



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-25-01

Date of Report: January 8, 2025

Date of Meeting: January 13, 2025

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

Ward: All Wards

File: 12-12-4881

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 January 10, 2025.

2.0 Recommendation

That, the Economic and Development Services Committee select an appropriate option as set out in Section 4.2 of Report ED-25-01 dated January 8, 2025.

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 two of the five items identified in Attachment 1 to this Report involve proposed amendments specifically relating to the Oshawa Official Plan. An Official Plan Amendment adopted by Oshawa City Council may be forwarded to the Province of Ontario for approval, unless it is determined that the amendment is exempt from Provincial approval.

Pursuant to amendments that were made to Ontario Regulation 525/97 under the Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act"), regarding the exemption of certain official plan matters from approval under the Planning Act, the only official plan matters that require Provincial approval in lower-tier municipalities in the Region of Durham are:

1. New official plans;
2. Official plan amendments adopted in accordance with Section 26 of the Planning Act; and,
3. Official plan amendments establishing, amending, or revoking any policies required as part of a protected major transit station area in accordance with subsections 16(15) or (16) of the Planning Act.

The official plan matters identified in Attachment 1 to this Report are exempt from Provincial approval given that they do not reflect any of the three (3) types of amendments identified above as non-exempt amendments.

With the proposed amendments to the Oshawa Official Plan being of a type that are exempt from Provincial 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 Durham Region

Durham Region has provided one requested revision and one comment as outlined below.

Durham Region has requested a revision to the holding provision for the North Kedron Industrial Area. Specifically, they are requesting that in addition to appropriate arrangements being made for the provision of adequate sanitary, water and stormwater management services, appropriate arrangements also be made for transportation services.

Durham Region has also suggested that a comprehensive employment area review be undertaken by the City to identify those areas that should be protected employment lands and to ensure that the list of permitted uses in these areas aligns with the definition of

“area of employment” in the Planning Act and the related “employment area” policies in the Provincial Planning Statement, 2024.

Staff Response:

Staff have addressed Durham Region’s comments related to the holding provision for the North Kedron Industrial Area and have incorporated appropriate revisions into the recommended Zoning By-law Amendment in Attachment 1.

Staff note that a comprehensive employment area review is a component of the City’s process to review the Oshawa Official Plan, which is currently underway.

3.3 Central Lake Ontario Conservation Authority

The Central Lake Ontario Conservation Authority (“C.L.O.C.A.”) has provided comments and requested revisions to the proposed amendments as outlined below.

C.L.O.C.A. recommends that prior to the development of lands in the North Kedron Industrial Area, an update to the Master Environmental Servicing Plan (“M.E.S.P.”) be undertaken as there is potential for downstream flooding as their models for the Oshawa Creek indicates increases in flood risk at the confluence of Taunton Road and the Goodman Creek Two-Zone Area. C.L.O.C.A. also notes that the City’s proposed expansion area includes approximately 40+ hectares (98.84+ ac.) of land within the Harmony Creek Watershed for which modelling has not been done to date, and therefore C.L.O.C.A. will require modelling for these lands prior to development to assess the downstream impacts.

To address the above-noted concerns, C.L.O.C.A. has requested a revision to the proposed holding provisions in the North Kedron Industrial Area to reflect the need for additional stormwater management analysis prior to development.

C.L.O.C.A. has also provided comments regarding the proposed amendments concerning accessory apartments in rural areas. C.L.O.C.A. recommends that any proposed accessory apartments and all associated servicing be required to conform with Provincial Greenbelt and Oak Ridges Moraine policies to ensure they are located outside of any natural hazards, including slope hazards.

Staff Response:

Staff have addressed C.L.O.C.A.’s comments concerning the need for additional stormwater management analysis as part of the holding provision for the North Kedron Industrial Area and have incorporated appropriate revisions into the recommended Zoning By-law Amendment in Attachment 1.

C.L.O.C.A.’s comments concerning accessory apartments in rural areas are noted and staff has included provisions that specifically regulate the size and location of accessory apartments, which will assist to ensure that new buildings and associated servicing are not located within any natural hazards including slope hazards.

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 November 25, 2024 and December 16, 2024, Council considered Report ED-24-129 dated October 30, 2024 and Item ED-24-142 dated December 2, 2024, 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-24-129:

“That pursuant to Report ED-24-129 dated October 30, 2024, staff 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.”

- Regarding Item ED-24-142:

“That 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 to permit accessory apartments within a building accessory to a single detached dwelling or semi-detached dwelling in areas outside of serviced urban areas (i.e. rural areas).”

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.

In addition to the foregoing, several of the proposed amendments are intended to advance job creation and assessment growth, and to ensure a sufficient supply of “shovel ready” land for employment uses, consistent with the Provincial Planning Statement, 2024, the Durham Regional Official Plan, the Oshawa Official Plan, the Oshawa Economic Development Strategy and the Oshawa Strategic Plan.

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-25-01 dated January 8, 2025 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-25-01 dated January 8, 2025, 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 2025 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.Pl., MCIP, RPP, Director,
Planning Services



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

1. Oshawa Official Plan Section 9.3: Zoning By-laws and Delegation of Authority By-law 29-2009

Issue:

On December 2, 2021, Bill 13, the Supporting People and Businesses Act, 2021 (“Bill 13”) was passed by the Province of Ontario and received Royal Assent. The amendments under Schedule 19 of Bill 13 introduced, among other matters, changes to the Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”), to expand the matters that the Council of a local municipality may delegate to a Committee of Council or staff in an effort to streamline planning approvals. The Province’s stated purpose of this change to the Planning Act is to provide municipal councils with greater discretionary power to delegate certain additional planning decisions with the intent to empower municipalities to streamline and expedite development approvals by delegating decisions to council committees or municipal staff. It is up to the Council of each municipality to determine whether or not to exercise this new authority.

As a result of Bill 13, Section 39.2 of the Planning Act now allows Council to delegate the authority to pass zoning by-law amendments that are minor in nature to a committee of council or an individual who is an officer, employee or agent of the municipality. These powers would not apply unless the municipality’s official plan specifies the types of minor zoning by-law amendments that may be passed if the authority is delegated. In the case of the City of Oshawa, an official plan amendment would be required to amend the Oshawa Official Plan to specify the types of minor zoning by-law amendments that may be passed using the delegated powers. The Planning Act does not define “minor” with respect to this authority.

