

To: Economic and Development Services Committee

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

Report Number: ED-24-64

Date of Report: May 29, 2024

Date of Meeting: June 3, 2024

Subject: City-initiated Amendments to the Oshawa Official Plan and
Zoning By-law 60-94

Ward: All Wards

File: 12-12-4741

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 and Zoning By-law 60-94.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-24-64 dated May 29, 2024, 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 and Zoning By-law 60-94, generally in accordance with Attachment 1 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 Attachment 1. Advertising of the notice for the public meeting will be provided in accordance with the City's Public Notice Policy GOV-23-02.

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 Attachment 1 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 the Oshawa 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.

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.

In addition to the foregoing, several of the proposed amendments are intended to help support the City's efforts in implementing various action items in Plan Twenty30 that would improve the economic viability and quality of life for downtown businesses and residents, by:

- Achieving meaningful balance and revitalization in Downtown Oshawa by encouraging a greater diversity of businesses; and,
- Providing greater opportunities for accelerated development of high density residential and mixed-use developments in Downtown Oshawa.

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

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



Tom Goodeve, M.SC.PI., MCIP, RPP, Director,
Planning Services



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

1. Oshawa Official Plan Table 2: Residential Density Classification

Issue:

Table 2, Residential Density Classification, of the Oshawa Official Plan categorizes the various types of residential densities used in the City's primary planning document. Table 2 is to be used as a guideline in evaluating the appropriateness of the location of residential densities during the review of development proposals and as a guideline in determining the location of such densities in the preparation of Part II Plans. Table 2 includes General Representative Locational Criteria for each density category. The High Density II Residential density type, which is the highest density category in Table 2, generally applies to development located within or at the periphery of the Downtown Oshawa Urban Growth Centre, or in proximity to arterial roads within the Main Central Areas, Sub-Central Areas, Community Central Areas or within Intensification Areas along Regional Corridors. The High Density II Residential density type is identified in Table 2 as having a maximum permitted net residential density of 150 to 550 units per hectare (60 to 223 u/ac.) within the Downtown Oshawa Urban Growth Centre and a net residential density of 150 to 300 units per hectare (60 to 120 u/ac.) in locations other than within the Downtown Oshawa Urban Growth Centre.

It is appropriate to increase the upper limit of the High Density II Residential density range in Table 2 of the Oshawa Official Plan to allow for up to 1,000 units per hectare (404 u/ac.) within the Downtown Oshawa Urban Growth Centre. The effect of this amendment would be that residential densities of up to 1,000 units per hectare (404 u/ac.) will be permitted within the Downtown Oshawa Urban Growth Centre without the need for an Official Plan Amendment. The rationale in support of increasing the net residential density for the High Density II Residential density type to 1,000 units per hectare (404 u/ac.) lies in the fact that such a density range more accurately reflects current market trends, as evidenced by recent planning applications submitted to City staff over the last several years. Further, it serves to encourage the development of much needed high density residential and mixed-use projects in Downtown Oshawa at an accelerated pace.

It is also appropriate to delete the text "or at the periphery of" in Paragraph (i) of the General Representative Locational Criteria column in relation to the High Density II Residential density type. The text "or at the periphery of the Downtown Oshawa Urban Growth Centre" could potentially be argued as opening the door to permitting a net residential density of up to 1,000 units per hectare (404 u/ac.) outside of the Downtown Oshawa Urban Growth Centre simply for being close to or "at the periphery of" the boundary of the Downtown Oshawa Urban Growth Centre. The effect of this amendment would be that residential densities greater than 300 units per hectare (120 u/ac.) will generally only be permitted within the Downtown Oshawa Urban Growth Centre.

Proposed Amendments:

- (a) Amend Table 2, Residential Density Classification, contained in Section 2.3 of the Oshawa Official Plan by increasing the net residential density for lands "Within the

Downtown Oshawa Urban Growth Centre” from “150 to 550 units per hectare (60 to 223 u/ac.)” to “150 to 1,000 units per hectare (60 to 404 u/ac.)” under the High Density II Residential density type.

- (b) Amend Table 2, Residential Density Classification, contained in Section 2.3 of the Oshawa Official Plan by deleting the text “or at the periphery of” in Paragraph (i) of the General Representative Locational Criterial column in relation to the High Density II Residential density type, such that it reads as follows:

“(i) Generally located within the Downtown Oshawa Urban Growth Centre, or in proximity to arterial roads within the Main Central Areas, Sub-Central Areas, Community Central Areas or within Intensification Areas along Regional Corridors.”

2. Oshawa Official Plan: Schedule “A” – Land Use

Issue:

The structure of Central Areas in the City is comprised of two Main Central Areas, two Sub-Central Areas, three Community Central Areas and various Local Central Areas. Local Central Areas are symbolically designated with a circular dot on Schedule ‘A’, Land Use, of the Oshawa Official Plan.

Policy 2.1.1.2(d1) of the Oshawa Official Plan states:

“The Local Central Areas shall serve the day-to-day needs of the residents in the surrounding residential neighbourhoods and shall be planned and developed similar to, but generally smaller in scale than, Community Central Areas. Local Central Areas shall be planned to support an overall long-term density target of at least 24 residential units per gross hectare (9.71 residential units/gross ac.) and a *Floor Space Index* of 1.0.”

501, 503 and 505 Wentworth Street West are collectively designated as a Local Central Area on Schedule “A” and hence are contemplated to potentially be developed for residential purposes. However, there is potential for this Local Central area to erroneously be interpreted as not permitting residential development, given the current underlying Industrial designation shown on Schedule “A”, as opposed to a Residential designation. The lands are zoned PCC-D(2)/SSC-C (Planned Commercial Centre/Automobile Service Station) in Zoning By-law 60-94. These site specific zones do not permit residential uses.

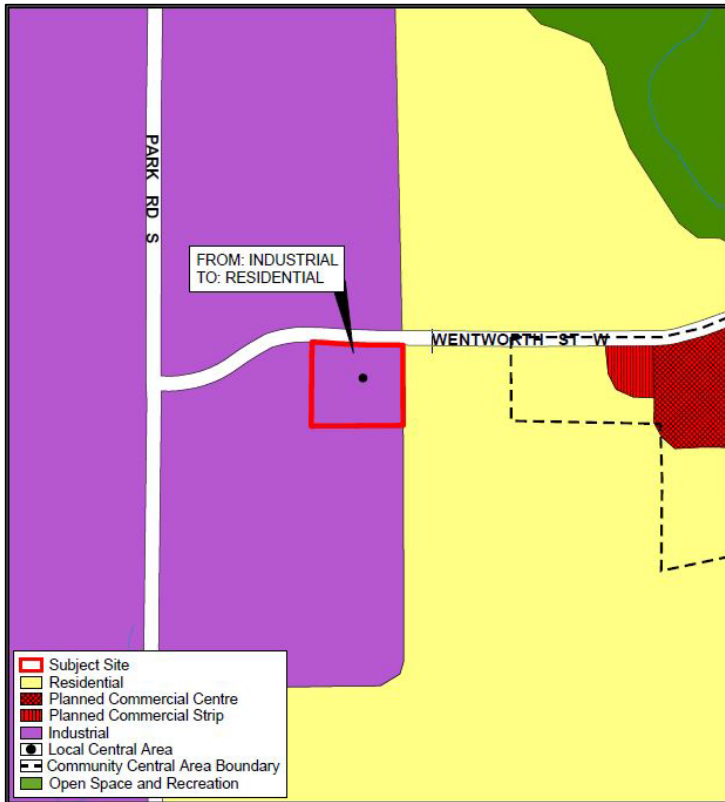
It is appropriate to amend Schedule ‘A’ to change the underlying designation of 501, 503 and 505 Wentworth Street West from Industrial to Residential due to the lands being located within an area identified as a Local Central Area which has an assigned residential density target. The amendment to the Official Plan can be supported at this time in view of the existing policies in the Official Plan. However, a future zoning by-law amendment would be required in the event the lands are proposed to be developed for residential uses, the type of which is unknown in the absence of a development proposal.

