

The UR (Urban Reserve) Zone is one of the zones used in the Zoning By-law to implement the O.O.P. policy.

For example, the Northwood Business Park was primarily zoned UR (Urban Reserve) until 2019 when the City undertook its Northwood zoning exercise to bring the zoning into conformity with the O.O.P. Council adopted the recommended City-initiated amendments which rezoned various the lands, including the UR Zoned lands, to a variety of site-specific SI (Select Industrial) and OSE (Environmentally Sensitive Open Space) Zones, as appropriate.

At issue is the fact that the intended meaning of the term “reserve” in the context of its use as a zoning category can be misunderstood by the general public. The word “reserve” may be associated with a “wildlife reserve” or “nature reserve”, or any other connotation which may imply that the lands are protected from any form of urban development.

In view of the foregoing, it is appropriate to amend the Zoning By-law to rename the UR (Urban Reserve) Zone to FD (Future Development) Zone.

**Proposed Amendment:**

- (a) Amend the following Sections and Articles where the term “UR” or “Urban Reserve” is used and replace it with “FD” or “Future Development”, as appropriate:
  - ii. Section 3: Zones and Zone Symbols
  - iii. Article 5.3: Home Occupations
  - iv. Section 37: Urban Reserve Zones
  - v. Schedule “A” - All maps

## 18. Zoning By-law Schedule “A”: Maps A3 and A4

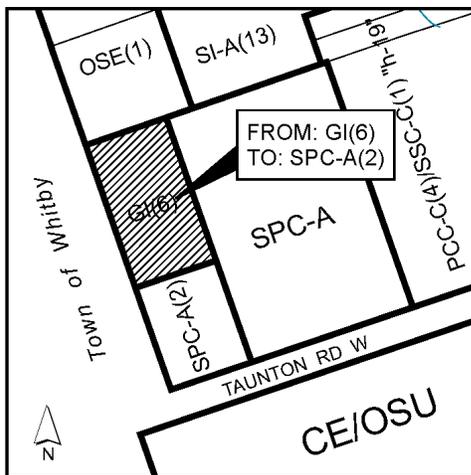
### Issue:

On June 20, 2022, City Council considered Report DS-22-128 which presented the findings of the finalized Land Use Study of GI (General Industrial) Zoned Lands in the Northwood Business Park. Through this report it was recommended that a zoning by-law amendment be undertaken to rezone the northern portion of 918 Taunton Road West from GI(6) (General Industrial) to SPC-A(2) (Special Purpose Commercial). Council subsequently approved the recommendation and authorized staff to bring an appropriate amendment forward for consideration at a future Planning Act public meeting.

To implement Council’s direction, it is appropriate to amend Schedule “A” - Maps A3 and A4 of the Zoning By-law with respect to the northerly portion of 918 Taunton Road West.

### Proposed Amendments:

- (a) Amend Schedule “A” - Maps A3 and A4 of the Zoning By-law for the northern portion of 918 Taunton Road West from GI(6) (General Industrial) to SPC-A(2) (Special Purpose Commercial).



## 19. Zoning By-law Schedule “A”: Map A3

### Issue:

604 Taunton Road West is currently zoned SI-A(11)/SI-A(14) “h-60” (Select Industrial) and occupied by an existing building. In 2018, the owner executed a site plan agreement with the City to convert the building to an office. The owner subsequently submitted an application to remove the “h-39” holding symbol to allow the conversion and on June 11, 2018, By-law 74-2018 was passed to remove the “h-39” holding symbol.

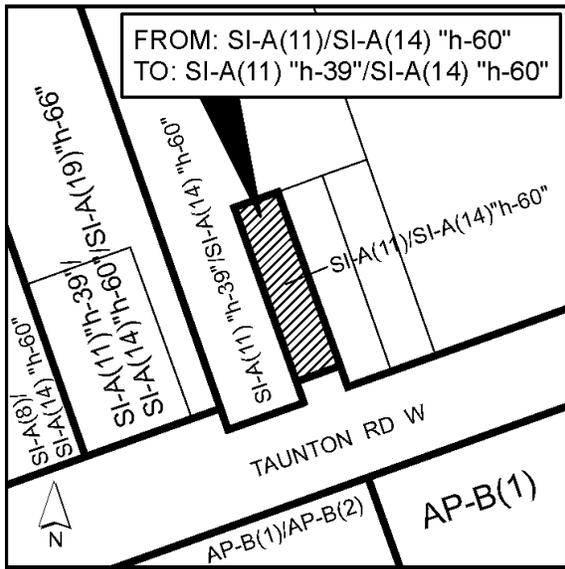
The “h-39” holding symbol currently applies to multiple sites on the north side of Taunton Road West, between Goodman Creek and Oshawa Creek, excluding 604 Taunton Road West and other lands for which development applications have been approved to remove the holding symbol and which are currently under construction for new land uses. The purpose of the “h-39” holding symbol is to ensure that appropriate provisions have been made for municipal servicing, including stormwater management issues, and

transportation facilities and services, and that site plan approval is granted by the City. All existing uses in accordance with the EU (Existing Use) Zone are permitted.