Subsequent to Bill 13 coming into effect, Council approved an amendment to the Oshawa Official Plan in 2022 to add a policy that allows Council to delegate the authority to remove holding symbols from the zoning of lands to City staff. A companion amendment to the City’s Delegation of Authority By-law 29-2009, as amended, was passed by Council to delegate to the Commissioner, Economic and Development Services Department, the authority to pass by-laws to remove holding symbols.

In order to expedite certain types of zoning by-law amendment changes in their communities, several Ontario municipalities have delegated the authority to pass minor zoning by-law amendments to senior municipal staff, including Oakville, Halton Hills, Milton, Brampton, Toronto and Hamilton. The delegation authorities in these municipalities generally include the following matters:

- Housekeeping amendments to the zoning by-law;
- Temporary use of land;
- Removal of holding symbols;
- Amendment of holding symbol provisions;

- Establishment of holding symbols;
- Zoning By-law amendment applications that would result in an increase in the number of dwelling units beyond the current number of dwelling units that exist on a site and that would satisfy the criteria set out in Sections 45(1) or 45(2)(a) of the Planning Act (i.e. if the zoning by-law amendment would satisfy the tests for a minor variance, for an enlargement or extension of a legal non-complying building or structure or for a change of use of a legal non-conforming use);
- Zoning By-law amendment applications that are related to severances for surplus farm dwellings; or,
- Removal of existing site specific zoning where the effect would be to revert to the parent zoning.

Any zoning by-law amendments that are proposed by an applicant or landowner, or which are contained within a City-initiated amendment exercise, that could potentially be approved under the delegated authority, would still be required to follow the statutory public process outlined in the Planning Act which includes a statutory public meeting before a decision is made. In Oshawa, this includes a meeting with the Economic and Development Services Committee, with notice of said meeting advertised a minimum of 20 days in advance of the meeting and in accordance with the City's Public Notice Policy GOV-23-02. If appropriate, and at the appropriate time, the delegated committee, officer, employee or agent of the municipality could pass the zoning by-law amendment, which would then require a notice of passing to be sent to prescribed parties in accordance with the Planning Act (e.g. those that requested to be notified of the decision on the proposal). Any prescribed appeal periods of the Planning Act would still apply.

The primary objectives for delegating the authority to pass temporary use by-laws and minor zoning by-law amendments are to:

- Expedite appropriate development;
- Minimize reports to the Economic and Development Services Committee and Council on minor matters;
- Advance appropriate housing developments expeditiously in order to help the City deliver 23,000 new homes in Oshawa between 2022 and 2031 as targeted by the Province; and,
- Improve the City's ranking in development approvals processing timelines.

It is recommended that Council adopt an amendment to the Oshawa Official Plan to introduce a new policy to Section 9 (Implementation) that would grant Council the ability to pass an amendment to the Delegation of Authority By-law 29-2009, as amended, that delegates the authority to pass temporary use by-laws and other minor zoning by-law amendments to a committee of council or a city staff member. It is further recommended that the Delegation of Authority By-law 29-2009, as amended, be further amended to delegate the passing of minor zoning by-law amendments and temporary use by-laws to

the Commissioner, Economic and Development Services Department, or the Director, Planning Services.

Section 39.2 of the Planning Act allows Council to withdraw the delegation at any time. Any decisions already made under the delegation prior to any such withdrawal by Council would not be withdrawn or made null and void.

Proposed Amendments:

- (a) Amend the Oshawa Official Plan to introduce a new policy under Section 9 (Implementation) which would generally read as follows:

“Council may, by by-law, delegate the authority to pass by-laws under Section 34 of the Planning Act that are minor in nature to a committee of Council or an individual who is an officer, employee or agent of the municipality. Council may delegate one or more of the following types of minor zoning by-laws:

- (a1) By-laws to authorize the temporary use of land, buildings or structures pursuant to Policy 9.3.7 of this Plan, including any grant of extensions in accordance with subsection 39(3) of the Planning Act; and,
- (b1) Minor zoning by-law amendments.

The delegation of authority to pass a by-law to authorize the temporary use of land, buildings or structures and pass minor zoning by-law amendments is subject to the following criteria:

- (a2) An official plan amendment is not required, and the zoning by-law maintains the general intent and purpose of this Plan;
 - (b2) A draft plan of subdivision is not required or proposed concurrently that proposes four (4) or more lots and/or blocks;
 - (c2) Any concerns raised by the public and/or staff during the application review and consultation process are resolved prior to the passing of the by-law, to the satisfaction of the delegated committee of Council, officer, employee or agent of the municipality.”
- (b) A companion by-law to amend Delegation of Authority By-law 29-2009, as amended, will be prepared and presented to Council in the event the aforementioned amendment to the Oshawa Official Plan is adopted. The amendment would delegate the authority to pass minor zoning by-law amendments to the Commissioner, Economic and Development Services Department, and the Director, Planning Services. The delegation restrictions would be subject to the delegation policies as proposed to be outlined in the Oshawa Official Plan. The delegation of this authority would require the Commissioner, Economic and Development Services Department, or Director, Planning Services, to advise Council on an informational basis, by memorandum (written or electronic correspondence), after the zoning by-law amendment is passed and prior to the issuance of the notice of passing required by and in accordance with the Planning Act.

2. Oshawa Official Plan Section 2.4, Schedule “A” – Land Use and Schedule “A2” – Corridors and Intensification Areas, and Zoning By-law Section 3 Determining Zone Boundaries, Holding “h” Zones and Schedule “A”: North Half Zoning Map

Issue:

Certain lands in Oshawa, generally located east of Ritson Road North, south and west of Highway 407 East and north of Nancy Diamond Boulevard (hereinafter referred to as the “North Kedron Industrial Area”), are designated as Employment Area and located within the 2051 Urban Expansion Area in Envision Durham – the new Durham Regional Official Plan (the “D.R.O.P.”). The D.R.O.P. was approved by the Ministry of Municipal Affairs and Housing on September 3, 2024 with modifications. The North Kedron Industrial Area is approximately 135 hectares (334 ac.) in size and is strategically located in proximity to the Highway 407 East/Harmony Road North interchange.