The subject lands are currently designated as Living Areas in the Durham Regional Official Plan. The Durham Regional Official Plan will be replaced with a new official plan entitled “Envision Durham”, which was adopted by the Region in 2023 but has not yet been

approved by the Province. Envision Durham identifies these lands as Community Areas and not as Employment Areas.

Proposed Amendment:

(a) Amend Schedule ‘A’, Land Use, of the Oshawa Official Plan to show 501, 503 and 505 Wentworth Street West with an underlying “Residential” land use designation, as shown on the map provided:



3. Zoning By-law Section 2: Definitions

Issue:

Indoor virtual golf simulator establishments are growing in popularity. However, they are considered places of amusement due to the definitions of “Place of Amusement” and “Amusement Machine” which capture electronic machines or devices which are intended for use as a game or source of entertainment. Places of amusement are only permitted as a main use in a few select areas in the City or as an accessory use to cinemas, hotels, restaurants, taverns and commercial recreation establishments, due to past concerns associated with video game arcades. Several virtual golf simulator establishments have been permitted in recent years by way of minor variance applications approved by the Committee of Adjustment.

It is recommended that the definition of “Commercial Recreation Establishment” be amended to include a virtual golf simulator. Commercial Recreation Establishments are permitted in the following zones: CBD-A and CBD-B (Central Business District) Zones [to be changed to UGC-A and UGC-B (Urban Growth Centre) Zones], PCC (Planned

Commercial Centre) Zones, PSC-A (Planned Strip Commercial) Zones, SPC (Special Purpose Commercial) Zones, AP-B(1) (Airport) Zones, MU-B and MU-C (Mixed Use) Zones, and certain SI-A (Select Industrial) Zones.

Below are relevant definitions found in Zoning By-law 60-94 (the “Zoning By-law”):

“**PLACE OF AMUSEMENT**” means a building or part of a building within which three or more amusement machines are available to the public.

“**AMUSEMENT MACHINE**” means any mechanical or electronic machine or device intended for use as a game or source of entertainment or amusement offered for use by the public or by any person and shall include a pinball machine, television game, shooting gallery or other similar machine or device including an automatic machine or slot machine that dispenses as prizes one or more free games, but shall not include any machine used only for the purpose of vending merchandise or services or playing recorded music or any billiard, pool or bagatelle table or any machine that would render the premises a common gaming house within the meaning of The Criminal Code of Canada.

“**COMMERCIAL RECREATION ESTABLISHMENT**” means a building or part of a building where entertainment is offered for a fee including such uses as an arena, stadium, auditorium, banquet hall, assembly hall, billiard hall, bingo hall, bowling alley, dance hall, gym or fitness centre, ice or roller rink, curling rink, indoor track, indoor racquet courts, indoor swimming pool and any other such similar use, but does not include a place of amusement, cinema or theatre.

Proposed Amendment:

(a) Amend the definition of “Commercial Recreation Establishment” by adding the text “, virtual golf simulator” after the word “pool” and before the text “and any other such similar use”, such that the definition reads as follows:

““**COMMERCIAL RECREATION ESTABLISHMENT**” means a building or part of a building where entertainment is offered for a fee including such uses as an arena, stadium, auditorium, banquet hall, assembly hall, billiard hall, bingo hall, bowling alley, dance hall, gym or fitness centre, ice or roller rink, curling rink, indoor track, indoor racquet courts, indoor swimming pool, virtual golf simulator and any other such similar use, but does not include a place of amusement, cinema or theatre.”

4. Zoning By-law Sections 2 and 5 and Subsection 16.4: Definitions, Uses Permitted in Certain Zones and Provisions Applying to Main Shopping and Pedestrian Streets in the Central Business District

Issue:

Policy 2.2.2.6 of the Oshawa Official Plan states:

“The City shall promote a high quality retail and pedestrian-oriented environment along the main shopping and pedestrian streets within the Downtown Oshawa Urban Growth Centre. The following criteria shall be generally used to determine

permitted uses along the main shopping and pedestrian streets in the Zoning By-law:

- (a) Create pedestrian activity;
- (b) Street-oriented uses on the first floor;
- (c) Generate business activity;
- (d) Compatible with other permitted uses;
- (e) Avoid an undue concentration of uses that reduce the quality of the pedestrian environment; and
- (f) Contribute to a positive downtown image.”

Subsection 16.4 of the Zoning By-law includes provisions that apply to the main shopping and pedestrian streets in the Central Business District.

Article 16.4.2 regulates the minimum separation distance requirements between certain uses including a payday loan business, tattoo parlour and pawn shop within the area shown in hatching on Schedule “G” of the Zoning By-law. The minimum separation distance between these uses within Schedule “G” of the Zoning By-law is currently 50 meters.

The Business Licensing By-law 120-2005 also regulates certain uses. Schedule “S” of the Business Licensing By-law 120-2005 includes provisions that apply to payday loan businesses. Section 5 of Schedule “S” regulates the issuing of licences of payday loan establishments. Subsection 5(c) notes that no new payday loan establishments shall be issued a licence if the application is to be located in the Downtown Oshawa Urban Growth Centre, as defined in the Oshawa Official Plan.

On April 29, 2024, City Council considered Report SF-24-06, and directed staff to prepare by-laws for Council approval to establish a new Business Licensing By-law to regulate certain businesses in the City of Oshawa, including vapour product shops. In consultation with the public and the Durham Region Health Department, and during bench marking of municipal comparators, vapour product shops were identified as presenting a level of health and safety, consumer protection and nuisance risk which warrant regulation and licensing.

It is appropriate to propose changes to the Zoning By-law that will avoid the undue geographical concentration of uses that, cumulatively when present in relatively large numbers, reduce the quality of the pedestrian environment in the Downtown Oshawa Urban Growth Centre, and instead assist to deliver a wide variety of diverse uses at street level in the Downtown Oshawa Urban Growth Centre, thereby creating pedestrian activity and contributing to a vibrant, positive downtown image. These proposed amendments to the Zoning By-law would contribute to a high quality retail and pedestrian-oriented environment along the main shopping and pedestrian streets, and the Downtown Oshawa Urban Growth Centre as a whole. Amending the Zoning By-law in this regard will also assist in bringing the Zoning By-law, Oshawa Official Plan and the Business Licensing By-law 120-2005 into alignment.

