Planning Act Public Meeting Report

To:	Economic and Development Services Committee
From:	Anthony Ambra, P.Eng, Commissioner, Economic and Development Services Department
Report Number:	ED-24-51
Date of Report:	May 1, 2024
Date of Meeting:	May 6, 2024
Subject:	City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94
Ward:	All Wards
File:	12-12-4539

1.0 Purpose

The purpose of this Report is to provide background information for the Planning Act public meeting to consider various proposed City-initiated amendments to the Oshawa Official Plan and Zoning By-law 60-94.

The proposed amendments are set out in Attachment 1 to this Report.

A notice advertising the public meeting was provided to all required public bodies as well as posted on the City's website and communicated through its Corporate social media accounts, as appropriate. The notice was also provided in accordance with the City's Public Notice Policy GOV-23-02.

The notice regarding the public meeting provided an advisory that the meeting is open to the public and will take place in person in the Council Chamber at Oshawa City Hall. Members of the public wishing to address the Economic and Development Services Committee through electronic means rather than appear in-person to make a delegation were invited to register their intent to participate electronically by 12:00 p.m. on May 3, 2024.

2.0 Recommendation

That, the Economic and Development Services Committee select an appropriate option as set out in Section 5.2 of Report ED-24-51 dated May 1, 2024.

3.0 Executive Summary

Not applicable.

4.0 Input from Other Sources

4.1 Other Departments and Agencies

The proposed amendments to the Oshawa Official Plan and Zoning By-law 60-94 have been circulated for comment and the identification of issues to a number of departments and agencies. No department or agency that provided comments has any objection to the proposed amendments.

5.0 Analysis

5.1 Background

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 the Official Plan and 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 Attachment 1 to this Report.

On March 25, 2024, Council considered Report ED-24-34 dated February 28, 2024 and authorized this Department to initiate the public process that will allow Council to consider the City-initiated amendments.

On March 25, 2024 Council also passed the following motion:

> "That staff be directed to initiate a rezoning of City-owned lands known as 0 and 20 Harbour Road to have complementary uses as found on the adjacent property to the east; and further that the rezoning be completed by October 2024."

The proposed amendments outlined in Section 10 of Attachment 1 of this Report address the addition of a site specific policy to the Oshawa Official Plan and a site specific zoning regulation to Zoning By-law 60-94 for the City-owned land at 0 and 20 Harbour Road. The rezoning of these lands would give the properties complementary zoning to the property to the east at 80 Harbour Road which was the subject of site specific official plan and zoning by-law amendment applications approved by the City in 2022 to permit an increased density of 868 units per hectare and maximum heights of 110m (35 storeys) and 95m (30 storeys) for two new residential apartment towers.

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

5.2 Options

At the conclusion of the public meeting, two options are available to the Economic and Development Services Committee to deal with the proposed amendments.

5.2.1 Option 1: Approve/Adopt the Proposed Amendments

At the conclusion of a public meeting, staff are normally directed to further review the proposal and prepare a subsequent report and recommendation to the Economic and Development Services Committee. In this case, however, the proposed amendments may not raise public or Economic and Development Services Committee concern.

Accordingly, the Economic and Development Services Committee may wish to pass the following motion in the event no significant issues are raised at the public meeting:

"That the Economic and Development Services Committee recommend to City Council that the proposed amendments to the Oshawa Official Plan and Zoning By-law 60-94 as generally set out in Attachment 1 to Report ED-24-51 dated May 1, 2024 be adopted, and that the appropriate amending by-laws be passed in a form and content acceptable to the City Solicitor and the Commissioner of Economic and Development Services."

5.2.2 Option 2: Direct Staff to Further Review the Proposed Amendments and Report Back to the Economic and Development Services Committee

In the event significant issues are raised by the public and/or the Economic and Development Services Committee at the public meeting, then staff should be directed to further review the proposed amendments and prepare a subsequent report. In this case, the following motion should be passed by the Economic and Development Services Committee:

"That staff be directed to further review the proposed City-initiated amendments to the Oshawa Official Plan and Zoning By-law 60-94, as generally set out in Attachment 1 to Report ED-24-51 dated May 1, 2024, and prepare a subsequent report and recommendation back to the Economic and Development Services Committee. This direction does not constitute or imply any form or degree of approval."

6.0 Financial Implications

Anticipated costs to the City are included in the appropriate 2024 Departmental budgets and relate primarily to the passing of any by-laws.

7.0 Relationship to the Oshawa Strategic Plan

Holding a public meeting on the proposed City-initiated amendments advances the Accountable Leadership Goal of the Oshawa Strategic Plan.

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

Anthony Ambra, P.Eng, Commissioner,
Economic and Development Services Department

1. Zoning By-law Section 2: Definitions

Issue:

The Zoning By-law includes the following definitions for Clinic and Medical Office:

““**CLINIC**” means a building or part of a building in which the practice of one or more of the self-governing health professions listed in Schedule 1 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, excluding a pharmacy as a main use, is carried on or in which the treatment of humans by a Drugless Practitioner, as defined in the Drugless Practitioners Act, R.S.O. 1990, c. D.18, occurs and may include medical laboratories or an ancillary pharmacy.”

““**MEDICAL OFFICE**” means a building or part of a building in which the practice of one or more of the self-governing health professions listed in Schedule 1 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, excluding pharmacy, is carried on or in which treatment of humans by a Drugless Practitioner, as defined in the Drugless Practitioners Act, R.S.O. 1990, c. D.18, occurs.”

In 2015, the Province revoked the Drugless Practitioners Act, R.S.O. 1990, c. D.18 (the “Drugless Practitioners Act”) and amended the Regulated Health Professions Act, 1991, S.O. 1991, c. 18 (the “Regulated Health Professions Act”) to add naturopathy as a regulated health profession. The Drugless Practitioners Act is still available for reading on the Provincial government’s website, but it is no longer applicable. Therefore, it is appropriate to include the definition of a drugless practitioner from the former Drugless Practitioners Act in the Zoning By-law.

The practice of ophthalmology is not captured by the Regulated Health Professions Act or the definition of drugless practitioner. Therefore, it is appropriate to specifically identify it as being included in the definitions of clinic and medical office.

Proposed Amendment:

(a) Amend the definition of “Clinic” in Section 2 of Zoning By-law 60-94 to delete the text “a Drugless Practitioner, as defined in the Drugless Practitioners Act, R.S.O. 1990, c. D.18,” and replace it with the text “an ophthalmologist or a drugless practitioner” such that it reads as follows:

> ““**CLINIC**” means a building or part of a building in which the practice of one or more of the self-governing health professions listed in Schedule 1 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, excluding a pharmacy as a main use, is carried on or in which the treatment of humans by an ophthalmologist or a drugless practitioner occurs and may include medical laboratories or an ancillary pharmacy.”

(b) Amend the definition of “Medical Office” in Section 2 of Zoning By-law 60-94 to:

(i) Add the word “a” after the word “excluding”;

(ii) Add the word “the” preceding the word “treatment”; and,

(iii) delete the text “a Drugless Practitioner, as defined in the Drugless Practitioners Act, R.S.O. 1990, c. D.18,” and replace it with the text “an ophthalmologist or a drugless practitioner”,

such that it reads as follows:

““**MEDICAL OFFICE**” means a building or part of a building in which the practice of one or more of the self-governing health professions listed in Schedule 1 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, excluding a pharmacy, is carried on or in which the treatment of humans by an ophthalmologist or a drugless practitioner occurs.”

(c) Add the following definition for Drugless Practitioner in Section 2.0, Definitions, after the definition for “Driveway” and before the definition for “Dry Cleaning and Laundry Depot”:

““**DRUGLESS PRACTITIONER**” means a person who practices the treatment of any ailment, disease, defect or disability of the human body by manipulation, adjustment, manual or electro-therapy or by any similar method but does not include body rub.”