For a variety of reasons (as further outlined below), it is appropriate to amend the Oshawa Official Plan and Zoning By-law 60-94 (the “Zoning By-law”) to redesignate and rezone the North Kedron Industrial Area to accommodate appropriate industrial uses, and to include the North Kedron Industrial Area within the Major Urban Area Boundary of Oshawa. In doing so the City will be better positioned to attract future investment opportunities, promote job creation and support overall growth.

The Provincial Planning Statement, 2024 (“P.P.S.”), which came into effect on October 20, 2024, requires that at the time a new official plan is created, and for each official plan update thereafter, sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of at least 20 years, but not more than 30 years, informed by provincial guidance.

Policy 2.3.2.1 of the P.P.S. requires planning authorities to consider, prior to identifying a new settlement area or allowing a settlement area boundary expansion, the following:

- The need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;
- If there is sufficient capacity in existing or planned infrastructure and public service facilities;
- Whether the applicable lands comprise specialty crop areas;
- The evaluation of alternative locations which avoid prime agricultural areas and, where avoidance is not possible, the consideration of reasonable alternatives on lower priority agricultural lands in prime agricultural areas;
- Whether the new or expanded settlement area complies with the Provincial agricultural minimum distance separation formulae;
- Whether impacts on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an

agricultural impact assessment or equivalent analysis, based on provincial guidance; and,

- The new or expanded settlement area provides for the phased progression of urban development.

Policy 2.8.1.1 of the P.P.S. requires that municipalities promote economic development and competitiveness in a variety of ways, including:

- Providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; and,
- Identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment.

Policy 2.8.2.1 of the P.P.S. requires planning authorities to plan for, protect and preserve employment areas for current and future uses, and ensure that the necessary infrastructure is provided to support current and projected needs.

“Employment Area”, as defined in the P.P.S., means those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An employment area also includes areas of land described by subsection 1(1.1) of the Planning Act. Uses that are excluded from employment areas are institutional and commercial, including retail and office not associated with the primary employment use listed above.

Policy 2.8.2.2 of the P.P.S. requires planning authorities to protect employment areas that are located in proximity to major goods movement facilities and corridors, including facilities and corridors identified in provincial transportation plans, for the employment area uses that require those locations.

Harmony Road North is identified on Map 3c, Strategic Goods Movement, of the D.R.O.P. as an existing arterial road connecting Highway 407 East to the Port of Oshawa and as a Preferred Haul Route on Schedule ‘B-2’, Preferred Haul Routes, of the Oshawa Official Plan.

The D.R.O.P. outlines policies for Employment Areas, Land Use Compatibility and Major Facilities. The total Employment Area land supply designated in the D.R.O.P. has been established on the basis of achieving a long-term, overall region-wide density target within Employment Areas of 28 jobs per gross hectare. Policy 5.5.5 of the D.R.O.P. encourages area municipalities to determine appropriate density targets for Employment Areas within their respective area municipal official plans reflective of local context and conditions.

Policy 5.5.16 of the D.R.O.P. states the following:

- “5.5.16 Require development taking place within Employment Areas to address the policies of this Plan and the following:
- (a) Incorporate compact and urban forms of employment development where possible;
 - (b) Locate buildings in a manner that would enable future additions and the further intensification of employment sites over the long-term;
 - (c) Minimizing surface parking and other impervious surfaces where feasible;
 - (d) Incorporate attractive and high-quality architecture, urban design and landscaping standards, particularly in high exposure locations;
 - (e) Protect the long-term stability of Employment Areas by limiting non employment uses and instituting land use compatibility measures. The use of landscaping and natural buffers between Employment Area uses and adjacent uses is encouraged;
 - (f) Apply the principles of sequential development and phasing where appropriate through secondary planning or equivalent, in accordance with Policies 5.4.9 to 5.4.16;
 - (g) Maximizing opportunities for walkability and the use of active transportation modes; and,
 - (h) Incorporate measures to encourage green and sustainable building practices including energy efficient building techniques including energy efficient building techniques, low impact development, renewable energy, and bird-friendly design, in accordance with Policies 3.2.9 to 3.2.11.”

In addition to Policy 5.5.16, Policy 5.5.17 of the D.R.O.P. states the following:

“Require, in addition to Policy 5.5.16, the development of Employment Area lands within the 2051 Settlement Area Boundary Expansion Area shown on Map 1 to occur in accordance with the relevant policies of Section 5.7.”

Policy 5.5.18 of the D.R.O.P. requires area municipalities to implement the Employment Area policies of the D.R.O.P. through their official plans, including density targets, phasing of larger employment parcels and areas, urban design guidelines, landscaping requirements and protection from non-employment uses.

Section 5.7 of the D.R.O.P. outlines objectives and policies for 2051 Urban Expansion Areas and future expansions. Policy 5.7.3 specifically requires area municipalities to

undertake detailed planning for those lands within the 2051 Urban Expansion Areas, including such matters as the following:

- Confirmation of the availability of existing or planned infrastructure;
- Preparation of a fiscal impact study;
- Preparation of a master environmental servicing plan;
- Preparation of a subwatershed plan;
- Preparation of a stormwater master plan;
- Studies which identify how the natural heritage system and water resource system will be protected;
- Preparation of an agricultural impact assessment;
- Delineation of appropriate boundaries, implementation of appropriate; density supportive targets; and,
- Delineation of appropriate boundaries for regional Major Open Space Areas.

In addition, Policy 5.7.6 of the D.R.O.P. states the following:

“Ensure that the 2051 Urban Expansion Areas shown on Map 1 do not create new natural hazards or aggravate existing natural hazards through any new development within the Urban Expansion Areas.”

It is the intent of the Oshawa Official Plan to ensure Oshawa’s position as a major industrial centre in the Region of Durham and in the Province is maintained and enhanced through retention and expansion of existing industries and through the stimulation of new industrial growth. Industrial areas are designated on Schedule ‘A’, Land Use, of the Oshawa Official Plan, and are intended for uses whose nature and/or business needs may require access to highway, rail and/or shipping facilities.