Proposed Amendment:

- (a) Add the following definition for Vapour Product Shop in Section 2.0, Definitions, after the definition for “University Residence” and before the definition for “Vehicle”:

“**VAPOUR PRODUCT SHOP**” means a retail store in which ten percent (10%) or more of the gross floor area is used for the sale of vapour products. Vapour product means an electronic cigarette, any substance that is manufactured or sold to be used in an electronic cigarette, or any component of an electronic cigarette and includes the package in which the electronic cigarette, substance or component is sold.”

- (b) Add a new Subsection 5.17 and Articles 5.17.1 and 5.17.2 that would read as follows:

“5.17 Payday Loan Establishment, Tattoo Parlour, Pawn Shop, Vapour Product Shop, Adult Use Store

5.17.1 No payday loan establishment, tattoo parlour, pawn shop, vapour product shop or adult use store situated on a lot outside of the hatched area shown on Schedule “I” to this By-law shall:

(a) Be located closer than 150 metres to another lot outside of the hatched area shown on Schedule “I” to this By-law occupied by the same use;
and,

(b) Be located closer than 400 metres to another lot within the hatched area shown on Schedule “I” to this By-law occupied by the same use.

5.17.2 Notwithstanding any provision of this By-law to the contrary, no vapour product shop shall be located within 150 metres of a lot containing any of the following uses:

- (a) School
- (b) Park
- (c) Day Care Centre
- (d) Hospital”

- (c) Amend Article 16.1.1 which identifies the list of permitted uses in the CBD Zone (proposed to be replaced with a new UGC Zone category, as discussed under Item 6 of this Attachment) by amending item (q) relating to Financial Institutions to explicitly state that payday loan establishments are excluded, such that it reads as follows:

“(q) Financial Institution, excluding payday loan establishments.”

- (d) Delete Article 16.4.2 in its entirety and replace it with the following:

“16.4.2 No tattoo parlour, pawn shop, vapour product shop, social service establishment or adult use store situated on a lot within the hatched area shown on Schedule “I” to this By-law shall be located closer than 400 metres to another lot occupied by the same use.”

- (e) Amend the legend of Schedule “I”, Urban Growth Centre, of the Zoning By-law to include references to Articles 5.17.1 and 16.4.2 in addition to Article 5.15.11, such that it reads: “Area subject to Articles 5.15.11, 5.17.1 and 16.4.2 of this By-law”.

5. Zoning By-law Subsection 5.12: Accessory Apartments

Issue:

As part of the City’s annual City-initiated amendments to Zoning By-law 60-94 in 2023, the City implemented updated zoning regulations for accessory apartments in a manner appropriate for the Oshawa context, addressing such matters as parking requirements and size and setbacks of accessory buildings containing accessory apartments.

The Zoning By-law was also amended to specify where accessory apartments are not appropriate and included setbacks to railways and highways. Further regulations were included to prevent the establishment of new accessory apartments in hazard lands.

Through a Watershed Flood-Risk Assessment (2017), the Central Lake Ontario Conservation Authority identified an at-risk area upstream of the Canadian Pacific Railway subject to flooding within the City of Oshawa.

This flood hazard area has historically been managed using the two-zone concept. A specific policy has been in use for this two-zone concept area that provides direction on the type and form of development that may be permitted within such an area due to flooding constraints. Policies with respect to the Two Zone Flood Plan Management Policy Area are included within the Oshawa Official Plan, namely policies 5.8.9, 5.8.10, and 6.4.9.

The Two Zone Floodplain Mapping and Flood Mitigation Study for Oshawa and Goodman Creeks was completed in 2021 (“2021 Study”). The Central Lake Ontario Conservation Authority is in the process of updating the regulated area mapping under new Ontario Regulation 41/24, and recently updated the Oshawa Two-Zone Flood mapping. Mapping updates to Schedules “B”, “B-1” and “B-2” of the Zoning By-law are anticipated in 2025. The 2021 Study identified roads where the flood depth would be greater than 0.4 metres (1.31 ft.). Any properties adjacent to these road segments do not have safe access during a flood event. As a result, any new development or redevelopment in areas so affected is not permitted, and new accessory apartments in existing houses should also not be permitted as it is not appropriate to add population to these at-risk areas.

The proposed amendment will provide further clarity for where accessory apartments are permitted within the City and would not permit accessory units in areas rendered inaccessible by emergency vehicles as a result of a major flooding event.

Proposed Amendment:

- (a) Amend Sentence 5.12.1(b) to delete the text “or erosion hazard limits” and replace with the text “, erosion hazard limits or areas without safe access in the event of a natural hazard emergency” such that Sentence 5.12.1(b) reads as follows:

- “(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, erosion hazard limits or areas without safe access in the event of a natural hazard emergency.”

6. Zoning By-law Article 14.3.12 and Sections 16 and 39: Specialized Office Zones, CBD – Central Business District Zones and Parking and Loading

Issue:

Together with the related amendments to the Oshawa Official Plan discussed under Item 1 of this Attachment, advancing intensification in the Downtown Oshawa Urban Growth Centre through a City-initiated zoning by-law amendment is recommended in order to assist with the City’s efforts to achieve intensification targets set out in the Growth Plan for the Greater Golden Horseshoe, the Durham Regional Official Plan and the Oshawa Official Plan. This will facilitate development that will help deliver a variety of higher density housing types to help serve the City’s diverse housing needs. It will also reduce the need for site-specific rezoning applications and minor variance applications to be submitted by developers where proposed development is permitted by the Oshawa Official Plan but not the Zoning By-law, thereby streamlining and accelerating the development approval process.

Integral to efforts to meaningfully advance intensification in the Downtown Oshawa Urban Growth Centre is the advancement of associated amendments to reduce minimum residential parking requirements, as the relationship between increasing densities and the ability to provide parking is one that is inversely proportional in nature. On May 1, 2023, Council considered Report ED-23-77 dated April 12, 2023 concerning City-initiated amendments to the Oshawa Official Plan and Zoning By-law related to the City of Oshawa Parking Study. While Council had previously endorsed the City-wide Study pursuant to Memorandum CNCL-22-76 dated November 15, 2022, amendments to the Oshawa Official Plan and Zoning By-law to implement the recommended City-wide Parking Study standards did not proceed pursuant to Council’s consideration of Report ED-23-77 dated April 12, 2023. However, with the current focus on facilitating intensification within the Downtown Oshawa Urban Growth Centre specifically, it is appropriate to consider area-specific reduced parking rates for development in this area of the City for the following reasons:

- The Downtown Oshawa Urban Growth Centre is designated as a strategic growth area in Envision Durham, the Region of Durham’s Official Plan, currently awaiting approval by the Province. Urban Growth Centres are the highest order urban centre within the Urban System and are to be planned as areas of significant population and employment growth and support higher order transit services.
- Policy 8.1.3(e) of Envision Durham provides that the Region will “encourage provision for alternative development standards, including reduced minimum parking requirements, potential redevelopment of existing surface parking and the establishment of maximum parking requirements for both privately initiated development applications and area municipal zoning by-laws, which are tailored to the level of transit service proposed”.
- Policy 6.4.3 of the Oshawa Official Plan encourages “residential intensification as a sustainable option that endeavors to address the issue of affordable housing, make

better use of existing municipal services and facilities, create more compact, transit-supportive, pedestrian-friendly and energy-efficient urban form, and help to promote active transportation.”