2. Zoning By-law Sections 2 and 26: Definitions and OS Open Space Zones

Issue:

The Zoning By-law lists “Recreational Use” as a permitted, unrestricted use in various zones. These zones consist of OSU (Urban Open Space), OSW (Waterfront Open Space), SI-A, SI-B and SI-C (Select Industrial), GI (General Industrial), SPI (Special Industrial), AP-B and AP-D (Airport), and SW (Special Waterfront) Zones.

The term can be considered to reflect an activity that is recreational in nature that takes place indoors and outdoors. However, it is not defined, and its implementation can lead to confusion and broad interpretations. There are also other potential variations of the terms “recreation” and “recreational” used in the Zoning By-law, some of which are defined, e.g. commercial recreational establishment, low intensity recreation and private outdoor recreation club, and some of which are not, e.g. indoor recreational activities, outdoor recreational use, and day recreational use. Terms such as “indoor”, “outdoor” and “day” when applied to “recreational” uses, serve to restrict the scope of recreational activities.

It is recommended that a new definition be added to the Zoning By-law for Recreational Use that scopes the term such that it is clear what the term permits and is appropriate for the zones in which it is listed as a permitted use.

Proposed Amendment:

(a) Add the following definition for Recreational Use in Section 2.0, Definitions, after the definition for “Rear Yard” and before the definition for “Recreational Vehicle”:

““**RECREATIONAL USE**” means an area of land or a building or part of a building used for active or passive recreation purposes, for a fee or without a fee, including such

purposes as parks, trails, sports courts, fields or pitches, arena, stadium, auditorium, gym or fitness centre, ice or roller rink, bowling alley, miniature golf, golf driving range, virtual golf simulator, track, swimming pool or other such similar use, and shall include a park, low intensity recreation, day recreational use and private outdoor recreation club, but does not include a commercial recreation establishment, gaming establishment, golf course, campground, place of amusement, studio, cemetery, club, outdoor skeet, trap and gun club, billiard hall, theatre, cinema or an assembly hall. When prefaced by the term "indoor", the recreational use shall be limited to recreational activities within a building or a part thereof. When prefaced by the term "outdoor", the recreational use shall be limited to recreational uses without buildings or structures. When prefaced by the term "day", the recreational use shall be limited to recreational uses without buildings or structures and only during daylight hours."

(b) Amend Sentence 26.1.2(e) to add the word "outdoor" preceding the words "recreational use" such that Article 26.1.2 reads as follows:

"26.1.2 The following uses are permitted in any OSU – Urban Open Space Zone:

(a) Agricultural uses without buildings or structures
(b) Campground
(c) Golf course, existing as of January 1, 2005
(d) Park
(e) Outdoor Recreational Use"

(c) Amend Sentence 26.1.8(h) to add the word "outdoor" preceding the words "recreational use" such that Article 26.1.8 reads as follows:

"26.1.8 The following uses are permitted in any OSW – Waterfront Open Space Zone:

(a) Amphitheater
(b) Auditorium
(c) Club, excluding a nightclub
(d) Cultural centre
(e) Marina, including related sales and service buildings
(f) Museum
(g) Park
(h) Outdoor recreational use"

3. Zoning By-law Sections 2 and 32: Definitions and AG Agricultural Zones

Issue:

Certain farms require additional labour on a year-round basis for the day-to-day operation of the farm or on a seasonable basis over an extended growing season. The Provincial Policy Statement, 2020 allows "accommodation for full-time farm labour when additional labour is required" in prime agricultural areas. To account for how the labour needs of farms may change over time, it is best practice to consider alternative housing options for farmers' workers rather than limiting the potential to a farm dwelling which is a separate permanent dwelling for farm help. By allowing a wider variety of forms of accommodation

to be used by seasonal workers, the Zoning By-law will better accommodate the changing needs of the agricultural community.

Policy 2.8.2.1 of the Oshawa Official Plan states that in areas designated as Prime Agricultural, a second farm-related dwelling on the existing farm parcel for persons employed on the farm may be permitted where the size and nature of the operation warrants additional employment, provided that a severance to create a separate parcel is not required.

Despite the Oshawa Official Plan policies, the Zoning By-law does not permit accommodations for additional farm workers on agricultural properties. Section 2 and Section 32 of the Zoning By-law should be amended to clarify what seasonal worker housing is and where it can be permitted. This amendment would reflect the intent of the Provincial Policy Statement and the Oshawa Official Plan and aligns with the policies of the Ministry of Agriculture, Food and Rural Affairs.

Severance of land with housing for farm labour is not permitted given that land division fragments the agricultural land base. Fragmentation of the land base can affect the future viability of agriculture over the long term.

Regardless of the accommodation type being temporary or permanent, all seasonal worker housing will still be required to meet the requirements of the Oshawa Official Plan, Oak Ridges Moraine Conservation Plan and the Greenbelt Plan, and farm operators will be required to obtain a building permit.

Proposed Amendment:

(a) Add the following new definition:

"**SEASONAL WORKER HOUSING UNIT**" means a dwelling unit intended to accommodate full-time farm labour when additional labour is required due to the size and nature of the farm operation, and which is accessory to an agricultural use.

(b) Amend the definition of "Farm Dwelling" by adding the text "but shall not include a seasonal worker housing unit" at the end of the definition, such that the definition reads as follows:

""**FARM DWELLING**" means a single detached dwelling which is located or intended to be located on a lot used for agricultural purposes but shall not include a seasonal worker housing unit."

(c) Amend Subsection 32.1 as follows:

(i) Add Seasonal Worker Housing Unit as a permitted use within the AG-A (Agricultural) Zone such that Article 32.1.2 reads as follows:

"32.1.2 The following uses are permitted in any AG-A Zone:

(a) Accessory retail stands for the sale of seasonal produce, produced on the farm;

(b) Agricultural uses including a maximum of one farm dwelling;

(c) One single detached dwelling on an existing lot or on a lot created by consent;

(d) One seasonal worker housing unit accessory to a farm dwelling; and

(e) Riding stable."

(ii) Add Seasonal Worker Housing Unit as a permitted use within the AG-ORM (Oak Ridges Moraine Agirultural) Zone such that Article 32.1.4 reads as follows:

"32.1.4 The following uses are permitted in any AG-ORM Zone:

(a) Accessory retail stands for the sale of seasonal produce, produced on the farm;

(b) Agricultural uses including a maximum of one farm dwelling;

(c) One single detached dwelling on an existing lot or on a lot created by consent;

(d) One seasonal worker housing unit accessory to a farm dwelling;

(e) Riding stable; and

(f) Low intensity recreation."

(iii) Amend Subsection 32.2 by adding a new Article 32.2.4 that reads as follows:

"32.2.4 The following regulations shall apply to a seasonal worker housing unit:

(a) A seasonal worker housing unit shall only be permitted as an accessory use to an agricultural use having a farm dwelling in an AG-A, AG-B or AG-ORM Zone.

(b) A maximum of one seasonal worker housing unit shall be permited.

(c) A seasonal worker housing unit shall only be permitted on lots having a minimum lot area of 20 hectares.

(d) A seasonal worker housing unit shall be separated from the farm dwelling on the same lot by not more than 100m.

(e) A seasonal worker housing unit shall be considered an accessory building and the regulations of Subsection 5.1 shall apply, except that the maximum height shall be 9m."

4. Zoning By-law Subsection 3.5: Holding "h" Zones

Issue:

Section 36 of the Planning Act, R.S.O. 1990, c. P.13 allows a municipality to use a holding symbol in a zoning by-law to specify the permitted interim use of lands until such time as the holding symbol is removed by amendment to the zoning by-law.