The North Kedron Industrial Area is already described in the Oshawa Official Plan as being generally bounded by a future Type “C” arterial road to the south (i.e. Nancy Diamond Boulevard), Ritson Road North to the west, and the Major Urban Area Boundary to the north and east. The proposed amendments to the Oshawa Official Plan and Zoning By-law to redesignate and rezone the North Kedron Industrial Area, and expanding the Major Urban Area Boundary to include said lands, are generally in keeping with the intent and vision already set out in the Oshawa Official Plan.

Policy 2.4.2.3 of the Oshawa Official Plan requires that the City be satisfied that certain matters be considered and adequately addressed prior to allowing development to

proceed within greenfield areas (e.g. the North Kedron Industrial Area) designated as Industrial. These matters are as follows:

- The provisions of the Oshawa Creek and the Black/Harmony/Farewell Creek watershed plans, where applicable, and any necessary updates thereto;
- The orderly and sequential development of lands;
- The availability and feasibility of extending full municipal water and sanitary sewerage systems;
- An assessment of how the proposed development will affect the natural, built and cultural environments;
- The application, where appropriate, of Low Impact Development (L.I.D.) technologies and conveyance methods pursuant to Policy 5.6.10, and the need to undertake stormwater management studies and plans, pursuant to Policy 5.6.12;
- The transportation needs for all modes, including transit, cycling and pedestrian transportation;
- The incorporation of site design and urban design standards that create attractive, safe and accessible places, support transit, walking and cycling and achieve an appropriate transition to adjacent areas;
- A fiscal impact analysis of the proposed development, where deemed necessary by the City, in relation to the municipal services and facilities required to support the development and the financial capability of the City to provide such services. A qualified professional acceptable to the applicant and the City shall be retained to undertake such a study and the expense shall be borne by the applicant. The City may also retain, in accordance with Policy 9.15.1, a qualified consultant to peer review the study;
- An assessment of potential land use conflicts between existing sensitive and agricultural uses and the proposed development, and the recommended means to alleviate the identified conflict; and,
- The provisions of Policy 2.4.5.18, in the case of development proposed on lands designated as Industrial fronting Simcoe Street North, north of the Highway 407 East corridor and south of the community of Columbus, to ensure the sensitive transition of new development with the existing historic community of Columbus.

Policy 7.2.15 of the Oshawa Official Plan recognizes the long-term economic importance of designated Industrial areas and associated freeway infrastructure for Industrial uses. On this basis, the policy states that lands in the vicinity of the Highway 407 East should be designated for industrial purposes that rely on this freeway infrastructure once they are brought within the Major Urban Area Boundary.

Staff note that preliminary studies have been completed for the North Kedron Industrial Area as part of the work undertaken to complete the Kedron Part II Plan, including an

environmental analysis, transportation, traffic and transit assessment report, a servicing and stormwater management report, and a fiscal impact analysis. These studies may be used to assist the future development of these lands, with the intent that these studies be updated, where necessary, and/or peer reviewed to ensure that the information contained in these preliminary studies remains relevant and/or applicable to any future development.

Based on the policy direction from the P.P.S., the D.R.O.P. and the Oshawa Official Plan, it is appropriate to make amendments to the Oshawa Official Plan and Zoning By-law to permit an expansion of the Major Urban Area Boundary in Oshawa to redesignate and rezone an expanded North Kedron Industrial Area for industrial uses, for the following reasons:

- The amendments will implement the direction of the D.R.O.P.;
- The North Kedron Industrial Area is located in proximity to Highway 407 East, a major transportation and goods movement corridor, and the Harmony Road North/Highway 407 East interchange;
- The North Kedron Industrial Area is required over the 2051 time horizon for employment purposes to achieve the City's forecasted employment growth target;
- The North Kedron Industrial Area forms part of the City's whitebelt lands and are not within the Greenbelt Natural Heritage System;
- The lands are located outside of aggregate resource potential areas;
- The lands associated with the City's Natural Heritage System are protected and shown on Schedule 'D-1', Environmental Management, of the Oshawa Official Plan, and will be zoned appropriately to protect any key natural heritage features;
- There will be opportunities for expansion of Regional services in the future including water and sanitary sewers, given the proximity of the North Kedron Industrial Area to the Kedron Part II Plan which is currently being developed into a residential, mixed-use community to the south; and,
- The Major Urban Area Boundary expansion is contiguous to an existing urban area of Oshawa, which will facilitate orderly and sequential development.

In addition, it is appropriate to add a holding provision to the impacted lands to ensure that certain specified studies are completed prior to the development of the North Kedron Industrial Area. Staff note that these studies can be undertaken by a third party as part of a development application for lands within the North Kedron Industrial Area.

Proposed Amendment:

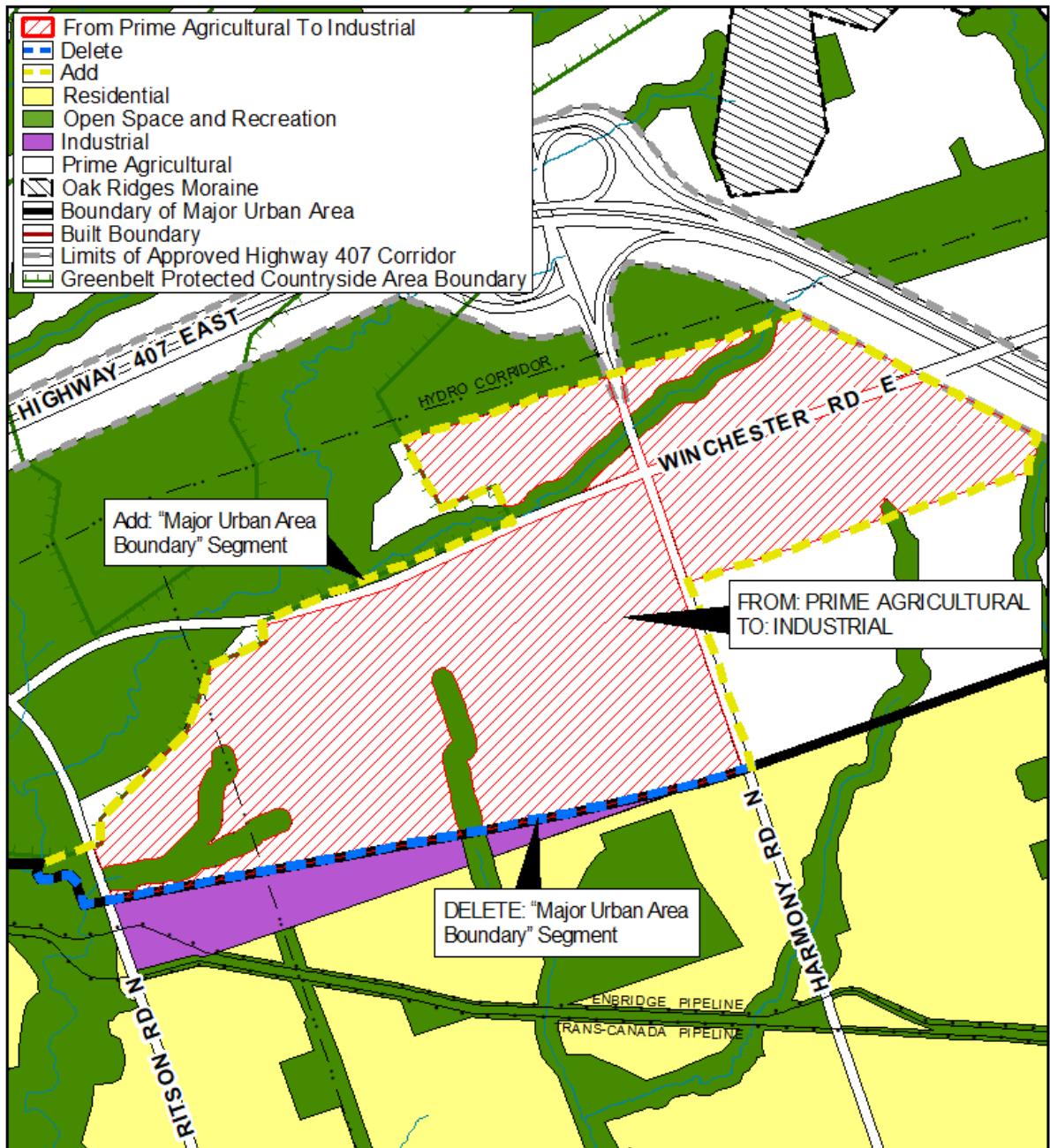
- (a) Delete paragraph "(h2)" of Policy 2.4.1.6 of the Oshawa Official Plan in its entirety and replace it with the following:

"(h2) [not in use];"

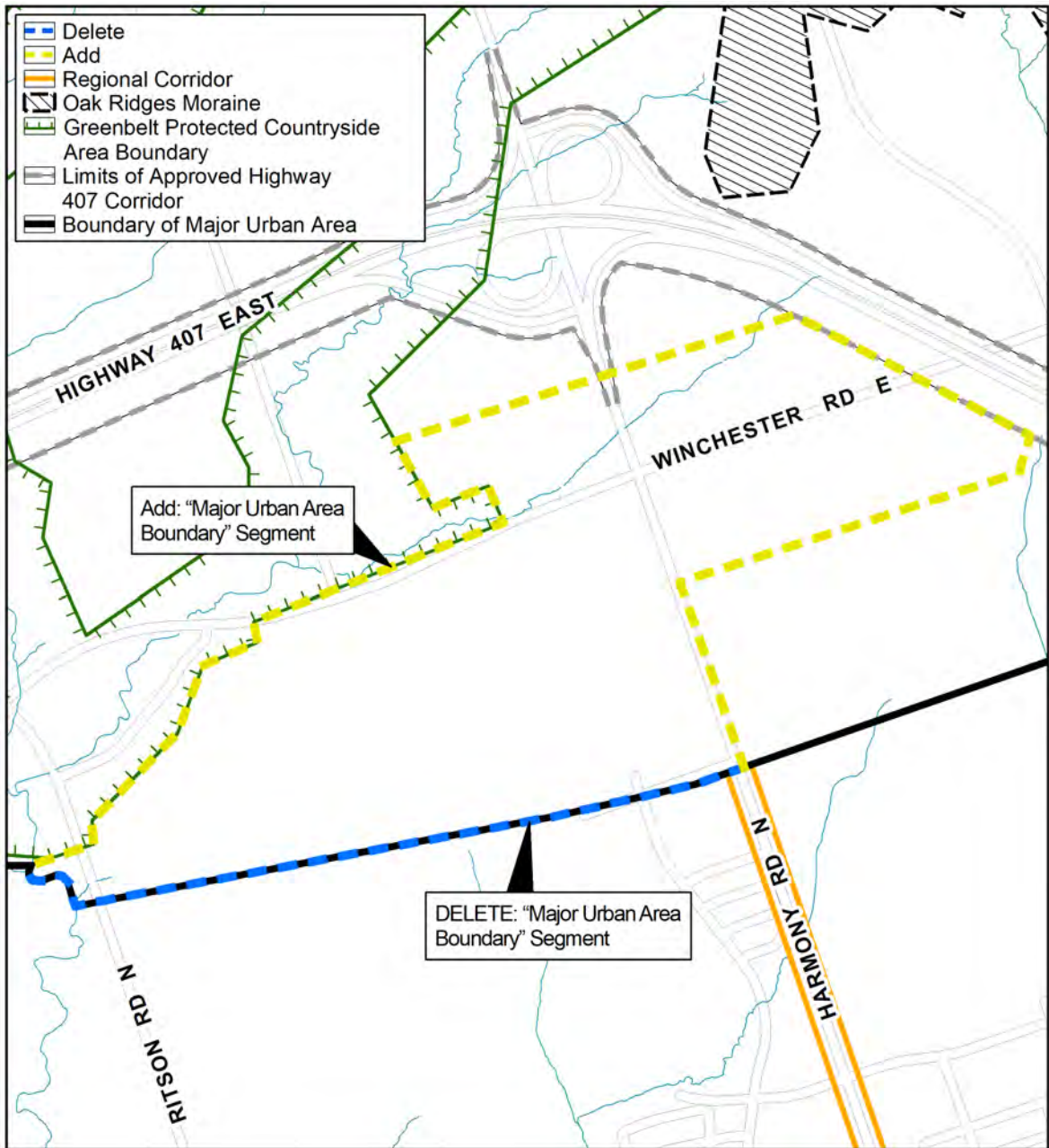
- (b) Amend Section 2.4.5, Industrial, of the Oshawa Official Plan to add a new Site Specific Policy generally as follows:

“Notwithstanding any policy of this Plan or Envision Durham to the contrary, the lands within the North Kedron Industrial Area, generally located on the east side of Ritson Road North, south and west of Highway 407 East, and north of Nancy Diamond Boulevard may only be developed for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities but shall exclude institutional and commercial uses, including retail and office not associated with the primary employment use listed above, as well as public service facilities. In this regard, public service facilities means land, buildings and structures, including but not limited to schools, hospitals and community recreation facilities, for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health, child care and educational programs, including elementary, secondary, post-secondary, long-term care services, and cultural services. For greater clarity, public service facilities do not mean physical structures (facilities or corridors) that form the foundation for development, including sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications including broadband, transit and transportation corridors and facilities, active transportation systems, oil and gas pipelines and associated facilities, and municipal growth-related operations and maintenance facilities.”

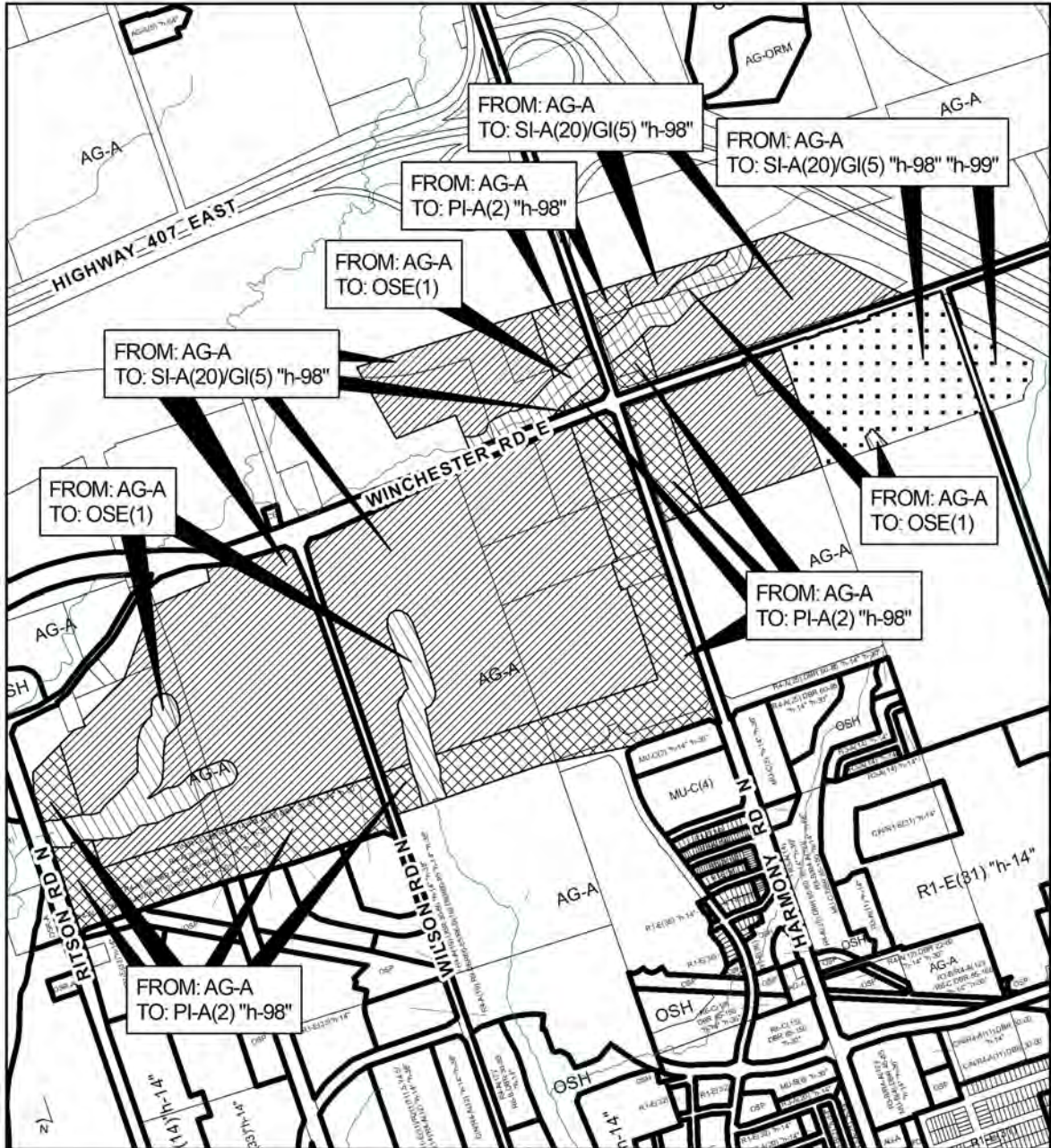
- (c) Amend Schedule 'A', Land Use, of the Oshawa Official Plan to redesignate the lands currently designated as Prime Agricultural and generally located east of Ritson Road North, south and west of Highway 407 East and north of Nancy Diamond Boulevard as "Industrial", and delete the "Boundary of Major Urban Area" line feature in certain locations and add a "Boundary of Major Urban Area" line feature in certain locations as generally shown on the map provided:



- (d) Amend Schedule 'A-2', Corridors and Intensification Areas, of the Oshawa Official Plan to delete the "Boundary of Major Urban Area" line feature in certain locations and add a "Boundary of Major Urban Area" line feature in certain locations as generally shown on the map provided:



- (e) Amend Schedule "A", Maps B4, C4 and North Half Map, of Zoning By-law 60-94 to rezone the lands generally located east of Ritson Road North, south and west of Highway 407 East and north of Nancy Diamond Boulevard as generally shown in hatching on the map provided from AG-A (Agricultural) to a site specific PI-A(2) "h-98" (Prestige Industrial) Zone, a site specific SI-A(20)/GI(5) "h-98" (Select Industrial/General Industrial) Zone, a site specific SI-A(20)/GI(5) "h-98" "h-99" (Select Industrial/General Industrial) Zone and a site specific OSE(1) (Environmentally Sensitive Open Space) Zone.