Recently, the owner of 604 Taunton Road West has advised City staff that they will not be proceeding with the office use. Consequently, it is appropriate to add the “h-39” holding symbol back to the zoning of the property.

**Proposed Amendment:**

- (a) Amend Schedule “A” - Map A3 of the Zoning By-law to rezone the lands at 604 Taunton Road West from SI-A(11)/SI-A(14) “h-60” to SI-A(11) “h-39”/SI-A(14) “h-60” (Select Industrial).



**20. Zoning By-law Schedule “A”: Map C4**

**Issue:**

The lands subject to this proposed amendment are generally located in the vicinity of the intersection of Conlin Road East and Harmony Road North within the Kedron community, and are municipally known as 1120 Conlin Road East, 1440 Conlin Road East and 2045 Grandview Street North. These properties are each currently occupied by a single detached dwelling and are considered “hold-out” lots from the draft approved subdivisions surrounding them, which have now been zoned for development.

The subject lands remain zoned as AG-A (Agricultural), which does not permit more than one (1) single detached dwelling per lot.

In the event that any of these lots are proposed for integration into the surrounding subdivisions, a Zoning By-law Amendment application would be required. This can result in added time and expenses to the applicant, which ultimately delays the advancement of new housing units.

In view of the foregoing, it is appropriate to rezone the lands from AG-A (Agricultural) to residential zoning similar to that applying to adjacent lands. This would allow the owners

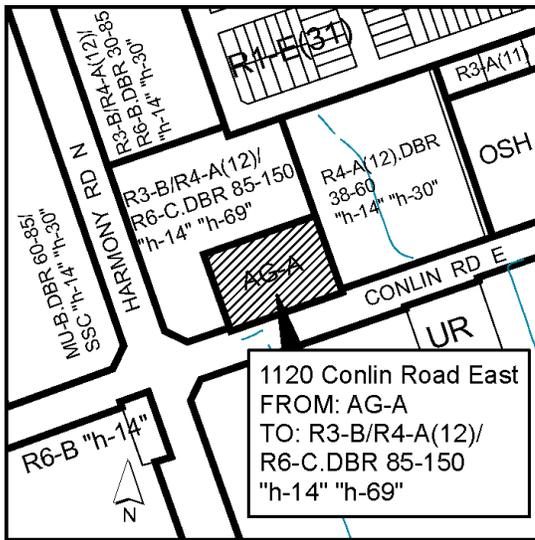
of the subject lands to advance new residential development that is consistent with that of surrounding lands and which is integrated with the surrounding subdivisions. The zoning of each of the properties would include appropriate holding symbols consistent with those applying to neighbouring properties. The proposed zoning changes are as follows:

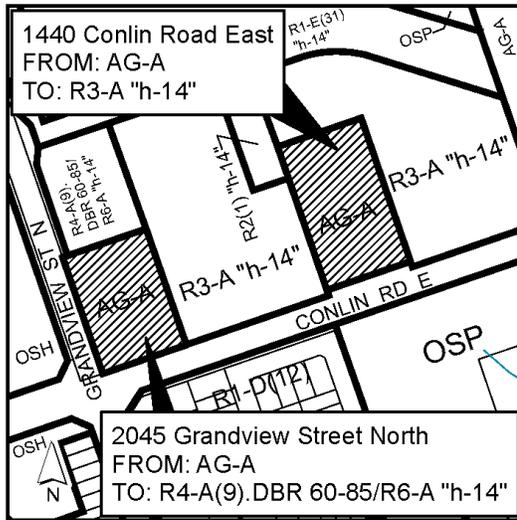
- 1120 Conlin Road East: rezone from AG-A (Agricultural) to R3-B/R4-A(12)/R6-C.DBR85-150 "h-14" "h-69" (Residential) to permit back-to-back townhouses, block townhouses, apartment buildings, retirement homes, long term care facilities and nursing homes;
- 1440 Conlin Road East: rezone from AG-A (Agricultural) to R3-A "h-14" (Residential) to permit street townhouses; and,
- 2045 Grandview Street North: rezone from AG-A (Agricultural) to R4-A(9).DBR 60-85/R6-A "h-14" to permit block townhouses and apartment buildings.