- Reducing parking minimums within the Downtown Oshawa Urban Growth Centre will assist to accelerate development by providing developers with more design flexibility, allowing land to be used more efficiently and streamlining the development process for proposals seeking reduced parking rates.
- The Downtown Oshawa Urban Growth Centre is at the crossroads of the two highest volume transit routes in the Region of Durham (Highway 2 and Simcoe Street), both of which are actively being planned for Rapid Transit system improvements.

Proposed Amendments:

(a) Revise the CBD (Central Business District) Zones by relabelling them as UGC (Urban Growth Centre) Zones.

(b) Amend Article 16.1.1 to replace the text reference to “CBD” with “UGC-A or UGC-B”, such that the opening sentence reads as follows:

“No person shall within any UGC-A or UGC-B Zone use any land or erect or use any building or structure for any purpose or use other than the uses listed below:”

The uses listed in Article 16.1.1 will be permitted in both the UGC-A (Urban Growth Centre) Zone and UGC-B (Urban Growth Centre) Zone. The uses permitted in these zones will be the same as the uses currently permitted in the CBD (Central Business District) Zones.

(c) Introduce a new UGC-A (Urban Growth Centre) Zone for lands generally fronting onto the downtown’s main shopping streets (see Appendix 1) to include the following as permitted uses:

(i) Any use currently permitted in the CBD (Central Business District) Zone.

Appendix 4 is a list of uses currently permitted in the CBD (Central Business District) Zone.

(d) Introduce a new UGC-B (Urban Growth Centre) Zone for lands generally not fronting onto the downtown’s main shopping streets (see Appendix 1) to include the following as permitted uses:

(i) Any use currently permitted in the CBD (Central Business District) Zone.

Appendix 4 is a list of uses currently permitted in the CBD (Central Business District) Zone.

- (e) Introduce a new UGC-C (Urban Growth Centre) Zone for certain lands generally at peripheral locations of the Downtown Oshawa Urban Growth Centre (see Appendix 1) to include the following as permitted uses:
- a) Apartment building
 - b) Long Term Care Facility
 - c) Nursing home
 - d) Retirement home

For lands shown in Appendix 1 as being subject to the proposed UGC-C (Urban Growth Centre) Zone, sites with existing compound zoning will continue to have compound zoning provided the zones are not residential zones [e.g. a site zoned R6-B/SO-A (Residential/Specialized Office) would be rezoned as UGC-C/SO-A (Urban Growth Centre/Specialized Office)].

- (f) Amend Schedule “A” – Map B2 to change the zoning of certain lands, with or without compound zones, within the Downtown Oshawa Urban Growth Centre from their current zones to new UGC-A, UGC-B and UGC-C (Urban Growth Centre) Zones in accordance with Appendix 1. Notwithstanding this change, any existing CBD-B (Central Business District) Zone that is also a compound SSC-C (Automobile Service Station) Zone will include a car wash as a permitted use in addition to the list of UGC (Urban Growth Centre) uses identified in Appendix 4.

Existing site-specific CBD (Central Business District) Zones with special conditions will generally continue to be subject to the same special conditions but will be renamed as UGC (Urban Growth Centre) Zones [e.g. the lands zoned as CBD-A(1) will be changed to UGC-A(1)]. Existing site-specific R6 (Residential) Zones, SPC (Special Purpose Commercial) Zones and FD (Future Development) Zones with special conditions will generally continue to be subject to the same special conditions but will be renamed as new site specific UGC-B (Urban Growth Centre) Zones, as appropriate [e.g. the lands zoned as SPC-A(5) will be changed to a site-specific UGC-B(#) zone].

Existing zones within the Downtown Oshawa Urban Growth Centre that are subject to a holding symbol(s) will continue to be subject to the same Holding Zone provisions associated with the applicable holding symbol(s).

Certain lands that are currently zoned to permit lodging houses are proposed to be rezoned to UGC-C (Urban Growth Centre) Zone. The standard UGC-C (Urban Growth Centre) Zone would not permit lodging houses. Accordingly, site specific zoning to maintain permission for lodging houses would be applied to only those lands that currently have a lodging house in place.

There are certain lands that currently do not permit lodging houses that are proposed to be rezoned to UGC-B (Urban Growth Centre) Zone which would permit lodging houses. These lands consist of the following:

- 30 to 76 Colborne Street East
- 102 to 104 Centre Street North
- 29 Charles Street
- 155 King Street East

- 170 to 196 Athol Street East
- 20 to 24 and 21 to 29 Drew Street
- 55 Bruce Street
- 71 to 109 Bruce Street
- 154 Bruce Street
- 92 Albert Street
- 115 to 125 Albert Street
- Both sides of Court Street between Bruce Street and John Street East
- The area bounded by William Street East, Ritson Road North, Bond Street East and Division Street

(g) Amend Schedule “A”– Map B2 to change the Residential zoning of certain lands within the Downtown Oshawa Urban Growth Centre to increase opportunities for more intensive development, in accordance with Appendix 2.

(h) Amend Article 16.2.1 to replace the text reference to “CBD” with “UGC”, such that the opening sentence reads as follows:

“No person shall within any UGC Zone use any land or erect or use any building or structure except in compliance with the regulations as set out in Table 16.2.”

(i) Amend “Table 16.2 – Regulations for CBD Zones” to reflect the new UGC (Urban Growth Centre) Zones, the associated residential densities and regulations by:

(i) Changing the name to “Table 16.2 – Regulations for UGC Zones”.

(ii) Changing the heading of the CBD-A column to “UGC-A” and the heading of the “CBD-B” column to “UGC-B”.

(iii) Adding a new column with the heading “UGC-C”.

(iv) Update the associated “CBD” zoning regulations for the newly-renamed UGC-A and UGC-B Zones, and introduce new regulations for the newly-created UGC-C Zone, to help achieve the intent of the proposed Oshawa Official Plan amendments outlined under Item 1 of this Attachment, namely, to increase densities in the Downtown Oshawa Urban Growth Centre. Some of the key new or updated zoning regulations for these zones include:

- Establishing a minimum building frontage requirement of 60% along an arterial road in all UGC Zones.
- Increasing the maximum residential density from 550 units per hectare (223 u/ac.) to 1,000 units per hectare (404 u/ac.) in the UGC-A and UGC-B Zones.
- Establishing a maximum residential density of 300 units per hectare (120 u/ac.) in the UGC-C Zone.
- Establishing a minimum residential density of 60 units per hectare (24 u/ac.) in the UGC-C Zone.

- Requiring the floor area of the uppermost storey of a building to be a minimum of 50% of the ground floor area of the same building for any building 4 (four) storeys in height or less.
- Implementing a regulation such that, notwithstanding the minimum required height in Table 16.2, a maximum of 25% of the coverage of any individual main building in a UGC Zone may be less than the minimum building height.
- Establishing a minimum height requirement of 4.5 metres (14.8 ft.) for the ground floor in the UGC-A and UGC-B Zones.
- Establishing a minimum building height requirement of 12 metres (39.4 ft.) in the UGC-A and UGC-B Zones, and 9.0 metres (29.5 ft.) in the UGC-C Zone.
- The tool for regulating maximum building height in all UGC Zones will be a separate schedule in the Zoning By-law. Appendix 3 indicates the proposed maximum building heights. For certain lands the maximum height will be based on Transport Canada's Oshawa Airport Zoning Regulations related to the Oshawa Executive Airport, to ensure there are no conflicts with flight paths associated with the airport. No portion of any building should exceed 180 metres (590.5 ft.) above sea level in certain areas. Certain areas in the Downtown Oshawa Urban Growth Centre will maintain their existing height permissions.

