



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-24-91

Date of Report: September 4, 2024

Date of Meeting: September 9, 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 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 September 6, 2024.

2.0 Recommendation

That, the Economic and Development Services Committee select an appropriate option as set out in Section 4.2 of Report ED-24-91 dated September 4, 2024.

3.0 Input from Other Sources

3.1 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. Other than the comments discussed in the subsections directly below, no department or agency provided comments or raised any objection to the proposed amendments.

Staff note that three of the eleven items identified in Attachment 1 to this Report are proposed amendments specifically relating to the Oshawa Official Plan. An Official Plan Amendment adopted by Oshawa City Council is forwarded to the Region of Durham for approval, unless it is determined that the amendment is exempt from Regional approval during the review process.

Regional staff have reviewed the various proposed amendments identified in Attachment 1 and noted that they are intended to address housekeeping matters and do not raise any major Regional concerns. As such, the Region has exempted the proposed Official Plan Amendments from Regional approval.

With the Region indicating they have no major concerns with the proposed amendments, and having exempted the proposed amendments to the Oshawa Official Plan from Regional approval, the decision by City Council to adopt the Official Plan Amendments will become final, subject to any appeals during the statutory appeal period.

3.2 Municipal Law Enforcement and Licencing Services

Municipal Law Enforcement and Licensing Services noted that a reduction in parking standards will be problematic as it relates to advancing intensification in the Downtown Oshawa Urban Growth Centre ("D.O.U.G.C.").

Staff Response:

Staff note that a reduction in parking minimums within the D.O.U.G.C. will assist to accelerate development by providing developers with more design flexibility, allowing land to be used more efficiently and streamlining the development approvals process for developers that would otherwise be required to apply for reduced parking rates. In addition, the D.O.U.G.C. 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. Likewise, the D.O.U.G.C. has a direct, dedicated active transportation connection to the planned Central Oshawa GO Train Station at 500 Howard Street (the former Knob Hill Farms site) via the Michael Starr Trail.

3.3 Permit Services

Permit Services has requested revisions to the definition of "Commercial Recreation Establishment" to capture all sport related simulators, not just golf, and revisions to

Table 39.3B – Residential Parking Requirements to include required parking rates for street townhouses.

Staff Response:

Staff have addressed the requested revisions and have incorporated them into the recommended Zoning By-law Amendment (see Attachment 1, including Appendix 6).

3.4 Central Lake Ontario Conservation Authority

The Central Lake Ontario Conservation Authority (“C.L.O.C.A.”) has requested revisions to the regulations pertaining to accessory apartments to provide greater clarity on what constitutes “safe access” during a flood event. C.L.O.C.A. also encourages the City of Oshawa to undertake a flood impact analysis in the D.O.U.G.C. to assess the potential impacts intensification will have on vulnerable downstream neighbourhoods of the D.O.U.G.C.

Staff Response:

Staff have addressed the requested revisions pertaining to accessory apartments and have incorporated them into the recommended Zoning By-law Amendment (see Attachment 1). With respect to C.L.O.C.A.’s encouragement for the City to undertake a flood impact analysis in the D.O.U.G.C. these comments have been shared with Water Resources staff in the City’s Engineering branch for consideration of a future study. Staff also note that when new development is proposed, C.L.O.C.A. is given an opportunity to provide appropriate comments as a key stakeholder in the development review process. This allows C.L.O.C.A. to be aware of all major development proposals in order that they can plan accordingly with respect to recommending new infrastructure/changes to existing infrastructure.

4.0 Analysis

4.1 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 June 24, 2024, Council considered Report ED-24-64 and Item CNCL-24-81 dated May 29, 2024 and June 24, 2021, respectively, and authorized this Department to initiate the public process that will allow Council to consider the City-initiated amendments. The specific motions passed with respect to these two items were as follows:

- Regarding ED-24-64:

“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, together with the addition of a proposed new tenth amendment to the nine proposed amendment items contained in Attachment 1, that being an amendment to permit indoor agricultural production (excluding cannabis production) as a permitted use in appropriate Industrial Zones.”