- (f) Add a new holding zone provision under Article 3.5.2 of Zoning By-law 60-94 for the lands generally located east of Ritson Road North, south and west of Highway 407 East and north of Nancy Diamond Boulevard, to ensure that certain specific requirements have been addressed to the City's satisfaction prior to development on a site proceeding, that generally reads as follows:

"3.5.2(98) h-98 Zone (North Kedron Industrial Area)

Purpose: To ensure that:

- (a) Site plan approval is obtained from the City;
- (b) Appropriate arrangements including, but not necessarily limited to, supplementary work building off of the July 2019 Kedron Part II Planning Area Master Environmental Servicing Plan Addendum in order to identify servicing requirements for the North Kedron Industrial Area, are made for the provision of adequate sanitary, water, stormwater management and transportation services, to the satisfaction of the City, the Region and the Central Lake Ontario Conservation Authority; and,
- (c) Appropriate engineering and environmental impact studies are undertaken to address any potential environmental impacts on natural hazards and the natural heritage system to the satisfaction of the City and the Central Lake Ontario Conservation Authority, including the requirement that development shall not create new or aggravate existing hazards.

Permitted Interim Uses:

- (a) All existing uses."

- (g) Add a new holding zone provision under Article 3.5.2 of Zoning By-law 60-94 for the lands generally located east of Harmony Road North, west of Highway 407 East, south of Winchester Road East and north of Nancy Diamond Boulevard, to ensure that certain specific requirements have been addressed prior to development on a site proceeding, that generally reads as follows:

"3.5.2(99) h-99 Zone (Easterly portion of North Kedron Industrial Area)

Purpose: To ensure that:

- (a) Appropriate arrangements are made for the provision of adequate transportation services, particularly the alignment of Grandview Street North in the vicinity of the southerly leg of the future Winchester Road East/Grandview Street North intersection.

Permitted Interim Uses:

- (a) All existing uses.”
- (h) Amend Subsection 3.8 of Zoning By-law 60-94 by introducing a new Article 3.8.14 to read as follows:

“3.8.14 Notwithstanding any Article in Subsection 3.8 to the contrary, the boundary of areas zoned OSE(1) within the area commonly referred to as the North Kedron Industrial Area, generally located east of Ritson Road North, south and west of Highway 407 East and north of Nancy Diamond Boulevard, may be adjusted following the preparation of either or both of an Environmental Impact Study or Engineering Study to the satisfaction of the City and the Central Lake Ontario Conservation Authority.”
- (i) Amend Subsection 27.3 of Zoning By-law 60-94 by introducing a new Article 27.3.2 to permit only industrial-type uses and to implement site specific zoning standards such as, but not necessarily limited to, a maximum height of up to 40 metres provided the height does not exceed an equivalent horizontal distance from the front lot line as measured along a 45 degree angular plane, and specifying that the minimum lot depth, as measured from a street line that is deemed to be a front line to the rear lot line, shall be 90 metres.
- (j) Introduce a new PI-A(2) (Prestige Industrial) Zone to certain areas which would permit the following uses:
 - (a) Controlled environment agriculture facility
 - (b) Data Processing Centre accessory to any permitted use in the PI-A(2) Zone
 - (c) Dry cleaning and laundry plant
 - (d) Food preparation plant
 - (e) Light industrial uses including light manufacturing, processing of semi manufactured goods or assembly of manufactured goods
 - (f) Industrially oriented office accessory to any main use permitted in the PI-A(2) Zone
 - (g) Printing establishment
 - (h) Retail accessory to any main use permitted in the PI-A(2) Zone
 - (i) Research and development establishment in connection with manufacturing
 - (j) Sales outlet accessory to any permitted use in the PI-A(2) Zone
 - (k) Warehouse for semi-manufactured or manufactured goods
 - (l) Wholesale distribution centre
- (k) Amend Subsection 28.3 of Zoning By-law 60-94 by introducing a new Article 28.3.24 to permit only industrial-type uses and to implement site specific zoning standards such as, but not necessarily limited to, a maximum height of up to 40 metres provided the height does not exceed an equivalent horizontal distance from the front lot line as measured along a 45 degree angular plane, and regulations governing the location and/or extent of outdoor storage.

- (l) Introduce a new SI-A(20) (Select Industrial) Zone to certain areas which would permit the following uses:
 - (a) Any use permitted in a PI-A(2) Zone
 - (b) Outdoor storage accessory to any use permitted in the SI-A(20) Zone
- (m) Amend Subsection 29.3 of Zoning By-law 60-94 by introducing a new Article 29.3.6 to permit only industrial-type uses and to implement site specific zoning standards such as, but not necessarily limited to, a maximum height of up to 40 metres provided the height does not exceed an equivalent horizontal distance from the front lot line as measured along a 45 degree angular plane, regulations governing the location and/or extent of outdoor storage, and a requirement for a loading space to have a minimum clear height of 4.2 metres.
- (n) Introduce a new GI(5) (General Industrial) Zone to certain areas which would permit the following uses:
 - (a) Any industrial use not mentioned in this subsection which is not obnoxious
 - (b) Cleaning or dyeing plant
 - (c) Contracting Yard
 - (d) Controlled environment agriculture facility
 - (e) Dry cleaning and laundry plant
 - (f) Food preparation plant
 - (g) Industrially oriented office accessory to any main use permitted in the GI(5) Zone
 - (h) Manufacturing, processing or assembly industry
 - (i) Metal stamping establishment
 - (j) Outdoor storage accessory to a permitted use in a GI(5) Zone
 - (k) Printing establishment
 - (l) Recycling depot
 - (m) Recycling operation
 - (n) Sales outlet accessory to any permitted use in the GI(5) Zone
 - (o) Transport terminal including railway yard
 - (p) Underground bulk liquid storage
 - (q) Warehouse
 - (r) Wholesale distribution centre

3. Zoning By-law Section 5.12, Table 26.2 and Table 32.2

Issue:

On October 20, 2024, the P.P.S. came into effect. Section 4.3 of the P.P.S. contains policies related to agriculture. Policy 4.3.2(5) states the following:

“Where a residential dwelling is permitted on a lot in a prime agricultural area, up to two additional residential units shall be permitted in accordance with provincial guidance, provided that, where two additional residential units are proposed, at

least one of these additional residential units is located within or attached to the principal dwelling, and any additional residential units:

- a) comply with the minimum distance separation formulae;
- b) are compatible with, and would not hinder, surrounding agricultural operations;
- c) have appropriate sewage and water services;
- d) address any public health and safety concerns;
- e) are of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster; and
- f) minimize land taken out of agricultural production. Lots with additional residential units may only be severed in accordance with policy 4.3.3.1.c).”