In 2022, Council amended Delegation of Authority By-law 29-2009, as amended, to delegate authority to the Commissioner of Economic and Development Services to pass

by-laws to remove holding symbols when the conditions for lifting of the holding symbol have been satisfied.

Subsection 3.5 of Zoning By-law 60-94, as amended, contains numerous holding symbols applicable to many properties across the City. A number of these holding symbols require that a site plan agreement be executed between the City and the developer prior to the commencement of any construction.

A site plan agreement is not always necessary for a developer to commence construction of certain work, namely, site servicing and building foundations, as long as the proposed development complies with the Zoning By-law, the City and agencies approve of the site and building designs, and certain other conditions are satisfied, such as taxes being up to date, a site improvement security being provided, and any required road widenings being conveyed to the City and/or Region. However, the existence of a holding symbol prevents the issuance of a building permit while the holding symbol is in place.

It is recommended that the h-1, h-2, h-7, h-11, h-13, h-22, h-25, h-36, h-40, h-42, h-47, h-52, h-59, h-82, h-83 and h-85 Holding symbols be amended to delete the references to a site plan agreement and instead require site plan approval.

Ultimately a site plan agreement is still required in order for the developer to complete their buildings.

It is also recommended that reference to the 1996 Provincial Policy Statement under the h-13 holding symbol be replaced with a general reference to the Provincial Policy Statement.

It is further recommended that the h-33 holding symbol applicable to 370 Conant Street be deleted in its entirety given that the h-33 holding symbol has now been lifted from 370 Conant Street to allow the Durham Catholic District School Board to construct a new sports field and parking lot, and the h-33 holding symbol does not apply to any other lands in the City.

Proposed Amendment:

(a) Amend the Purpose section of Sentence 3.5.2(1)(a) to delete the words “an appropriate site plan agreement is executed with the City which addresses such matters as” and replace with the words “the City has granted site plan approval and the following matters have been addressed to the satisfaction of the City.”

(b) Amend the Purpose section of Sentence 3.5.2(2)(c) to delete the words “an appropriate site plan agreement shall be executed” and replace with the words “the City has granted site plan approval.”

(c) Amend the Purpose section of Sentences 3.5.2(7)(a)(i), 3.5.2(13)(b), 3.5.2(82)(a) and 3.5.2(85)(a) to delete the words “An appropriate site plan agreement is executed with the City” and replace with the words “The City has granted site plan approval.”

(d) Amend the Purpose section of Sentence 3.5.2(11)(d) by deleting the words “ in the site plan agreement” such that it reads as follows: “A vibration study is completed to the satisfaction of the City to review the impact of the construction of the proposed

development on adjacent buildings, and any necessary mitigation measures are implemented."

(e) Amend the Purpose section of Sentence 3.5.2(13)(a)(i) to delete the text "Policy 3.1.3 of the Provincial Policy Statement, 1996" and replace with the text "Section 3.1 of the Provincial Policy Statement" such that it reads "Section 3.1 of the Provincial Policy Statement regarding lands subject to erosion hazards is met."

(f) Amend the Purpose section of Sentence 3.5.2(22)(a) to delete the words "An appropriate site plan agreement or" and replace with the words "The City has granted site plan approval or an appropriate" such that it reads "The City has granted site plan approval or an appropriate subdivision agreement is executed with the City."

(g) Amend the Purpose section of Sentences 3.5.2(25) and 3.5.2(36)(a) to delete the words "A site plan agreement is executed with the City" and replace with the words "The City has granted site plan approval."

(h) Amend Sentence 3.5.2(33) to remove the provision such that it reads as follows:

"3.5.2(33) [deleted]"

(i) Amend the Purpose section of Sentence 3.5.2(40)(a) to delete the words "an appropriate site plan agreement is executed with the City which addresses such matters as" and replace with the words "the City has granted site plan approval and the following matters have been addressed."

(j) Amend the Purpose section of Sentence 3.5.2(42) to delete Sentence 3.5.2(42)(a) and replace it with the following:

"(a) The City has granted site plan approval; and,

(b) The owner conveys Part 5, Plan 40R-14385 as valley land and an appropriate access easement from King Street East to the valley land to the City's satisfaction and at no cost and in a condition acceptable to the City."

(k) Amend the Purpose section of Sentence 3.5.2(47)(a) to delete the words "An appropriate site plan agreement shall be executed with the City" and replace with the words "The City has granted site plan approval."

(l) Amend the Purpose section of Sentence 3.5.2(52)(a) to delete the words "an appropriate site plan agreement or" and replace with the words "the City has granted site plan approval or an appropriate" such that it reads "the City has granted site plan approval or an appropriate subdivision agreement, where applicable, is executed with the City;".

(m) Amend the Purpose section of Sentence 3.5.2(59)(c) to delete the words " through a site plan agreement" such that it reads "A noise study is completed to the satisfaction of the City and any recommendations are implemented;".

(n) Amend the Purpose section of Sentence 3.5.2(83)(a) to delete the words "Appropriate site plan and subdivision agreements are" and replace with the words "The City has

granted site plan approval and an appropriate subdivision agreement is" such that it reads "the City has granted site plan approval and an appropriate subdivision agreement is executed with the City."

(o) Amend the Purpose section of Sentence 3.5.2(83)(b) to delete the words "or site plan agreement which is executed" and replace with the words "agreement which is executed or are addressed to the City's satisfaction at the time site plan approval is granted by the City", such that it reads as follows:

"(b) Appropriate arrangements shall be made for the provision of adequate sanitary, water, storm and transportation services and facilities to serve this development and included in a subdivision agreement which is executed or are addressed to the City's satisfaction at the time site plan approval is granted by the City."

5. Zoning By-law Subsection 3.12: Temporary Use Zones

Issue:

Subsection 3.12, Temporary Use Zone Provisions, of the Zoning By-law contains temporary use permissions for two properties:

- 1399 Simcoe Street North: TEMP-1 Zone which permits an automobile sales and service establishment for used vehicles until April 10, 2024; and,
- 382 Simcoe Street North: TEMP-2 Zone which permits an administrative office for the Lakeridge Health Foundation until November 28, 2024.

Both of these temporary uses expire in 2024. However, the temporary uses are intended to continue beyond 2024.

Accordingly, it is appropriate to amend the Zoning By-law to extend the temporary use permission for both properties to 2027.

Proposed Amendment:

Amend Subsection 3.12 as follows:

(a) Amend Sentence 3.12.2(1) by deleting the year "2024" and replacing it with the year "2027".

(b) Amend Sentence 3.12.2(2) by deleting the year "2024" and replacing it with the year "2027".

6. Zoning By-law Subsection 4.8: Access Regulations

Issue:

The Zoning By-law requires each residentially-zoned lot to have its own driveway access from the travelled portion of an improved street. A growing trend in infill housing developments is the severance of a lot into two lots and the construction of a single detached dwelling, duplex or triplex on each lot with a shared driveway between them,

straddling the mutual property line and leading to a rear yard parking area. These driveways are typically 3.0m (9.84 ft.) wide, divided equally between the two properties, i.e. 1.5m (4.92 ft.) on each side. The rear yard of each property contains the required parking spaces, and the required 6.5m (21.33 ft.) driveway aisle behind each parking space spans both properties equally, i.e. 3.25m (10.66 ft.) on each side. The shared driveways and aisles have an easement (right-of-way) on them to guarantee shared access in perpetuity. In these cases, the applicant needs the approval of the Committee of Adjustment for minor variances to permit each portion of the driveway on each lot to be 1.5m (4.92 ft.) wide and each portion of the driveway aisle on each lot to be 3.25m (10.66 ft.) wide. Examples of sites developed in this fashion include 139 and 143 Celina Street, 137 and 139 Gibbons Street and 75 and 79 Hogarth Street.