- Regarding CNCL-24-81:

“Pursuant to Item CNCL-24-81, the Economic and Development Services Department be authorized to include, as part of the current round of City-initiated amendments to the Oshawa Official Plan and Zoning By-law 60-94 contemplated by Report ED-24-64 and as recommended by the Economic and Development Services Committee on June 3, 2024, an additional new eleventh amendment, that being a site-specific amendment to the Oshawa Official Plan to permit the form of High Density II Residential development publically proposed by the Region of Durham in the context of the lands under its ownership at 300 Ritson Road South at a maximum density of generally 231 units per hectare.”

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.

4.2 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.

4.2.1 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-24-91 dated September 4, 2024 be adopted, and that the appropriate amending by-laws be passed in a form and content acceptable to the Commissioner, Economic and Development Services Department, and the City Solicitor.”

4.2.2 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-24-91 dated September 4, 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.”

5.0 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.

6.0 Relationship to the Oshawa Strategic Plan

This Report responds to the Oshawa Strategic Plan Priority Area:

“Lead: Governance and Service Excellence” with the goal to offer community engagement activities that enhance transparency and bring diverse voices and perspectives into decision-making processes.



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 on an area-wide basis 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 Criteria 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 Section 2.3.6: Site Specific Policies

Issue:

The City of Oshawa has received a pre-consultation application from the Affordable Housing Development and Renewal Division of the Region of Durham for the lands at 300 Ritson Road South, being the former Ritson Public School, as well as adjacent lands owned or being acquired by the Region of Durham at 320 to 334 Ritson Road South and 222 to 252 Olive Avenue, proposing to develop these lands for affordable housing and community uses. The Region proposes to construct an apartment building with a maximum height of 10 storeys on a portion of the subject lands which is adjacent to lands occupied predominantly by low-density, 1 to 2 storey single detached dwellings.

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. Specifically, the General Representative Locational Criteria for the High Density II Residential category states that development should be “Generally located in such a manner that the scale, form and impacts of this type of housing are generally compatible with adjacent land uses”.

The Region’s proposal would necessitate a site-specific Official Plan Amendment to the City of Oshawa Official Plan to permit the proposed form of High Density II Residential development in the context of the subject lands at a proposed residential density of approximately 280 units per hectare.

It is recommended that the site-specific Official Plan Amendment be advanced through a City-initiated amendment considering that:

- The subject site is located adjacent to Ritson Road South and Olive Avenue which are classified as Type “B” and “C” Arterial Roads, respectively, as shown on Schedule ‘B’,

Road Network, of the Oshawa Official Plan and is situated within the area subject to an on-going Integrated Major Transit Station Area Study for the planned Central Oshawa GO Station, which generally identifies a density target of 150 to 300 people and jobs/hectare in the vicinity of the subject site;

- The Province of Ontario has tasked the City with delivering 23,000 new housing units in Oshawa between 2022 and 2031;
- The encouragement of the development of affordable housing units has been expressed at every level of government, including in Section 6.2 of the Oshawa Official Plan, which targets a minimum of 25% of new residential development and residential intensification to be affordable housing; and,
- The expedited delivery of affordable housing units advances goal “B4 – Support and encourage diverse housing options”, of the 2024-2027 Oshawa Strategic Plan.

Proposed Amendment:

(a) Amend Section 2.3.6 of the Oshawa Official Plan by adding a new Policy 2.3.6.##, as follows:

“2.3.6.## Notwithstanding any other provision of this Plan to the contrary, a maximum net residential density of 280 units per hectare (114 u/ac.) shall be permitted on lands designated Residential in the form of High Density II Residential development comprised of a mix of low, medium and high-rise buildings in the context of the lands generally located on the west side of Ritson Road South, north of Olive Avenue, municipally known as 300 to 334 Ritson Road South and 222 to 252 Olive Avenue.”