These proposed zoning changes conform to the Oshawa Official Plan and Kedron Part II Plan.

**Proposed Amendments:**

Amend Schedule "A" - Zoning Map C4.





**21. Zoning By-law Schedule "A": Maps A2 and B2**

**Issue:**

Section 13 of this Attachment proposes to introduce a new R5-C (Residential) Zone specifically for small apartment buildings.

Prior to completing a comprehensive City-wide review of potential opportunities for intensification through an Intensification Study (including the implementation of appropriate zoning map changes), staff recommend that the new R5-C (Residential) Zone being proposed in Section 13 of this Attachment be implemented in two areas of Oshawa where medium density development is envisioned, but which has been realized only to a minimal extent due to the existing smaller lot fabric and zoning in these areas. Advancing R5-C (Residential) zoning in these areas would also allow the areas to serve as case-studies to inform a future City-wide Intensification Study.

The first area generally consists of properties along the north and south sides of Buena Vista Avenue between Gibbons Street and Park Road North, which are currently zoned R2/R3-A/R6-B (Residential). This zoning permits single detached dwellings, semi-detached buildings/dwellings, street townhouses, apartment buildings, long term care facilities, retirement homes and nursing homes. The minimum lot frontage for an apartment building, long term care facility, retirement home or nursing home is 25 metres (82.02 ft.). The area is located in proximity to the Downtown Main Central Area and is situated immediately north of Bond Street West.

Despite the existing permissions for medium density residential development, the predominant built form consists of low density single detached dwellings and two-unit houses. The challenge with redeveloping these lands arises from the necessity for a landowner to acquire at least two or more properties for a land assembly, or seek a zoning by-law amendment or minor variance for relief from the R6-B regulations, specifically the 25 metre (82.02 ft.) lot frontage. Introducing the R5-C Zone would add flexibility that may

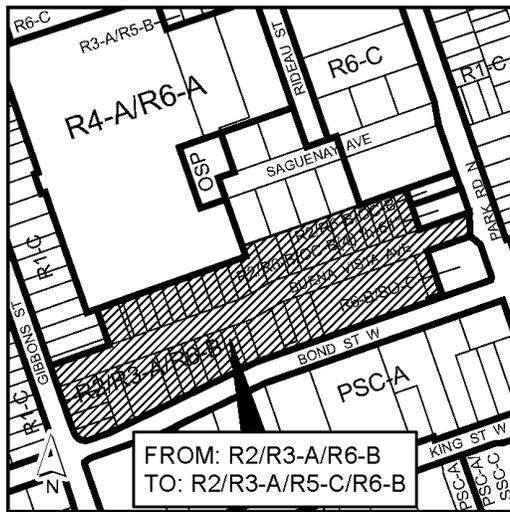
encourage the development of small apartment buildings that better utilize the land and still remain on a scale consistent with the existing neighbourhood.

The second area generally consists of properties along Celina Street and Albert Street between Bruce Street and Olive Avenue, as well as along Hogarth Street and Emma Street. Lands in this area are predominantly zoned R2/R3-A/R6-B/R7-A (Residential) which permits the same uses as the lands along Buena Vista Avenue, as well as lodging houses. Challenges similar to those described above exist in this area and much of the limited redevelopment in the area has been in the form of new semi-detached dwellings or triplexes. This area is located partially in the Downtown Oshawa Urban Growth Centre and partially in the Central Oshawa Transportation Hub associated with the future Central Oshawa GO Station. Development in this area is characterized by small lots featuring low rise single detached dwellings, as well as several apartment buildings and a scattered mix of non-residential land uses.

In view of the foregoing, it is appropriate to amend Zoning Maps A2 and B2 to add the R5-C Zone to the zoning of these two areas to help facilitate redevelopment in the form of more small apartment buildings (i.e. 3 to 6 apartments).

**Proposed Amendment:**

- (a) Amend Schedule “A” - Map A2 of the Zoning By-law to rezone the lands as shown in hatching on the map below along Buena Vista Avenue from R2/R3-A/R6-B to R2/R3-A/R5-C/R6-B (Residential).