Staff recommend that Subsection 4.8, Access Regulations, be amended to permit shared driveway access for lots with residential zoning provided that a mutual right-of-way access is registered on the title to each property. Currently the Zoning By-law only permits driveway access between lots zoned for non-residential purposes.

The easements for access on a shared driveway would be clearly described on a deposited 40R plan and show the extent of property lines which would be available to future purchasers of a property. In most cases where a developer constructs new homes with a shared driveway, the mutual property line is located in the middle of the driveway. This amendment would not impact any driveway arrangements for existing properties. A property owner cannot be forced to have an easement or shared driveway if an easement does not currently exist.

Proposed Amendment:

(a) Amend Subsection 4.8 by adding the following article:

"4.8.3 Notwithstanding any provision of this By-law to the contrary, the width of a single driveway and the width of an associated aisle may span two abutting residentially-zoned lots subject to a right-of-way for mutual access being registered on the title to each property."

7. Zoning By-law Subsection 4.19: Driveways Leading to Private Garages

Issue:

Subsection 4.19, Driveways Leading to Private Garages, stipulates that any driveway leading to a private garage shall have a minimum length of 6.0m (19.69 ft.) from the street line to the garage. This regulation only applies to freehold dwelling units with driveways leading from public roads such as single detached dwellings, semi-detached dwellings and street townhouse dwellings or to block townhouse dwellings in a common elements condominium. This regulation currently does not account for individual driveways leading from a private road to the individual garage of a block townhouse dwelling unit or a stacked townhouse dwelling unit in a rental development or standard condominium.

It is appropriate to amend the Zoning By-law to specify that driveways leading from private roads to private garages must be a minimum of 5.75m (18.86 ft.) in length, which is equivalent to the minimum length of a parking space.

The proposed amendment is not a reduction in the minimum length of a driveway leading from a public road to a private garage of a single detached dwelling, semi-detached dwelling, street townhouse dwelling or to a block townhouse dwelling in a common elements condominium. This amendment will only introduce a standard for individual private driveways from a private road leading to a private garage since there is no standard currently.

Proposed Amendment:

(a) Add a new Article 4.19.2 that reads as follows:

"4.19.2 The minimum length of an individual driveway leading from a private road or aisle to a private garage of a dwelling unit in a Residential Zone shall be 5.75m."

8. Zoning By-law Article 5.12: Accessory Apartments

Issue:

On November 28, 2022, the Provincial government passed Bill 23, More Homes Built Faster Act, 2022, which made amendments to the Planning Act to stipulate that no municipal zoning by-law could 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.

As part of the City's annual City-initiated amendments to Zoning By-law 60-94 in 2023, the City passed a zoning by-law amendment to update the zoning regulations for accessory apartments to implement the above noted permissions in a manner appropriate for the Oshawa context, addressing such matters as parking requirements and size and setbacks of accessory buildings containing accessory apartments.

Article 5.12.6 was added to the Zoning By-law which requires any accessory apartment located within a single detached dwelling, semi-detached dwelling or street townhouse dwelling to have at least seventy-five percent (75%) of its floor area located wholly above or below another dwelling unit on the lot within the main building. It is recommended that this article be amended to reduce the percentage to fifty percent (50%) to be consistent with the definition for duplex contained in the Zoning By-law.

When the City first introduced regulations to permit accessory apartments in 2014, the City included a regulation that permitted property owners that owned a single detached dwelling or semi-detached dwelling with an accessory apartment that may not have been legal and may not have complied with the minimum lot frontage or minimum parking requirements to legalize their unit, provided it complies with applicable Building Code, Fire Code and Property Standards By-law regulations, and subject to the accessory apartment being registered with the City on or after June 23, 2014. This provided property owners a path to legalization despite not meeting all zoning requirements and ensured as many existing accessory apartments were made safe for their occupants despite not complying with the zoning standards. This regulation expired June 23, 2023. However, there may be additional accessory apartments in single detached dwellings and semi-detached dwellings that have not yet been registered. It is recommended that the date to demonstrate compliance and get registered be extended to June 23, 2026. This would only apply to accessory apartments that existed before June 23, 2014.

When Bill 23 was passed on November 28, 2022, it amended the Planning Act to state, in part, that where a property contained an accessory apartment, a municipality could not require more than one parking space per residential unit (2 spaces for a 2-unit house and 3 spaces for a 3-unit house). This meant that for a single detached dwelling with one accessory apartment, only two parking spaces would be required, whereas many municipal zoning by-laws at the time required two parking spaces for the main unit and one parking space for additional units (3 spaces for a 2-unit house and 4 spaces for a 3-unit house).

However, on April 6, 2023, the Province introduced Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023, for First Reading in the Legislature. Bill 97 further amended the Planning Act to clarify that a maximum of one parking space could be required for the additional dwelling unit and that there would be no restriction on the number of parking spaces that could be required for the main unit. On May 29, 2023, Council approved a City-initiated zoning by-law amendment which carried forward the requirement for two parking spaces for the main unit and one parking space for each accessory apartment.

On June 8, 2023, Bill 97 received Royal Assent. During the period between November 28, 2022 and May 29, 2023, a number of property owners had advanced building permit applications and minor variance applications on the basis of requiring only one parking spaces per unit. In order to protect the rights of those property owners, the City added Sentence 5.12.7(3) to Zoning By-law 60-94 which stipulates that, notwithstanding the updated parking standards, in cases where a complete building permit application has been received by the Chief Building Official between November 28, 2022 and May 29, 2023, inclusive, for a single detached dwelling, semi-detached dwelling, semi-detached building or street townhouse dwelling with one or two accessory apartments, or the Committee of Adjustment has approved an application related to a single detached dwelling, semi-detached dwelling, semi-detached building or street townhouse dwelling between November 28, 2022 and May 10, 2023, inclusive, and the purpose of the building permit or Committee of Adjustment application is to facilitate the additional use of the lot for one or two accessory apartments, only one parking space per dwelling unit on the lot shall be required. However, Sentence 5.12.7(3) cross references Article 5.12.5 whereas it should reference Article 5.12.4 which contains the parking regulations.

The proposed amendment would not change the parking standards that currently exist. Two parking spaces are required for the main dwelling unit plus an additional parking space for each accessory apartment.

Proposed Amendment:

(a) Amend Article 5.12.6 by deleting the text “seventy-five percent (75%)” and replacing it with the text “fifty percent (50%)” such that it reads as follows:

“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 fifty percent (50%) of its floor area located wholly above or below another dwelling unit on the lot within the main building.”

(b) Amend Sentence 5.12.7(2) by deleting the text “2023” and replacing it with the text “2026” such that it reads as follows:

“5.12.7(2) The provisions of Sentence 5.12.7(1) shall only apply until June 23, 2026.”

(c) Amend Sentence 5.12.7(3) by deleting the text “5.12.5” and replacing it with the text “5.12.4” such that it reads as follows:

“5.12.7(3) Notwithstanding Article 5.12.4 and Article 39.3.1 of this By-law to the contrary, in cases where a complete building permit application has been received by the Chief Building Official between November 28, 2022 and May 29, 2023, inclusive, for a single detached dwelling, semi-detached dwelling, semi-detached building or street townhouse dwelling with one or two accessory apartments or the Committee of Adjustment has approved an application related to a single detached dwelling, semi-detached dwelling, semi-detached building or street townhouse dwelling between November 28, 2022 and May 10, 2023, inclusive, and the purpose of the building permit or Committee of Adjustment application is to facilitate the additional use of the lot for one or two accessory apartments, only one parking space per dwelling unit on the lot shall be required.”.

9. Zoning By-law Subsection 5.13: Parcel of Tied Land

Issue:

Article 5.13.1 of the Zoning By-law reads as follows:

“5.13.1 A Parcel of Tied Land shall be treated as a lot and a condominium common element road shall be treated as an improved street for the purposes of this section. Uses on a Parcel of Tied Land shall comply with all the provisions of Section 4: General Provisions, Section 5: Uses Permitted in Certain Zones and Section 39: Parking and Loading.”