3. 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

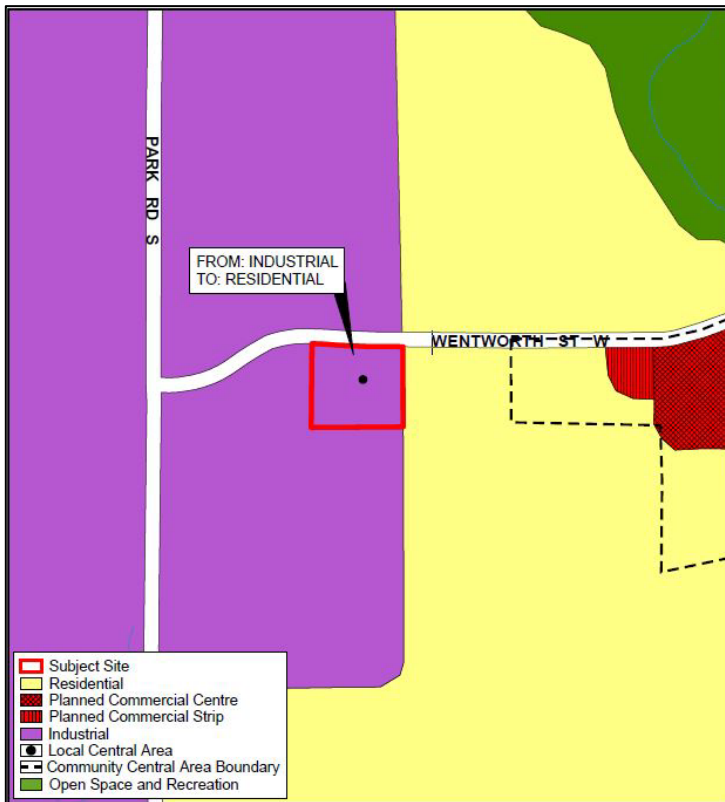
Industrial designation shown on Schedule “A”, as opposed to a Residential designation. The lands are zoned PCC-D(2)/SSC-C (Planned Commercial Centre/Automobile Service Station) in Zoning By-law 60-94. These site specific zones do not permit residential uses.

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 Oshawa 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:



4. Zoning By-law Section 2: Definitions

Issue:

Sport 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 sport 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 sport 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 “, sport 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, sport simulator and any other such similar use, but does not include a place of amusement, cinema or theatre.”

5. 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 metres.

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 new 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 parlor, 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, as measured along a line connecting the two closest points of the respective lots; and,
- (b) Be located closer than 400m to another lot within the hatched area shown on Schedule “I” to this By-law occupied by the same use, as measured along a line connecting the two closest points of the respective lots.

5.17.2 Notwithstanding any provision of this By-law to the contrary, no part of any lot featuring a vapour product shop shall be located within 150m 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 8 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, as measured along a line connecting the two closest points of the respective lots.”

(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”.

6. Zoning By-law Sections 2, 27 and 29: Definitions, Prestige Industrial Zone and General Industrial Zone

Issue:

The concept of “vertical farming” is not new but has gained popularity over recent years as an efficient and sustainable method of growing crops in a controlled environment, year-round.

Vertical farming is generally undertaken in a controlled environment agriculture facility where temperature, light and other factors needed to grow crops are controlled and consistent, year-round, and is undertaken using various methods to produce crops. These methods include, but are not limited to, aquaponics, aquaculture, aeroponics and hydroponics. A controlled environment agriculture facility for crop production generally utilizes a relatively minimal land base and soilless growing methods in comparison to traditional agricultural crop growing methods, and therefore does not necessarily need to locate in prime agricultural areas.

With the growing interest in vertical farming practices within the Region of Durham, it is appropriate to highlight that Zoning By-law 60-94 does not currently define such a use. Many municipalities categorize vertical/indoor farms as an agricultural use while others define them as a separate stand-alone use. Municipalities in the Region of Durham such as the City of Pickering and the Town of Ajax are introducing definitions for vertical farms through their ongoing Zoning By-law review processes.

It is appropriate to propose changes to Zoning By-law 60-94 to introduce a new definition for a “Controlled Environment Agriculture Facility”, which will allow the production of crops using a variety of vertical farming methods within a wholly enclosed building in appropriate Agricultural and Industrial Zones without the need for a site-specific Zoning By-law Amendment. Property owners will continue to be required to comply with the regulations respective to the zone in which their property is located.