Article 5.12.1 of the Zoning By-law states that accessory apartments shall be permitted within any single detached dwelling, semi-detached dwelling, semi-detached building, duplex, or street townhouse dwelling or within a building accessory to a single detached dwelling, semi-detached dwelling, semi-detached building, duplex, or street townhouse dwelling located in a R1-A, R1-B, R1-C, R1-D, R1-E, R2, R3 or R5 Zone subject to a list of provisions. A maximum of three dwellings units in total are permitted on a lot subject to restrictions and the lot must be serviced by full municipal water and sanitary sewer services.

Article 5.12.5 of the Zoning By-law states that an accessory apartment that is not permitted under Article 5.12.1 (e.g. lots without access to full municipal water and sanitary services, or lots in agricultural zones) may be permitted only within any single detached dwelling or semi-detached dwelling located in a R1, R2, R5, OSR-A, OS-ORM, AG-A, AG-B or AG-ORM Zone subject to a list of provisions. At this time, the Zoning By-law does not permit an accessory apartment within a building accessory to the single detached dwelling or semi-detached dwelling within the above zones.

It is appropriate to update the Zoning By-law to conform to the P.P.S. and allow up to two additional residential units in areas outside of serviced urban areas provided that, where two additional residential units are proposed, at least one of these additional residential units is located within or attached to the principal dwelling and the other can be located within a building accessory to the single detached dwelling or semi-detached dwelling.

Proposed Amendments:

- (a) Amend Article 5.12.1 by deleting the words “R1-A, R1-B, R1-C, R1-D, R1-E, R2, R3 or R5” after the words “located in a” and before the words “Zone, subject to the” and replace it with the text “R1, R2, R3, R5, OSR-A, OS-ORM, AG-A, AG-B or AG-ORM”.

(b) Delete Sentence 5.12.1(a) in its entirety and replace it with a new Sentence 5.12.1(a) that reads as follows:

“(a) In addition to the regulations of Article 5.1.2, the maximum floor area of an accessory apartment in an accessory building in a R1-G, R1-H, OSR-A, OS-ORM, AG-A, AG-B or AG-ORM Zone shall be 60m² or 100% of the floor area of the main dwelling unit, whichever is lesser. For the purposes of this Sentence, floor area shall not include a private garage.”

(c) Amend Sentence 5.12.1(l) by adding the following sentence at the end of the Sentence:

“In addition, an accessory building containing an accessory apartment in a R1-G, R1-H, OSR-A, OS-ORM, AG-A, AG-B or AG-ORM Zone shall be separated from the main building by not more than 15.0m.”

(d) Delete Article 5.12.5 in its entirety and re-number subsequent Articles accordingly.

(e) Amend Table 26.2 by adding the text “(not including accessory apartments)” after the text “Maximum Number of Dwelling Units Per Lot” in the first column of the fourth row.

(f) Amend Table 32.2 by adding the text “(not including accessory apartments or seasonal worker housing units)” after the text “Maximum Number of Dwelling Units Per Lot” in the first column of the ninth row.

4. Zoning By-law Table 39.3B

Issue:

The existing issue at hand is one whereby apartment buildings must be issued building permits based on the building being a rental building, given that a building is not a condominium building until it is registered as a condominium, and a developer cannot register a building as a condominium until it is built. In addition, a developer can submit a condominium application, but there is no obligation to ever register it. This means that a developer could build an apartment building with the intention of registering it as a condominium and use the visitor parking rate of 0.30 spaces per unit, but never actually register the condominium, resulting in the building being non-complying with respect to parking. In 2021, as part of undertaking a City-wide parking study, IBI Group had recommended reducing the visitor parking rate to 0.25 spaces per unit. Consequently, reducing the visitor rate to 0.30 spaces per unit for rental buildings, identical to the visitor rate for condominium buildings, would still be appropriate. Eliminating this discrepancy between condominium and rental apartment buildings would reduce applications for minor variances and would assist staff’s efforts to streamline the development approvals process.

Proposed Amendment:

(a) Amend Table 39.3B – Residential Parking Requirements of Zoning By-law 60-94 by reducing the visitor parking rate for rental apartment buildings from 0.33 spaces per unit to 0.30 spaces per unit to match the condominium rate, such that it reads as follows:

“Table 39.3B - Residential Parking Requirements

Use or Purpose	Minimum Number of Parking Spaces Required
Any building not specifically mentioned containing 3 or more dwelling units	1 per dwelling unit plus 0.30 per dwelling unit for visitors
Apartment building - condominium	1.45 per dwelling unit plus 0.30 per dwelling unit for visitors
Apartment building - rental, except senior citizens apartment building	1 per dwelling unit plus 0.30 per dwelling unit for visitors”

5. Zoning By-law North Half Zoning Map

Issue:

The lands subject to this proposed amendment are generally located at the southeast corner of Bridle Road North and Winchester Road East, and on the north side of Winchester Road East between Bridle Road North and Ritson Road North. The subject lands are zoned SI-C “h-45” (Select Industrial).

The subject lands are now located within an area identified as Community Area in the D.R.O.P., whereas previously they were identified as an Employment Area.

Consequently, it is appropriate to amend the Zoning By-law by rezoning the subject lands from SI-C “h-45” (Select Industrial) to FD (Future Development) in order to allow existing uses to continue while acknowledging that there currently is no guidance (such as a development proposal) to conclusively determine an appropriate future specific zoning category (or categories) for these lands.

Proposed Amendment:

- (a) Amend Schedule "A", Maps B4 and North Half Map, of Zoning By-law 60-94 to rezone the lands generally located at the southeast corner of Bridle Road North and Winchester Road East, and on the north side of Winchester Road East between Bridle Road North and Ritson Road North, as shown in hatching on the map below, from SI-C "h-45" (Select Industrial) to FD (Future Development).