However, not all regulations in Sections 4, 5 and 39 can reasonably be applied to each individual parcel of tied land (P.O.T.L.) in a common element condominium. For example,

each parcel of tied land cannot have visitor parking. Rather, the overall development site has the visitor parking which is a common element in the condominium.

For the purpose of adding clarity, Subsection 5.13 should be amended to clarify which specific provisions in Sections 4, 5 and 39 can be applied to P.O.T.L.s.

On this basis, it is appropriate to amend the Zoning By-law to specify which provisions should apply in order that the intent of Sections 4, 5, and 39 is implemented.

Proposed Amendment:

(a) Amend Subsection 5.13 by deleting Article 5.13.1 and replacing it with the following new Articles:

"5.13.1 For the purpose of this Article, a parcel of tied land shall be considered a lot and a common element condominium road shall be treated as an improved street. Not less than fifty percent (50%) of the front yard, exterior side yard and rear yard of every lot abutting an improved street in every Residential Zone shall be maintained as landscaped open space.

5.13.2 Notwithstanding any other provision of this By-law to the contrary, no person shall erect or use a building or structure on a parcel of tied land unless the property line of the parcel of tied land that is parallel to and abutting the common element condominium road has a minimum length of 5.5m.

5.13.3 For the purpose of this Article, a parcel of tied land shall be considered a lot. Notwithstanding any other provision of this By-law to the contrary, the total combined lot coverage of all accessory buildings on a parcel of tied land in any Residential Zone shall not exceed eight percent (8%) of the lot area.

5.13.4 Notwithstanding any other provision of this By-law to the contrary, on a parcel of tied land in a Residential Zone, no accessory building or structure shall be located between a main building and an improved street or a common element condominium road, and shall not be closer than 0.6m to a lot line of a parcel of tied land. For clarity, this Article shall not apply to a heat pump, air exchanger and/or air conditioner associated with a dwelling unit where the only exterior building wall of the dwelling unit at ground level is the building wall facing an improved street or a common element condominium road."

10. Oshawa Official Plan Section 2.3.6 and Zoning By-law Subsection 11.3 and Schedule "A": Map B1

Issue:

On March 25, 2024, City Council directed staff to initiate a rezoning of City-owned land known as 0 Harbour Road (Parts 2 and 3, Plan 40R-2244) and 20 Harbour Road (Part 1, Plan 40R-21631) to have complementary zoning as found on the adjacent property to the east (currently addressed as 0 Harbour Road but anticipated to be addressed as 80 Harbour Road). These City-owned lands are currently zoned R3-A(6)/R4-A/R6-B/CC-A(4)"h-52" "h-53" (Residential/Convenience Commercial), whereas 80 Harbour Road is

zoned R3-A(6)/R4-A/R6-D(7)/CC-A(4) "h-52" "h-53" (Residential/Convenience Commercial). The key difference is that the zoning for the City-owned lands permits apartment buildings having a maximum density and height of 85 units per hectare and 18m (generally 6 storeys), respectively. Conversely, the zoning for 80 Harbour Road permits a maximum density of 868 units per hectare and maximum heights of 110m (35 storeys) and 95m (30 storeys) for portions of two new residential apartment towers situated at the rear (north portion) of the site, and 61m (18 storeys) and 54m (16 storeys) for the remaining portions of the same two towers situated toward the front (south portion) of the site.

The City-owned lands subject to these particular proposed amendments comprise part of the northeast corner of Simcoe Street South and Harbour Road. The subject lands are designated as Residential within the Oshawa Harbour Special Development Area in the Oshawa Official Plan.

Pursuant to Council's direction, it is proposed that a site specific policy and zoning regulations be added to the Oshawa Official Plan and Zoning By-law 60-94, respectively, in relation to the City-owned lands in order to permit a future development that is complementary in terms of height, massing and density to the adjacent proposed development at 80 Harbour Road. In terms of Zoning By-law 60-94, the current site-specific regulations would be amended by rezoning the subject lands from R3-A(6)/R4-A/R6-B/CC-A(4)"h-52" "h-53" to R3-A(6)/R4-A/R6-D(9)/CC-A(4) "h-52" "h-53" (Residential/Convenience Commercial), to implement regulations consistent with adjacent approved development proposals.

Proposed Amendment to the Oshawa Official Plan:

(a) Add the following new policy to the end of Section 2.3.6 (Site Specific Policies):

"2.3.6.34 Notwithstanding any other provision of this Plan to the contrary, a maximum net residential density of 868 units per hectare (351 u/ac.) shall be permitted on lands designated Residential within the Oshawa Harbour Special Development Area generally located east of Simcoe Street South, north of Harbour Road, described as Parts 2 and 3, Plan 40R-2244 and Part 1, Plan 40R-21631, subject to appropriate provisions being included in the zoning by-law."

Proposed Amendment to Zoning By-law 60-94:

(a) Amend Subsection 11.3, Special Conditions, by adding the following new provisions:

"11.3.41 **R6-D(9) (East of Simcoe Street South, north of Harbour Road)**

11.3.41(1) In any R6-D(9) Zone, the minimum density shall be 60 dwelling units per hectare and the maximum density shall be 868 dwelling units per hectare.

11.3.41(2) Notwithstanding any provision of this By-law to the contrary, in any R6-D(9) Zone, as shown on Schedule "A" to this By-law, the maximum height on the

lands as shown on Appendix “A” to this Special Condition shall be as follows:

(a) The maximum height on the lands shown as Site “A1” to this Special Condition shall be 110m and shall not exceed 35 storeys in height above grade.

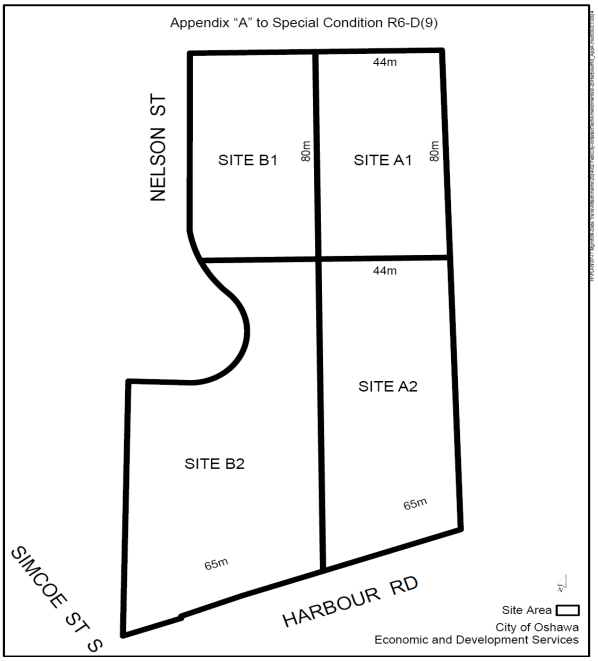
(b) The maximum height on the lands shown as Site “A2” to this Special Condition shall be 61m and shall not exceed 18 storeys in height above grade.

(c) The maximum height on the lands shown as Site “B1” to this Special Condition shall be 95m and shall not exceed 30 storeys in height above grade.

(d) The maximum height on the lands shown as Site “B2” to this Special Condition shall be 54m and shall not exceed 16 storeys in height above grade.