Proposed Amendment:

- (a) Amend the definition of “Agriculture Use” by adding the text “and/or controlled environment agriculture facilities”, after the word “greenhouses” and before the text “(d) the packing, crating, storing, and sale of produce grown on the premises”, such that the definition reads as follows:

“**AGRICULTURE USE**” means an area of land with or without accessory buildings, structures or outdoor storage which is used primarily for: (a) the growing and harvesting of vegetables, fruits, field crops, mushrooms, berries, trees, flowers, cannabis or landscaping materials, and may include woodlot and forest tree uses; (b) the breeding, training, raising or boarding of birds, fish or animals of any kind; (c) the erection and use of greenhouses and/or controlled environment agriculture facilities; (d) the packing, crating, storing, and sale of produce grown on the premises; or (e) other similar uses customarily carried on in the field of general agriculture, but does not include a kennel.”

- (b) Add the following new definition for Controlled Environment Agriculture Facility in Section 2.0, Definitions, after the definition for “Contracting Yard” and before the definition for “Convenience Store”:

“**CONTROLLED ENVIRONMENT AGRICULTURE FACILITY**” means a premises used for the cultivation of plants or other organisms through methods including, but not limited to, aquaponics, aquaculture, aeroponics, and hydroponics within a wholly enclosed building that is not a greenhouse. A Controlled Environment Agriculture Facility shall not include cannabis cultivation.”

- (c) Amend Article 27.1.2 by adding a new item (g), Controlled environment agriculture facility, to the list of permitted uses in the PI-A (Industrial) Zone after the use “Commercial school or training centre” and before the use “Data processing centre”, and renumber the remainder of the list accordingly.
- (d) Amend Article 29.1.1 by adding a new item (h), Controlled environment agriculture facility, to the list of permitted uses in the GI (Industrial) Zone after the use “Contracting yard” and before the use, “Dry cleaning and laundry plant”, and renumber the remainder of the list accordingly.

7. 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, or that must rely on these road segments for ingress/egress, 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 Provincial Policy Statement, 2020, states in Section 3.1.2 that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.

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 unless safe access is otherwise demonstrated to the satisfaction of the Central Lake Ontario Conservation Authority. Safe access shall mean access via an improved street that would not have roadway flood depths greater than 0.4m during a flood event as determined by the Central Lake Ontario Conservation Authority”, 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 unless safe access is otherwise demonstrated to the satisfaction of the Central Lake Ontario Conservation Authority. Safe access shall mean access via an improved street that would not have roadway flood depths greater than 0.4m during a flood event as determined by the Central Lake Ontario Conservation Authority.”

8. 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 CBD (Central Business District) 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 or UGC-C (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 four (4) 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) Revise the updated UGC-B(2) (Urban Growth Centre) Zone [previously CBD-B(2)] applicable to the lands on the north side of Bond Street East between Kenneth Avenue and Division Street to implement minor variances to the zone regulations approved in 2023 by the Committee of Adjustment (File: A-2023-58).
- (k) Revise the updated UGC-A(5) (Urban Growth Centre) Zone [previously (CBD-A(5))] applicable to 47 Simcoe Street South to implement minor variances to the zone regulations approved in 2023 by the Committee of Adjustment (File: A-2023-142).
- (l) Create a new site specific UGC-C (Urban Growth Centre) Zone applicable to 109 Colborne Street West which reflects the minor variances to the existing R6-D.T25/R7-A (Residential) Zone approved in 2024 by the Committee of Adjustment (File: A-2024-56).
- (m) Delete Sentences 16.3.4(1), 16.3.6(1) and 16.3.9(1) (which stipulate the maximum permitted heights at 67 and 87 Simcoe Street North, the south side of Richmond Street East between Mary Street North and Ontario Street, and 39 Athol Street East, respectively), and renumber the balance of the sentences under Articles 16.3.4, 16.3.6 and 16.3.9 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.
- (n) 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.
- (o) 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.