Appendix 5 shows the proposed changes to Table 16.2 and the associated regulations.

- (j) Delete Sentences 16.3.4(1) and 16.3.6(1) (which stipulate the maximum permitted heights at 67 and 87 Simcoe Street North and the south side of Richmond Street East between Mary Street North and Ontario Street, respectively), and renumber the balance of the sentences under Articles 16.3.4 and 16.3.6 accordingly. The maximum height at these sites will be regulated by the new schedule noted above, which will result in greater height permissions than what is currently permitted in the Zoning By-law.
- (k) Delete Sentences 16.3.5(2), 16.3.6(2), 16.3.7(2) and 16.3.9(2) (which stipulates the maximum permitted density at 80 Bond Street East, the lands on the south side of Richmond Street East between Mary Street North and Ontario Street, 35 Division Street and 39 Athol Street West, respectively), and renumber the balance of the sentences under Articles 16.3.5, 16.3.6, 16.3.7 and 16.3.9 accordingly. The maximum density at these sites will be regulated by the updated Table 16.2 which will permit up to 1,000 units per hectare.
- (l) Delete Article 14.3.12 pertaining to the SO-C(1) Zone which permits a restaurant use as an additional permitted use on certain lands generally located north of Athol Street East, west of Drew Street and north of Bond Street East between Division Street and Kenneth Street. These lands will be rezoned to UGC-B which will permit a wide range of residential and non-residential uses, including restaurants.
- (m) Amend Subsection 16.4 (Provisions Applying to Main Shopping and Pedestrian Streets in the Central Business District) to replace the text "Central Business District" with the

text “Downtown Oshawa Urban Growth Centre and to the Downtown Oshawa Urban Growth Centre at Large”.

- (n) Add a new Schedule “N”, Maximum Permitted Heights in the Downtown Oshawa Urban Growth Centre, based on Appendix 3.
- (o) Amend Schedule “G”, Main Pedestrian and Shopping Streets in the Central Business District, by replacing the text “Central Business District” with the text “Downtown Oshawa Urban Growth Centre”.
- (p) Maintain all existing site specific zoning conditions, where appropriate.
- (q) Amend Table 39.3B – Residential Parking Requirements by introducing new reduced parking rates for lands in the Downtown Oshawa Urban Growth Centre and eliminating the application of separate parking rates based on tenure (i.e. rental versus condominium) for certain types of residential uses within the Downtown Oshawa Urban Growth Centre.

Appendix 6 shows the proposed changes to Table 39.3B.

7. Zoning By-law Section 18: Planned Strip Commercial

Issue:

In PSC (Planned Strip Commercial) Zones, standalone residential buildings are currently held to the more stringent standards of Residential Zones for development, whereas a mixed use building which includes a commercial use and has flats is required to comply with the regulations of the PSC (Planned Strip Commercial) Zone, which are typically more flexible.

For example, if a developer was to construct a four-storey mixed use building with a ground floor commercial unit and residential flats on the upper storeys, the building would only be required to comply with the PSC (Planned Strip Commercial) regulations. Under this development scenario, the PSC (Planned Strip Commercial) Zone regulations would require 0 metre front yard and exterior side yard depths, 0 metre rear yard and interior side yard depths to neighbouring commercially zoned properties, or 4.5 metre (14.76 ft.) rear yard and interior side yard depths to neighbouring residentially zoned properties. However, if the project was a four-storey standalone apartment building the requirements of the R6-B (Residential) Zone would instead apply, including increased minimum yard depths, reduced maximum lot coverage, and requirements for minimum landscaped open space.

As currently written, the existing regulations could potentially result in the manifestation of a highly varied streetscape along stretches of properties which are zoned as PSC (Planned Strip Commercial). If two properties situated side-by-side were developed as four-storey buildings, but one included commercial uses, the mixed use building could have a front yard depth of 0 metres whereas the standalone apartment building next door would require a front yard depth of 6 metres (19.69 ft.). Further, the rear yard depth required for the four-storey standalone apartment building would be 16 metres (52.49 ft.) whereas the four-storey mixed use building could have a rear yard depth of 0 metres,

3 metres (9.84 ft.) or 4.5 metres (14.76 ft.), depending on the type of zoning of the neighbouring property.

To provide further flexibility for developing low-rise standalone apartment buildings in PSC (Planned Strip Commercial) Zones, it is appropriate to remove the regulations pertaining to such development which relate to the R6-B (Residential) Zone with the exception of the minimum lot frontage requirement. The minimum lot frontage requirement would continue to match that of the R6-B (Residential) Zone, but a standalone apartment building would not be subject to any other regulations of the R6-B (Residential) Zone. Rather, a standalone low rise apartment building would instead be subject to the regulations of the PSC (Planned Strip Commercial) Zone, including those with respect to yard depths.

Proposed Amendments:

- (a) Amend Article 18.2.3 to delete the text “the regulations in Table 11.2 and the relevant general provisions applicable to the R6-B Zone shall apply to such use, provided that the maximum height shall not exceed 13.0m” and add the text “the minimum lot frontage shall be 25.0m” after the text “PSC Zone,” such that it reads as follows:

“18.2.3 For any standalone apartment building permitted in any PSC Zone, the minimum lot frontage shall be 25.0m.”

8. Zoning By-law Section 28: Select Industrial Zone

Issue:

New multi-unit industrial buildings were recently constructed at 452, 462 and 472 Taunton Road West. The SI-A(18) (Select Industrial) zoning of these lands permits a range of commercial and light industrial uses, including an eat-in restaurant. An eat-in restaurant is a restaurant where food is sold primarily for immediate consumption on the premises and food is served in non-disposable containers but does not include a fast food restaurant.

Conversely, the Select Industrial zoning of all other lands on the north side of Taunton Road West between the Goodman Creek to the west and the Oshawa Creek to the east permits the full range of restaurant uses.

For consistency, it is recommended that the SI-A(18) (Select Industrial) Zone applicable to 452, 462 and 472 Taunton Road West be amended to add “restaurant” as a permitted use and delete “eat-in restaurant”.

Proposed Amendment:

- (a) Amend the heading of Article 28.3.22 by deleting the address range “450-464” and replacing it with “452, 462 and 472” such that the heading reads as follows:

“SI-A(18) Zone (452, 462 and 472 Taunton Road West)”

- (b) Amend Sentence 28.3.22(1) by deleting item (i), Eat-in restaurant from the list of permitted uses in the SI-A(18) Zone and renumber the list accordingly.

- (c) Amend Sentence 28.3.22(1) by adding a new item (q), Restaurant, to the list of permitted uses in the SI-A(18) Zone after the use “Research and development establishment” and before the use “Sales outlet”, and renumber the list accordingly.

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

Issue:

The Mixed Use Zone regulations in Section 38(B) of the Zoning By-law were initially 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 that loading spaces and refuse enclosures not be permitted to the east of any building constructed within 20m of a Residential Zone. The purpose of this regulation is to limit impacts on the existing residential areas outside of the main corridor near the campuses.