- (b) Amend Schedule “A” - Map B2 of the Zoning By-law to rezone the lands along Celina Street, Albert Street, Emma Street and Hogarth Street as shown in hatching on the map below from R2/R3-A/R6-B/R7-A to R2/R3-A/R5-C/R6-B/R7-A (Residential).



assessment and job creation, improve soil quality, reduce greenfield development through infilling and intensification, and use existing services more effectively.

Any application under the Brownfields Renaissance Community Improvement Plan must be approved by Council and Council may at any time discontinue the Brownfields Renaissance Community Improvement Plan without an amendment to the Plan.

It is appropriate to extend the expiry date of the Brownfields Renaissance Community Improvement Plan to December 31, 2026.

**Proposed Amendment:**

- (a) Amend Section 5.2.1 by deleting both occurrences of the date of “December 31, 2023” in the third paragraph and replacing with the date of “December 31, 2026”.
- (b) Amend Section 5.2.2 by deleting the date of “December 31, 2023” in the third paragraph and replacing with the date of “December 31, 2026” in one place.
- (c) Amend Section 5.2.3 by deleting the three occurrences of the date of “December 31, 2023” in the third paragraph and replacing with the date of “December 31, 2026”.
- (d) Amend Section 5.3 by deleting the three occurrences of the date of “December 31, 2023” in the first, second and third paragraphs and replacing with the date of “December 31, 2026”.

**23. Simcoe Street South Renaissance Community Improvement Plan**

**Issue:**

The City continues to encourage redevelopment, infill development and intensification within the Simcoe Street South corridor generally between Highway 401 and John Street. This area is highly visible and is located in proximity to the future Central Oshawa GO Station at the former Knob Hill Farms site (500 Howard Avenue). The goals and objectives of the Simcoe Street South Renaissance Community Improvement Plan for this area related to maintaining and improving the building stock and recognizing the corridor as an important transportation link have not been fully realized and continue to be an on-going initiative.

The Simcoe Street South Renaissance Community Improvement Plan, as currently approved, will expire on December 31, 2023 unless it is extended.

It is appropriate to extend the expiry date of the Simcoe Street South Renaissance Community Improvement Plan to December 31, 2026 in order to continue to advance the goals of the plan through the aid of its incentives.

**Proposed Amendment:**

- (a) Amend Section 5.7 by deleting the three references to the year “2023” in the third paragraph and replacing them with the year “2026”.

## **24. Wentworth Street West Community Improvement Plan**

### **Issue:**

The City continues to encourage redevelopment, infill development and intensification within the Wentworth Street West area, generally on the south side of Wentworth Street West, both east and west of Cedar Street. The goals and objectives of the Wentworth Street West Community Improvement Plan for this area related to maintaining and improving the building stock, developing the area with certain non-residential uses to support job creation and establishing key community hub uses to serve the surrounding Lakeview Community have not been fully realized and continue to be an on-going initiative.

The Wentworth Street West Community Improvement Plan, as currently approved, will expire on December 31, 2023 unless it is extended.

It is appropriate to extend the expiry date of the Wentworth Street West Community Improvement Plan to December 31, 2026 in order to continue to advance the goals of the plan through the aid of its incentives.

### **Proposed Amendment:**

(a) Amend Section 7.8 by deleting all references to the year “2023” and replacing them with the year “2026”.

## Proposed Amendments to Subsections 10.1 and 10.2 (R5 Zone Permitted Uses and Regulations) of Zoning By-law 60-94

Black text represents existing text. Red text represents text proposed to be added (i.e. **text**). Black struck out text represents text to be deleted (i.e. ~~text~~).

### 10.1 Permitted Uses

10.1.1 No person shall within any R5 Zone use any land or erect or use any building or structure for any purposes or use other than the uses listed ~~below:~~ **in this Subsection.**

10.1.2 **The following uses are permitted in any R5-A or R5-B Zone:**

- (a) Single detached dwelling
- (b) Semi-detached building
- (c) Semi-detached dwelling
- (d) Duplex
- (e) Triplex**
- (f) Fourplex**
- (g) Fiveplex**
- (h) Sixplex**
- (e i) Apartment Building

10.1.3 **The following uses are permitted in any R5-C Zone:**

- (a) Triplex**
- (b) Fourplex**
- (c) Fiveplex**
- (d) Sixplex**

### 10.2 Regulations

10.2.1 No person shall within any R5 Zone use any land or erect or use any building or structure except in compliance with the regulations as set out in ~~Table 10.2~~ **Tables 10.2A and 10.2B** and this Subsection.