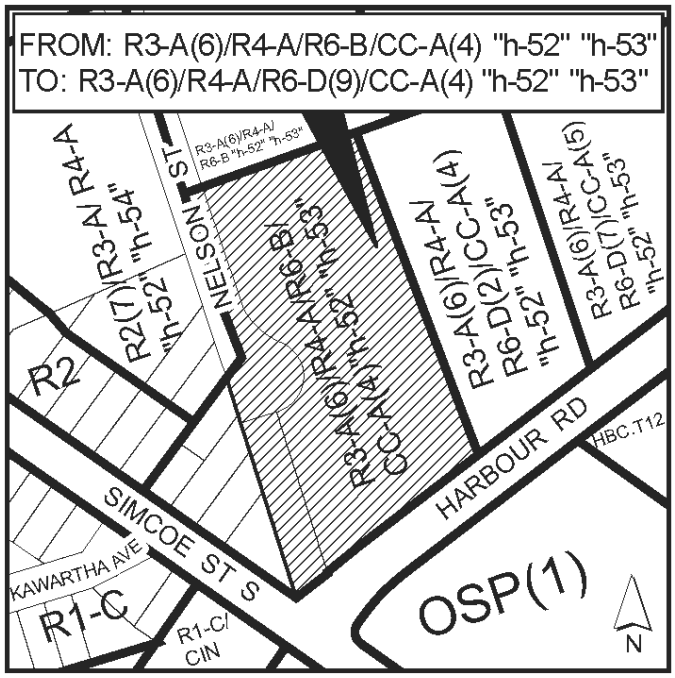
11.3.41(3) Notwithstanding any provision of this By-law to the contrary, in any R6-D(9) Zone, as shown on Schedule “A” to this By-law, a minimum of fifty percent (50%) of required parking shall be provided either underground or in a parking structure.

11.3.41(4) Notwithstanding any provision of this By-law to the contrary, in any R6-D(9) Zone, as shown on Schedule “A” to this By-law, the minimum building setback to the Nelson Street street line shall be 6m and the minimum building setback to the west side lot line that is not a street line shall be 12m.”



(b) Amend Schedule “A” – Map B1 of the Zoning By-law to rezone the lands at 0 and 20 Harbour Road as shown in hatching on the map below from R3-A(6)/R4-A/R6-B/CC-

A(4) "h-52" "h-53" (Residential/Convenience Commercial) to R3-A(6)/R4-A/R6-D(9)/CC-A(4) "h-52" "h-53" (Residential/Convenience Commercial).



11. Zoning By-law Article 11.3.3 and Schedule "A": Map B2

Issue:

The lands subject to this proposed amendment are generally located at the northwest corner of First Avenue and Albert Street, and were formerly part of the property municipally known as 505 Simcoe Street South. The City acquired ownership of the eastern portion of 505 Simcoe Street South in 2023 for the purpose of increasing parkland and greenspace in this neighbourhood. The intention is to enlarge Elena Park located immediately to the north of the acquired lands.

The subject lands that have been acquired by the City remain zoned as R6-B(1) (Residential) which permits an Apartment Building, Long term Care Facility, Nursing Home or a Retirement Home. To recognize the lands' intended use as part of a neighbourhood park, it is appropriate to rezone the lands from R6-B(1) (Residential) to OSP (Park Open Space) for consistency with the current zoning of Elena Park.

The acquisition also requires that the regulations of the R6-B(1) Zone be amended to reflect the current conditions of 505 Simcoe Street South following the removal of the eastern portion of the property.

Proposed Amendment:

(a) Amend Article 11.3.3 by deleting Sentence 11.3.3(2), and replacing it with the following:

"11.3.3(2) Notwithstanding any other provision of this By-law to the contrary, in any R6-B(1) Zone, the street line abutting First Avenue shall be deemed to be

the front lot line, and parking may be located in the front yard and exterior side yard."

(b) Amend Sentence 11.3.3(4) by adding the text "and Sentence 11.3.3(2)" after the text "Subsection 4.10" and deleting the second occurrence of the word "Street" and replacing it with the word "Avenue" such that Sentence 11.3.3(4) reads as follows:

"11.3.3(4) Notwithstanding Subsection 4.10 and Sentence 11.3.3(2) to the contrary, in any R6-B(1) Zone, no part of any parking area shall be located closer than 1.0m to the Simcoe Street South and First Avenue streetlines."

(c) Amend Article 11.3.3 by adding the text ", except any accessory building or structure existing as of the date of the passing of this By-law" to the end of Sentence 11.3.3(5), such that Sentence 11.3.3(5) reads as follows:

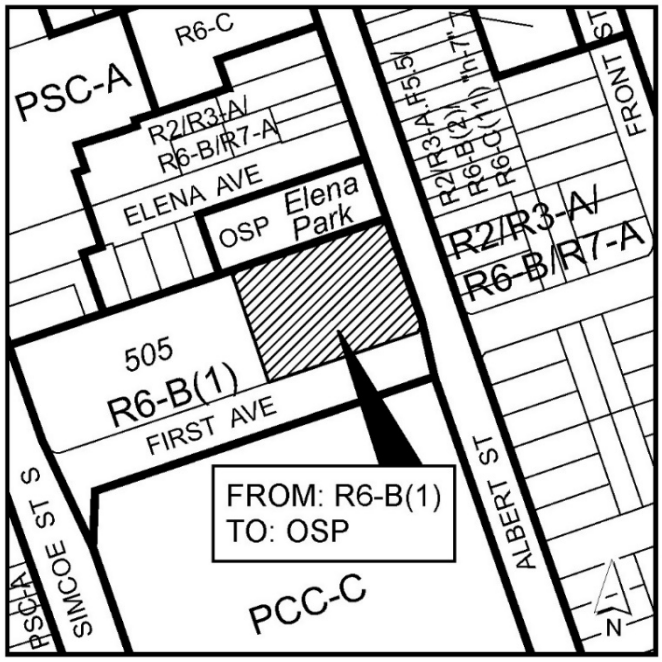
"11.3.3(5) Notwithstanding Sentence 5.1.4(7) to the contrary, in any R6-B(1) Zone, an accessory building or structure shall be permitted in the front yard provided any accessory building or structure is not located within the required minimum front yard, except any accessory building or structure existing as of the date of the passing of this By-law."

(d) Amend Article 11.3.3 by adding new Sentences 11.3.3(6) and 11.3.3(7) as follows:

"11.3.3(6) Notwithstanding any other provision of this By-law to the contrary, in any R6-B(1) Zone, the minimum rear yard depth shall be 7.5m.

11.3.3.(7) Notwithstanding any other provision of this By-law to the contrary, in any R6-B(1) Zone, there shall be no minimum required landscaped open space in the exterior side yard."

(e) Amend Schedule "A" – Map B2 of the Zoning By-law to rezone the lands generally located at the northwest corner of Albert Street and First Avenue as shown in hatching on the map below from R6-B(1) (Residential) to OSP (Park Open Space).



12. Zoning By-law Section 38(B): Mixed Use Zones

Issue:

The Mixed Use Zones implemented through Section 38(B) of the Zoning By-law were created with the intention of only being utilized along the Simcoe Street North corridor near the Durham College and Ontario Tech University campuses. One of the regulations of Section 38(B) requires new buildings to have a minimum 60% building frontage along Conlin Road East or Simcoe Street North. Specifically, the regulation requires new buildings to be located closer to these arterial roads such that at least 60% of the length of the property's frontage along the arterial road has to have part of a building located within a setback of between 3m (9.84 ft.) and 5.5m (18.04 ft.). Further, the height of the building within this setback has to be at least 5.5m (18.04 ft.). The purpose of this regulation is to create an urban, human-scale streetscape that encourages walking and transit use and locates parking areas behind buildings rather than in front of them.

The Mixed Use Zones are now being applied elsewhere in the City such as the Kedron Planning Area. Consequently, Sentence 38(B).2.2(a) will not apply to lands that do not have frontage on either Conlin Road East or Simcoe Street North.

It is recommended that reference to Conlin Road East and Simcoe Street North be replaced with reference to arterial roads in general, such that the minimum building frontage requirement of the Mixed Use Zones can also be applied adjacent to roads such as Harmony Road North, Ritson Road North and Britannia Avenue East.