- (p) 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”.
- (q) Add a new Schedule “F”, Maximum Permitted Heights in the Downtown Oshawa Urban Growth Centre, based on Appendix 3.
- (r) 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”.
- (s) Maintain all existing site specific zoning conditions, where appropriate, and relabel them as UGC Zones.
- (t) Amend Section 39.3, 39.10 and 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.

- (u) Amend Schedule “D”, Downtown Parking/Loading Exempt Area, by identifying the Subject Area of the existing schedule as “Area A” and adding additional lands to be identified as “Area B”, such that Areas A and B combined reflect the same area shown in Schedule “I”, Urban Growth Centre.

Appendix 7 shows the updated Schedule “D” proposed to be included as part of the amendments to Zoning By-law 60-94.

9. 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.”

10. 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.

11. 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.

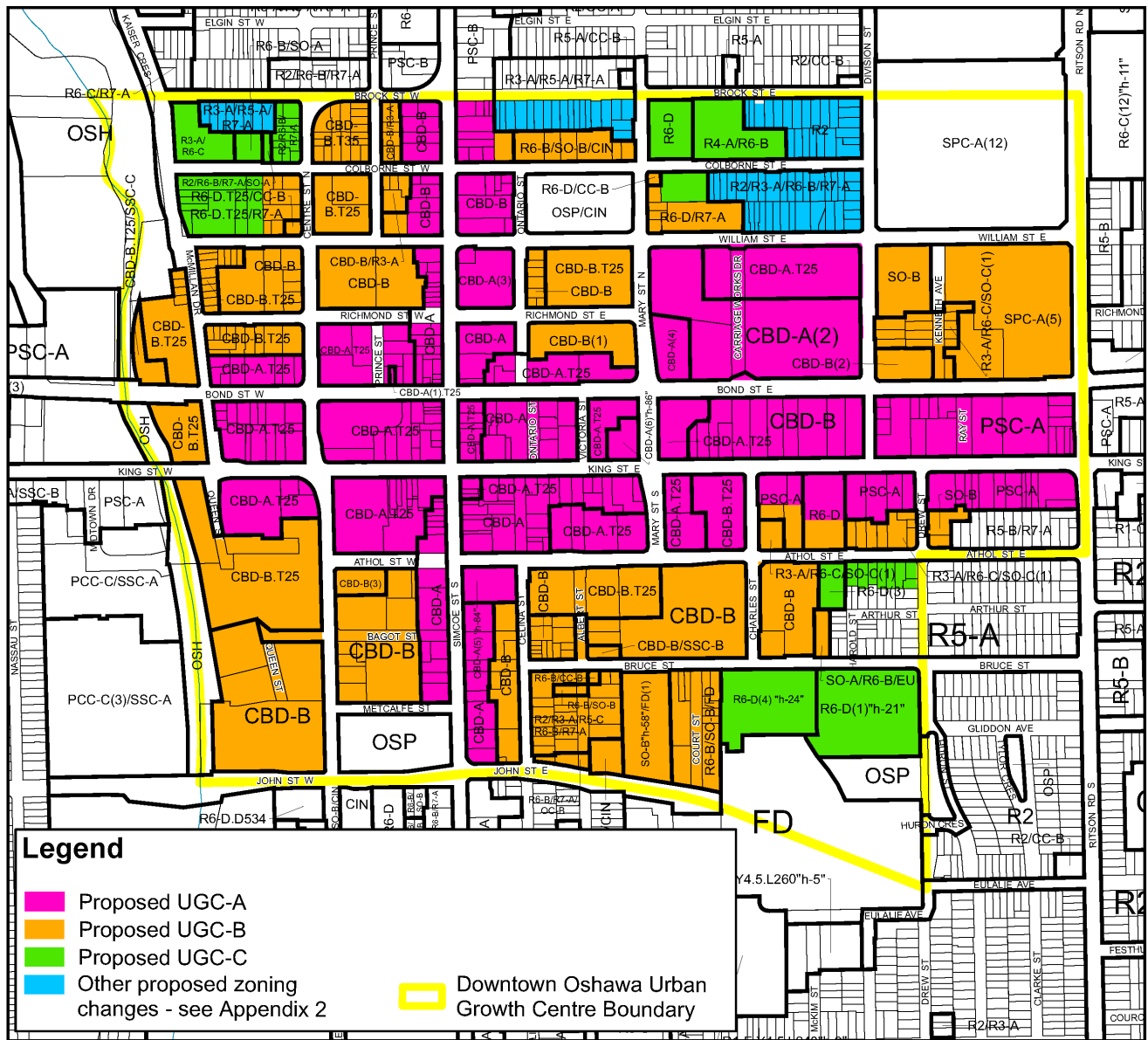
The proposed amendment will not change the zoning of any lands within the City. The amendment is to recognize that the MU (Mixed Use) zone is now more widely applied across the City than what was originally contemplated when the zone was created, which was focused originally along the Simcoe Street North corridor near Conlin Road East.