10.2.2 An apartment building in a R5-A **and R5-C** Zone shall contain no more than six dwelling units.

10.2.3 **Notwithstanding Articles 3.6.1 and 3.6.2 to the contrary, where a compound zone includes an R5 Zone and an R6 Zone, the provisions prescribed by the R5 Zone for an apartment building shall be complied with for any triplex, fourplex, fiveplex or sixplex.**

**Table 10.2 10.2A – Regulations for R5-A and R5-B Zones (Excluding Apartment Buildings)**

Zones	R5-A AND R5-B						R5-A	R5-B
Residential Type	Single Detached Dwelling	Semi-Detached Building on a Corner Lot	Semi-Detached Building on Interior Lot	Semi-Detached Dwelling on Corner Lot	Semi-Detached Dwelling on Interior Lot	Duplex	Apartment Building	
Minimum Lot Frontage (m)	9.0	16.2	15	8.7	7.5	12.0	19.0	25.0
Minimum Lot Area (m <sup>2</sup> )	270	486	450	261	225	360	N/A	N/A
Minimum Front Yard Depth (m)	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0
Minimum Interior Side Yard Depth (m)	For interior lots, 1.2m on one side only, and for corner lots 0.0m, provided that, for both interior and corner lots, in no case shall the distance between dwelling units be less than 1.2m	1.2	1.2	0.0	1.2 on one side only	1.2	1.5 for each storey or half storey	1.5 for each storey or half storey
Minimum Exterior Side Yard Depth (m)	2.4	2.4	N/A	2.4	N/A	2.4	2.4	1.5 for each storey or half storey
Minimum Rear Yard Depth (m)	7.5	7.5	7.5	7.5	7.5	7.5	7.5	16.0

Zones	R5-A AND R5-B						R5-A	R5-B
Residential Type	Single Detached Dwelling	Semi-Detached Building on a Corner Lot	Semi-Detached Building on Interior Lot	Semi-Detached Dwelling on Corner Lot	Semi-Detached Dwelling on Interior Lot	Duplex	Apartment Building	
Minimum Landscaped Open Space	N/A	N/A	N/A	N/A	N/A	N/A	35	35
Maximum Lot Coverage (%)	40	40	40	40	40	40	33	22
Maximum Height (m)	9.0	9.0	9.0	9.0	9.0	9.0	10.5	13.0
Maximum Density Dwelling Units Per Hectare	N/A	N/A	N/A	N/A	N/A	N/A	60	85

**Table 10.2B – Regulations for R5-A, R5-B and R5-C Zones (Apartment Buildings)**

<b>Residential Type</b>	<b>Triplex</b>	<b>Fourplex</b>	<b>Fiveplex</b>	<b>Sixplex</b>	<b>Apartment Building containing 7 or more dwelling units in R5-B Zone</b>
Minimum Lot Frontage (m)	12.0	15.0	19.0	22.0	25.0
Minimum Lot Area in the R5-A Zone (m <sup>2</sup> )	450	600	800	900	N/A
Minimum Lot Area in the R5-B and R5-C Zones (m <sup>2</sup> )	360	450	570	700	N/A
Minimum Front Yard Depth (m)	6.0	6.0	6.0	6.0	6.0
Minimum Interior Side Yard Depth (m)	for interior lots, 1.2m on one side only, and for corner lots 0.0m, provided however that, for both interior and corner lots, in no case shall the distance between dwelling units be less than 1.2m	1.2	1.2	2.0	1.5 for each storey or half storey, or 4.5m for a building 3 storeys or taller
Minimum Exterior Side Yard Depth (m)	2.4	2.4	2.4	2.4	2.4
Minimum Rear Yard Depth (m)	7.5	7.5	7.5	7.5	12.0

<b>Residential Type</b>	<b>Triplex</b>	<b>Fourplex</b>	<b>Fiveplex</b>	<b>Sixplex</b>	<b>Apartment Building containing 7 or more dwelling units in R5-B Zone</b>
Minimum Landscaped Open Space (%)	30	30	30	30	35
Maximum Lot Coverage (%)	40	40	35	35	35
Maximum Height in the R5-A Zone (m)	10.5	10.5	10.5	10.5	N/A
Maximum Height in the R5-B and R5-C Zones (m)	13.0	13.0	13.0	13.0	13.0
Maximum Density Dwelling Units Per Hectare	N/A	N/A	N/A	N/A	85