The proposed amendment will not change the zoning of any lands within the City. The amendment is to recognize that the MU (Mixed Use) zone is now more widely applied

across the City than what was originally contemplated when the zone was created, which was along the Simcoe Street North corridor near Conlin Road East.

Proposed Amendment:

(a) Amend Sentence 38(B).2.2(a) to delete the text “Simcoe Street North or Conlin Road East, as the case may be,” and replacing it with the text “an arterial road”, such that Article 38(B).2.2 reads as follows:

“38(B).2.2 Notwithstanding the definitions in Section 2 of this By-law to the contrary, in any MU Zone, as shown on Schedule “A” to the By-law, the following definition shall apply:

(a) Minimum building Frontage means that percentage of the frontage on an arterial road where, cumulatively, the length of walls of main buildings facing the street are constructed in the area ranging from the minimum front yard and exterior side yard depth to the maximum front yard and exterior side yard depth applicable to the relevant Zone. Any areas affected by easements for hydro services shall be excluded from the frontage calculation.”

(b) Amend Sentence 38(B).3.13(5) to remove the provision such that it reads as follows:

“38(B).3.13(5) [deleted]”

(c) Amend Sentence 38(B).3.15(5) to remove the provision such that it reads as follows:

“38(B).3.15(5) [deleted]”

13. Zoning By-law Schedule “A”: Map A4

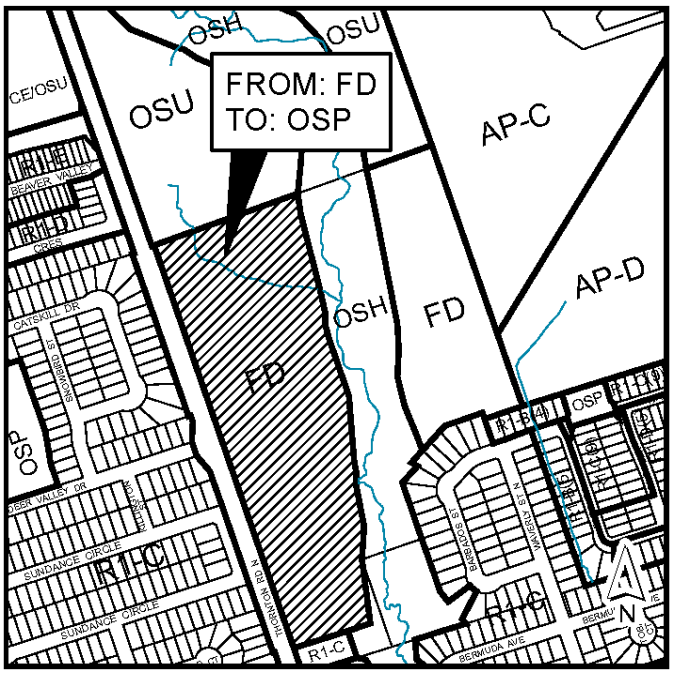
Issue:

The lands subject to this proposed amendment are generally located on the east side of Thornton Road North, opposite the Thornton Road North and Deer Valley Drive intersection, and are municipally known as 1095 Thornton Road North. The western portion of the property along Thornton Road North is zoned FD (Future Development). The northern portion of this site contains the City’s recently constructed B.M.X. Park and the City is currently constructing the new Rose Valley Community Park in the southerly portion of the site.

To reflect the current and future use of the property as a neighbourhood park, it is appropriate to rezone the lands from FD (Future Development) to OSP (Park Open Space) to reflect its current and future use.

Proposed Amendment:

(a) Amend Schedule "A" – Map A3 of the Zoning By-law to rezone the lands shown in hatching on the map below from FD (Future Development) to OSP (Park Open Space).



14. Zoning By-law Schedule "A": Maps B4 and North Half

Issue:

The subject lands are generally located on the south side of Windfields Farm Drive East, west of Bridle Road. The lands are comprised of two separate parcels owned by the Durham District School Board. The currently vacant lands are intended to be developed collectively by the Board as a public secondary school.

The two parcels are located within different plans of subdivision. The eastern parcel is part of Block 118 in Registered Plan 40M-2548 which was a plan of subdivision submitted by Minto and registered in 2015. The western parcel consists of Block 13 in Registered Plan 40M-2605 which was a plan of subdivision submitted by RioCan and registered in 2017.

The western parcel is zoned CIN/R1-E(21)/R3-A(8) "h-14" and the eastern parcel is zoned CIN/R1-E(21)/R3-A(8) in part and CIN/R1-D(3) in part. Staff note that the western parcel is subject to an "h-14" holding symbol whereas the eastern parcel does not currently have a holding symbol. The secondary school is permitted by the CIN zoning.

The holding symbol was removed from the Minto plan of subdivision in 2015, including for the eastern parcel. Registered Plan 40M-2605 containing the western parcel was registered in 2017 but the holding symbol has never been removed. The Durham District School Board purchased both parcels from the respective subdividers.

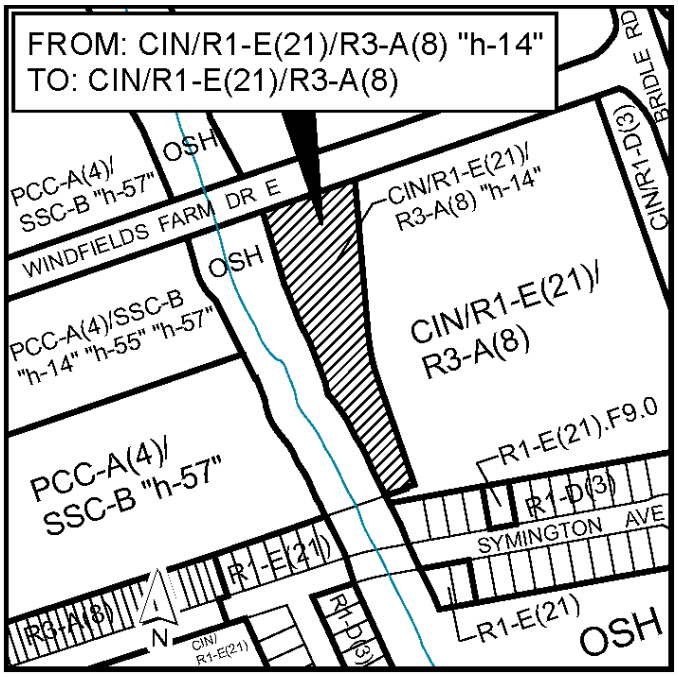
The purpose of the "h-14" holding symbol is to ensure appropriate arrangements are made for the provision of adequate sanitary, water, storm and transportation services and

facilities to serve the development and included in a subdivision agreement. This condition has already been fulfilled for the subject lands. Accordingly, it is appropriate to remove the "h-14" holding symbol from the western parcel so that it matches the eastern parcel.

The Durham District School Board intends to commence construction of the public secondary school in 2024.

Proposed Amendment:

(a) Amend Schedule "A" – Maps B4 and North Half of the Zoning By-law to rezone Block 13 in Registered Plan 40M-2605 as shown in the hatching on the map below from CIN/R1-E(21)/R3-A(8) "h-14" (Community Institutional/Residential) to CIN/R1-E(21)/R3-A(8) (Community Institutional/Residential).



15. Zoning By-law Schedule "A": Maps B4 and North Half

Issue:

The lands subject to this amendment are generally located on the east side of Simcoe Street North, south of Windfields Farm Drive East, and are municipally known as 2545 Simcoe Street North and 2530 Steeplechase Street. These lands consist of Block 9 in Registered Plan 40M-2605 which was a plan of subdivision submitted by RioCan and registered in 2017. The property is the site of Tribute Communities' Universal City Towers 2 and 3. The subject property is zoned PCC-A(4)/SSC-B "h-57" (Planned Commercial Centre/Automobile Service Station). However, the property does not require retention of the SSC-B (Automobile Service Station) Zone component as the property is being developed solely for residential purposes.