Article 38(B).2.4 reads as follows:

“Notwithstanding any other provision of this By-law to the contrary, in any MU Zone, parking areas, loading spaces or refuse enclosures are only permitted in rear and interior side yards, providing that no parking area, loading space or refuse enclosure is permitted between a building and a street line for any building located within 20m of a street line and provided that in any MU-C Zone no loading space or refuse enclosure shall be permitted to the east of any building constructed within 20m of a Residential Zone.”

The Mixed Use Zones are now being applied elsewhere in the City such as the Kedron Planning Area. Consequently, Article 38(B).2.4 may not apply to lands that do not have frontage on Simcoe Street North.

It is recommended that the reference in Article 38(B).2.4 to locations of loading spaces and refuse enclosures not being permitted to the east of a building be deleted given its specific contextual nature, which no longer applies across all lands zoned MU-C in the City. The proposed amendment will no longer specifically reference Residential zones but continue to protect the streetscape. The MU Zones require a 4.5 metre (14.67 ft.) landscape strip abutting neighbouring residential properties where no loading space, refuse enclosure, building or parking area may be located.

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 focused originally along the Simcoe Street North corridor near Conlin Road East.

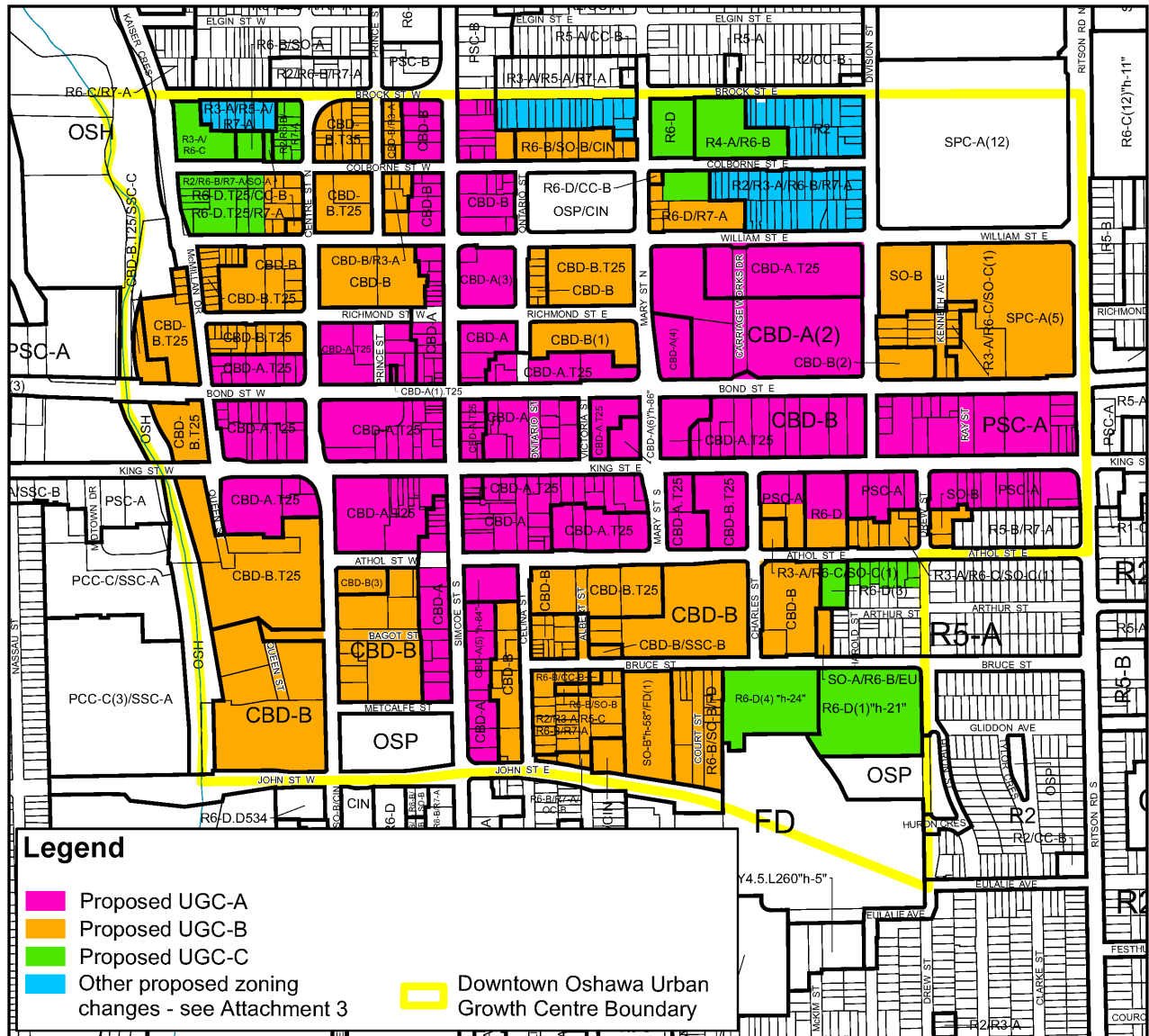
Proposed Amendment:

- (a) Amend Article 38(B).2.4 to delete the text “and provided that in any MU-C Zone no loading space or refuse enclosure shall be permitted to the east of any building

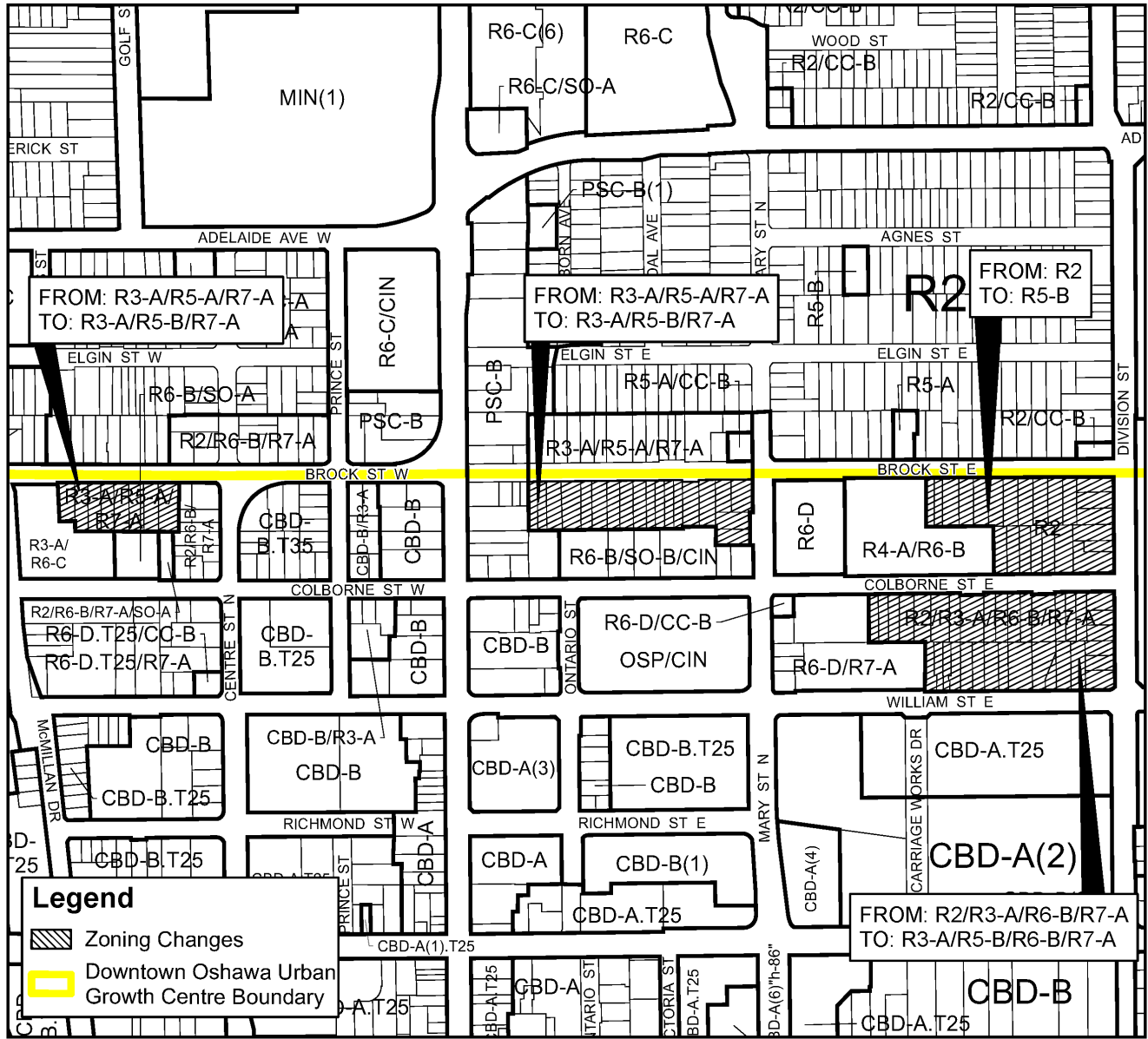
constructed within 20m of a Residential Zone”, such that Article 38(B).2.4 reads as follows:

“38(B).2.4 Notwithstanding any other provision of this By-law to the contrary, in any MU Zone, parking areas, loading spaces or refuse enclosures are only permitted in rear and interior side yards, providing that no parking area, loading space or refuse enclosure is permitted between a building and a street line for any building located within 20m of a street line.”

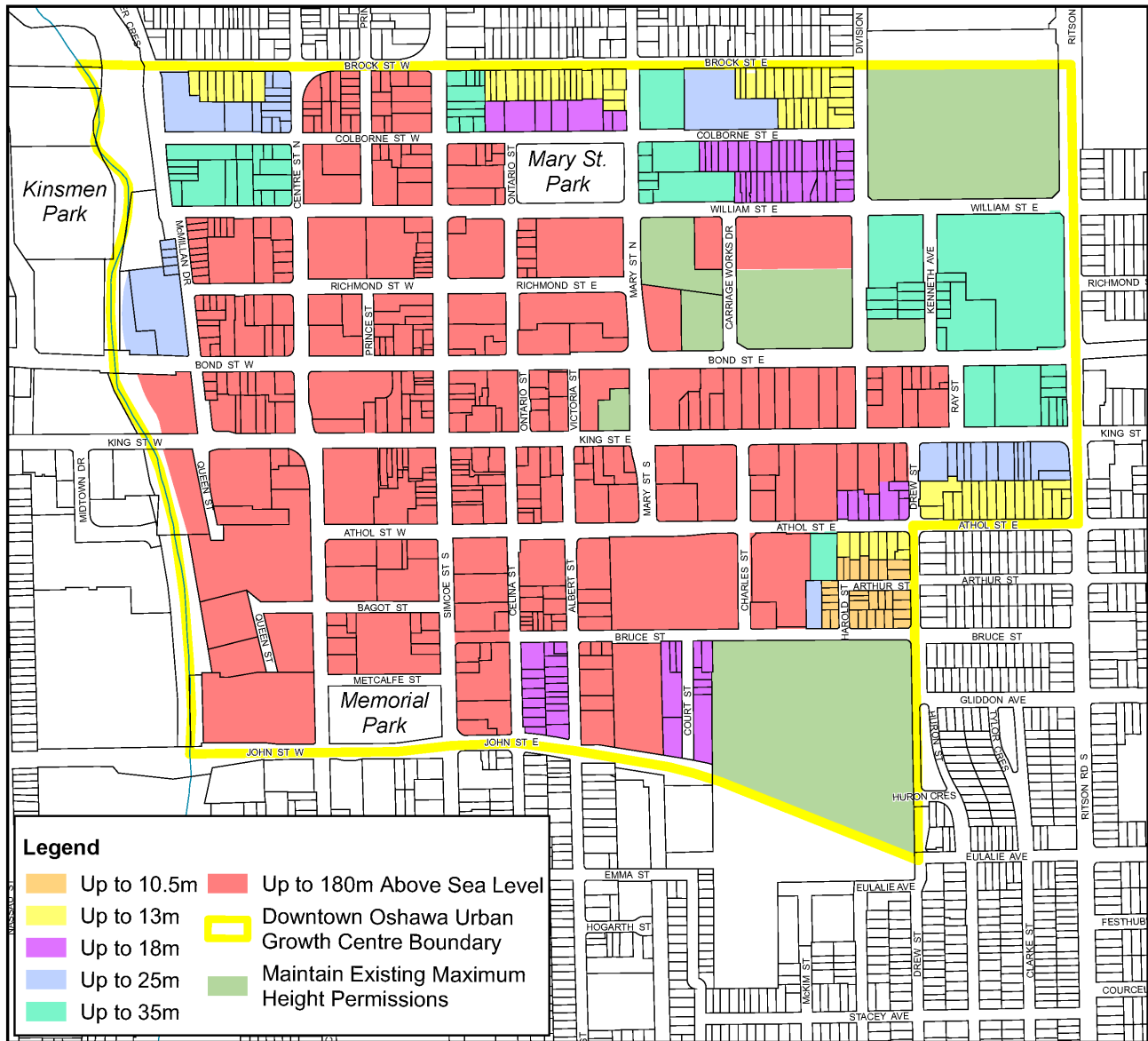
Appendix 1: Proposed New UGC (Urban Growth Centre) Zoning in the Downtown Oshawa Urban Growth Centre



Appendix 2: Other Proposed Zoning Changes in Downtown Oshawa Urban Growth Centre



Appendix 3: Proposed Maximum Permitted Heights in the Downtown Oshawa Urban Growth Centre



Appendix 4: List of Permitted Uses in the CBD (Central Business District) Zone:

- (a) Animal hospital
- (b) Apartment building
- (c) Apartment hotel
- (d) Art gallery
- (e) Automobile rental establishment
- (f) Automobile repair garage
- (g) Bus depot
- (h) Church
- (i) Cinema
- (j) Club
- (k) Commercial recreation establishment
- (l) Convention centre
- (m) Craft Brewery
- (n) Crisis care residence
- (o) Cultural centre
- (p) Day care centre
- (q) Financial institution
- (r) Flat
- (s) Funeral home
- (t) Hospital
- (u) Hotel
- (v) Lodging house
- (w) Long Term Care Facility
- (x) Merchandise service shop
- (y) Museum
- (z) Nursing home
- (aa) Office
- (bb) Parking garage or parking lot
- (cc) Personal service establishment
- (dd) Printing establishment
- (ee) Restaurant
- (ff) Retail store
- (gg) Retirement home
- (hh) School
- (ii) Studio
- (jj) Tavern
- (kk) Television or radio broadcasting station or studio
- (ll) Theatre
- (mm) Trade centre

Appendix 5: Proposed Amendments to Subsection 16.2 (new UGC Zone Regulations, formerly CBD Zone) 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~~).