Proposed Amendment:

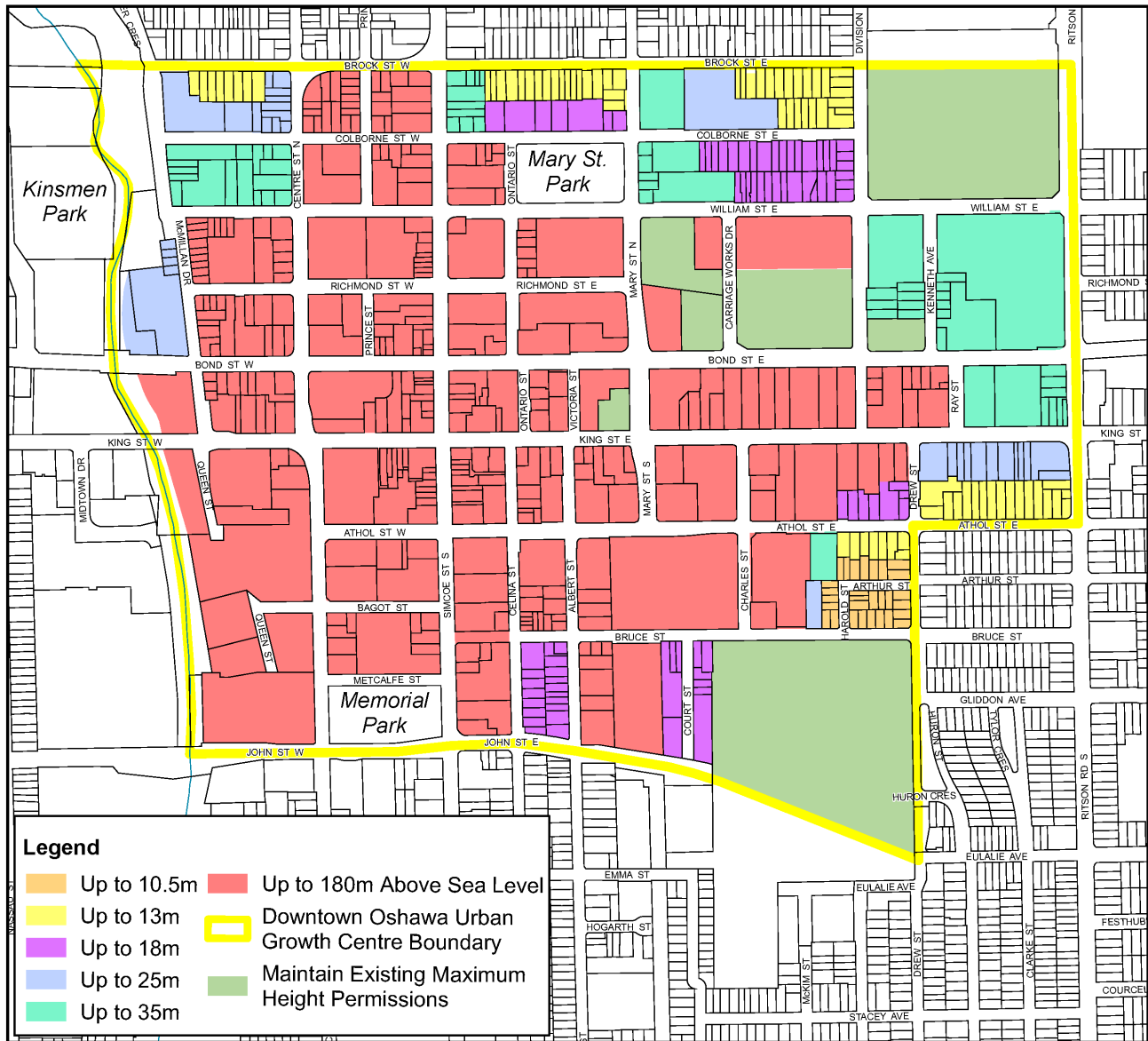
(a) Amend Article 38(B).2.4 to delete the text “and provided that in any MU-C Zone no loading space or refuse enclosure shall be permitted to the east of any building constructed within 20m of a Residential Zone”, such that Article 38(B).2.4 reads as follows:

“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 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 “F”	12.0 see Schedule “F”	see Schedule “F”
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: Table 39.3B – Residential Parking

Table 39.3B – Residential Parking Requirements

Use or Purpose	Minimum Number of Parking Spaces Required		
	Outside of the Areas shown on Schedule “D”	Area shown on Schedule “D” as Area A (see Appendix 7)	Area shown on Schedule “D” as Area B (see Appendix 7)
Accessory Apartment – pursuant to Article 5.12.2	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	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	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	0.5 spaces per dwelling unit plus 0.25 spaces per bedroom after the first, except no parking is required for the first 10 flats or dwelling units in a mixed use building	0.5 spaces per dwelling unit plus 0.25 spaces per bedroom after the first, plus 0.25 spaces 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	0.50 per dwelling unit plus 0.25 per bedroom after the first plus 0.25 per dwelling unit for visitors

Use or Purpose	Minimum Number of Parking Spaces Required		
	Outside of the Areas shown on Schedule "D"	Area shown on Schedule "D" as Area A (see Appendix 7)	Area shown on Schedule "D" as Area B (see Appendix 7)
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	0.50 per dwelling unit plus 0.25 per bedroom after the first plus 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	Only the parking applicable to the single detached dwelling use	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	1 per dwelling unit	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	1 per dwelling unit for residents plus 0.25 per dwelling unit for visitors
Duplex	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit
Flat or dwelling unit other than those listed in this table	1 per dwelling unit	0.5 spaces per dwelling unit plus 0.25 spaces per bedroom after the first, except no parking is required for the first 10 flats or dwelling units in a mixed use building	0.5 spaces per dwelling unit plus 0.25 spaces per bedroom after the first, except no parking is required for the first 10 flats or dwelling units in a mixed use building
Group home, including correctional group home	1 parking space for every 3 residents	0 spaces	1 parking space for every 3 residents

Use or Purpose	Minimum Number of Parking Spaces Required		
	Outside of the Areas shown on Schedule "D"	Area shown on Schedule "D" as Area A (see Appendix 7)	Area shown on Schedule "D" as Area B (see Appendix 7)
Lodging house	0.5 spaces for every lodging unit plus 1 parking space if the lodging house also contains a separate dwelling unit	0 spaces plus 1 space if the lodging house contains a separate dwelling unit	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	1 parking space for every 4 beds	1 parking space for every 4 beds	1 parking space for every 4 beds
Retirement home	0.38 per suite	0.3 per suite	0.38 per suite
Semi-detached building	4 parking spaces per building	4 parking spaces per building	4 parking spaces per building
Semi-detached dwelling	2 per dwelling unit	2 per dwelling unit	2 per dwelling unit
Senior citizens apartment building	0.5 per dwelling unit	0.27 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	2 per dwelling unit
Street townhouse dwelling	2 per dwelling unit	2 per dwelling unit	2 per dwelling unit
University residence	0.5 parking spaces per bed	0.5 parking spaces per bed	0.5 parking spaces per bed"

Appendix 7: Schedule "D" Downtown Parking/Loading Exempt Area