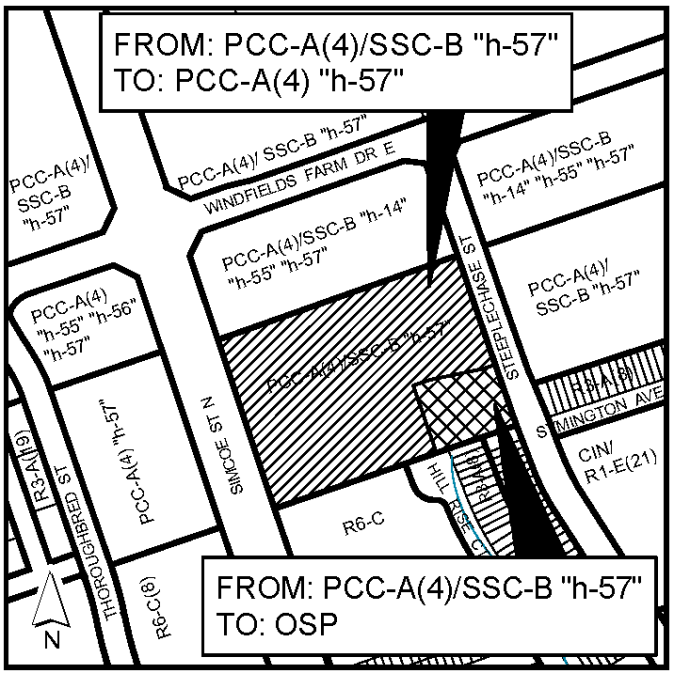
The SSC-B Zone was applied to several blocks within the aforementioned RioCan subdivision to allow a fuel bar and/or automobile service station to be developed, as necessary. This zoning permission is no longer appropriate for the subject lands.

Through the development process for the Universal City project, Tribute Communities provided a 0.373 hectare (0.92 ac.) parcel of land to the City as parkland dedication at the southeast corner of the subject property (2530 Steeplechase Street). These lands currently retain the PCC-A(4)/SSC-B “h-57” zoning.

It is appropriate to rezone the lands being developed for Towers 2 and 3 of the Universal City residential project from PCC-A(4)/SSC-B "h-57" (Planned Commercial Centre/Automobile Service Station) to PCC-A(4) "h-57" (Planned Commercial Centre) to reflect the intended use of these lands, and to rezone the future City parkette lands at the southeast corner of the subject site from PCC-A(4)/SSC-B "h-57" (Planned Commercial Centre/Automobile Service Station) to OSP (Park Open Space).

Proposed Amendment:

(a) Amend Schedule “A” – Maps B4 and North Half of the Zoning By-law to rezone the lands shown in hatching on the map below from PCC-A(4)/SSC-B “h-57” (Planned Commercial Centre/Automobile Service Station) to PCC-A(4) “h-57” (Planned Commercial Centre) in part and to OSP (Park Open Space) in part.



16. Zoning By-law Schedule “A”: Map C3

Issue:

The lands subject to this amendment are generally located at the southwest corner of Whitelaw Avenue and Townline Road North and are municipally known as 1200 Townline Road North. The subject property is currently zoned FD (Future Development). However, the property is owned by Hydro One Networks Inc. and is currently operating as a hydro substation.

The FD Zone is intended to apply to lands 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.

The subject property is designated Medium Density I Residential in the Pinecrest Part II Plan. It is appropriate to rezone the lands from FD (Future Development) to UT (Utilities) to reflect the existing use of the property. The UT (Utilities) Zone permits the following uses:

(a) Electric power transformer stations owned and operated by Ontario Hydro that transform power to 44 kv

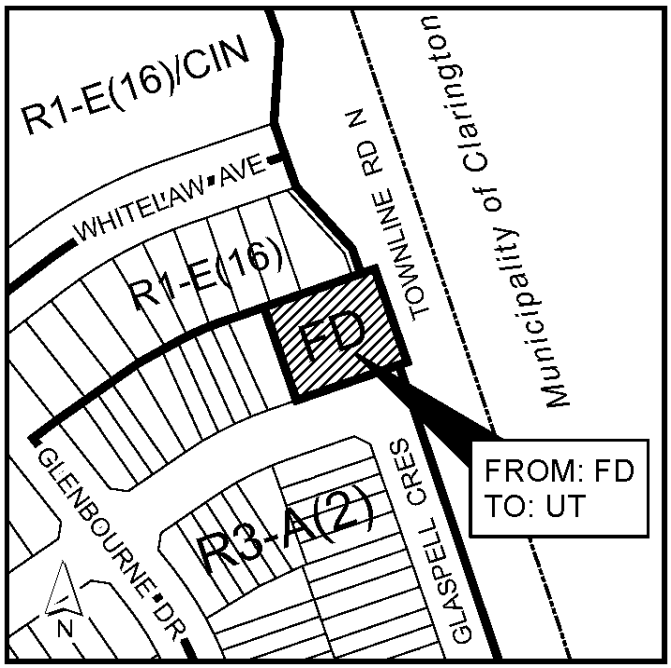
(b) Water pollution control plant

(c) Water supply plant

This proposed change conforms to the Oshawa Official Plan, as infrastructure and utilities (such as hydro substations) are generally permitted in any land use designation, pursuant to Policy 2.12.2.4 of the Oshawa Official Plan.

Proposed Amendment:

(a) Amend Schedule "A" – Map C3 of the Zoning By-law to rezone 1200 Townline Road North as shown in hatching on the map below from FD (Future Development) to UT (Utilities).



17. Zoning By-law Schedule "A": Map C4

Issue:

The subject lands are located at the northwest corner of Conlin Road East and Harmony Road North, and are municipally known as 2050 Harmony Road North. These lands

consist of Block 169 in Registered Plan 40M-2706 which was a plan of subdivision submitted by Sorbara in the Kedron Planning Area. This subdivision was draft approved and rezoned for development in 2018. After Council considered Report DS-18-148 dated September 20, 2018 and approved Sorbara's rezoning application. This included rezoning the subject lands to an appropriate MU/SSC (Mixed Use/Automobile Service Station) Zone to permit a range of residential and commercial uses, including a car wash and fuel bar.

This property is currently zoned MU-B.DBR 60-85/SSC “h-14” “h-30” (Mixed Use/Automobile Service Station).

There are three categories of SSC (Automobile Service Station) zoning in the Zoning By-law, namely SSC-A, SSC-B and SSC-C Zones. Subsections 21.1 and 21.2 of the Zoning By-law outline the uses permitted in each zone and the applicable regulations for each zone. The implementing zoning by-law for Sorbara's plan of subdivision inadvertently zoned the lands as SSC without including the suffix “-A”, “-B” or “-C”.

In view of the foregoing, it is appropriate to amend the Zoning By-law by amending Schedule “A” – Map C4 by changing the zoning of the subject lands from MU-B.DBR 60-85/SSC “h-14” “h-30” (Mixed Use/Automobile Service Station) to MU-B.DBR 60-85/SSC-C “h-14” “h-30” (Mixed Use/Automobile Service Station).

The SSC-C Zone permits a fuel bar, car wash and automobile service station.

Proposed Amendment:

(a) Amend Schedule “A” – Map C4 of the Zoning By-law to rezone the lands shown in hatching on the map below from MU-B.DBR 60-85/SSC “h-14” “h-30” (Mixed Use/Automobile Service Station) to MU-B.DBR 60-85/SCC-C “h-14” “h-30” (Mixed Use/Automobile Service Station).