16.2 Regulations

16.2.1 No person shall within any ~~CBD~~ **UGC** Zone use any land or erect or use any building or structure except in compliance with the regulations as set out in Table 16.2.

Table 16.2 – Regulations for ~~CBD~~ **UGC Zones**

Zones		CBD-A UGC-A	CBD-B UGC-B	UGC-C
Minimum Lot Frontage (m)		N/A	N/A	20.0
Minimum setback from the street line (m)	For first 12.0m or part thereof	0.0	0.0	
	For the next 8.0m or part thereof of height above 12.0m	3.0	3.0	
	For the next 5.0m or part thereof of height above 20.0m	6.0	6.0	
Minimum Front Yard and Exterior Side Yard Depth (m)	For first 13.5m or part thereof in height	0.0	0.0	3.0
	For any portion of building greater than 13.5m in height	1.5	1.5	4.5
Maximum Front Yard and Exterior Side yard Depth (m)	For first 13.5m or part thereof in height	3.0	3.0	6.0
	For any portion of building greater than 13.5m in height	6.0	6.0	N/A
Minimum Interior Side Yard and Rear Yard Depth (m)	For first 13.5m or part thereof in height	0.0	0.0	3.0
	For any portion of building between 13.5m and 25m in height	3.0	3.0	4.5 for an interior side yard and 7.5 for a rear yard
	For any portion of building greater than 25.0m in height	10.0	10.0	10.0

Zones	CBD-A UGC-A	CBD-B UGC-B	UGC-C
Minimum Density – dwelling units per hectare	N/A	N/A	60
Maximum Density – dwelling units per hectare	550 1000	550 1000	300
Minimum Height (m)	12.0	12.0	9.0
Maximum Height (m)	12.0 see Schedule “N”	12.0 see Schedule “N”	see Schedule “N”
Minimum Height of Ground Floor (m)	4.5	4.5	N/A
Minimum Building Frontage on an Arterial Road (%)	60	60	60
Minimum Building Frontage on Any Road Other Than an Arterial Road (%)	N/A	N/A	50
Maximum gross floor area of retail store floor space (m ²)	N/A	25% of the gross floor area of the first storey excluding basements, or 90m ² whichever is greater	N/A
Location of dwelling units	Restricted to the 2nd storey, excluding basements, or higher. Notwithstanding the foregoing, it may be permitted on the first floor if located behind the non-residential uses located at the front of the building adjacent to the street line	N/A	N/A

16.2.2 Notwithstanding the definitions in Section 2 of this By-law to the contrary, in any UGC Zone, as shown on Schedule "A" to this By-law, the following definitions shall apply:

(a) Notwithstanding the definition of "front lot line" in Section 2 of this By-law to the contrary, the street line abutting an arterial road shall be the front lot line. In the case of a lot that abuts two or more arterial roads, the lot line that abuts the widest street shall be deemed to be the front lot line, but where the streets are of equal width, the lot line that abuts a Regional Road shall be deemed to be the front lot line, and in the case of two or more of the streets being under the same jurisdiction and of the same width, the City may designate which street line shall be the front lot line.

(b) Building Frontage means that percentage of the frontage on an improved street 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.

16.2.3 The floor area of the uppermost storey of a building shall be a minimum of 50% of the ground floor area of the same building for any building 4 storeys in height or less.

16.2.4 Notwithstanding the minimum required height in Table 16.2, a maximum of 25% of the coverage of any individual main building in a UGC Zone may be less than the minimum height.

Appendix 6: Proposed Amendments to Table 39.3B – Residential Parking Requirements 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~~).

Table 39.3B – Residential Parking Requirements

Use or Purpose	Minimum Number of Parking Spaces Required	
	City-wide other than in the Downtown Oshawa Urban Growth Centre	Downtown Oshawa Urban Growth Centre
Accessory Apartment – pursuant to Article 5.12.2 (89-2014, 66- 2023)	1 parking space per accessory apartment, in addition to residential parking requirements for a single detached dwelling, semi-detached dwelling, semi-detached building, duplex or street townhouse dwelling (89-2014, 66-2023)	1 parking space per accessory apartment, in addition to residential parking requirements for a single detached dwelling, semi-detached dwelling, semi-detached building, duplex or street townhouse dwelling
Any building not specifically mentioned containing 3 or more dwelling units	1 per dwelling unit plus 0.33 per dwelling unit for visitors	1 per dwelling unit plus 0.25 per dwelling unit for visitors
Apartment building – condominium	1.45 per dwelling unit plus 0.3 per dwelling unit for visitors	0.50 per dwelling unit plus 0.25 per bedroom after the first and 0.25 per dwelling unit for visitors
Apartment building - rental, except senior citizens apartment building	1 per dwelling unit plus 0.33 per dwelling unit for visitors	0.50 per dwelling unit plus 0.25 per bedroom after the first and 0.25 per dwelling unit for visitors
Bed and breakfast establishment	2 parking spaces plus 1 parking space for each bedroom which is available to travelers (17-1999)	2 parking spaces plus 1 parking space for each bedroom which is available to travelers
Block townhouse – condominium including a block townhouse tied to a common elements condominium	1.65 per dwelling unit plus 0.35 per dwelling unit for visitors (90-2011)	1 per dwelling unit for residents plus 0.25 per dwelling unit for visitors
Block townhouse - rental	1.25 per dwelling unit plus 0.35 per dwelling unit for visitors	1 per dwelling unit for residents plus 0.25 per dwelling unit for visitors

Use or Purpose	Minimum Number of Parking Spaces Required	
	City-wide other than in the Downtown Oshawa Urban Growth Centre	Downtown Oshawa Urban Growth Centre
Duplex	1 per dwelling unit	1 per dwelling unit
Flat or dwelling unit other than those listed in this table	1 per dwelling unit	1 per dwelling unit
Group home, including correction group home	1 parking space for every 3 residents	1 parking space for every 3 residents
Lodging house	0.5 spaces for every lodging unit plus 1 parking space if the lodging house also contains a separate dwelling unit (62-2000)	0.5 spaces for every lodging unit plus 1 parking space if the lodging house also contains a separate dwelling unit
Nursing home, Long Term Care Facility or crisis care residence (69-2019)	1 parking space for every 4 beds (66-1998, 138-2008)	1 parking space for every 4 beds
Retirement home	0.38 parking spaces for every suite in a retirement home (138-2008)	0.30 per dwelling unit for residents plus 0.15 per dwelling unit for visitors
Semi-detached building	4 parking spaces per building	4 parking spaces per building
Semi-detached dwelling	2 per dwelling unit	2 per dwelling unit
Senior citizens apartment building	0.5 per dwelling unit	0.27 per dwelling unit for residents plus 0.03 per dwelling unit for visitors
Single detached dwelling	2 per dwelling unit	2 per dwelling unit