

To: Economic and Development Services Committee

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

Report Number: ED-25-80

Date of Report: May 28, 2025

Date of Meeting: June 2, 2025

Subject: City-initiated Amendments to Zoning By-law 60-94

Ward: All Wards

File: 12-12-5055

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## **1.0 Purpose**

The purpose of this Report is to obtain Council authorization to initiate the public process under the Planning Act for Council to consider various proposed City-initiated amendments to Zoning By-law 60-94.

## **2.0 Recommendation**

That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-25-80 dated May 28, 2025, 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 Zoning By-law 60-94, generally in accordance with Attachment 1 to this Report.

## **3.0 Input from other Sources**

### **3.1 Public**

In the event Council approves the Recommendation, a public meeting will be advertised and held, pursuant to the Planning Act, on the proposed amendments as generally set out in Attachment 1. Advertising of the notice for the public meeting will be provided in accordance with the City's Public Notice Policy GOV-23-02.

### **3.2 Other Departments and Agencies**

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

## **4.0 Analysis**

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

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

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

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

## **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. Section 17: Planned Commercial Centre Zones

### Issue:

419 King Street West is occupied by the Oshawa Centre shopping mall and a number of commercial buildings with various uses including retail stores and restaurants. The property has frontages on King Street West, Stevenson Road South and Gibb Street. In recent years, the Oshawa Centre has undergone a number of changes including the loss of two department store anchor tenants, and there is an opportunity for future redevelopment of the property.

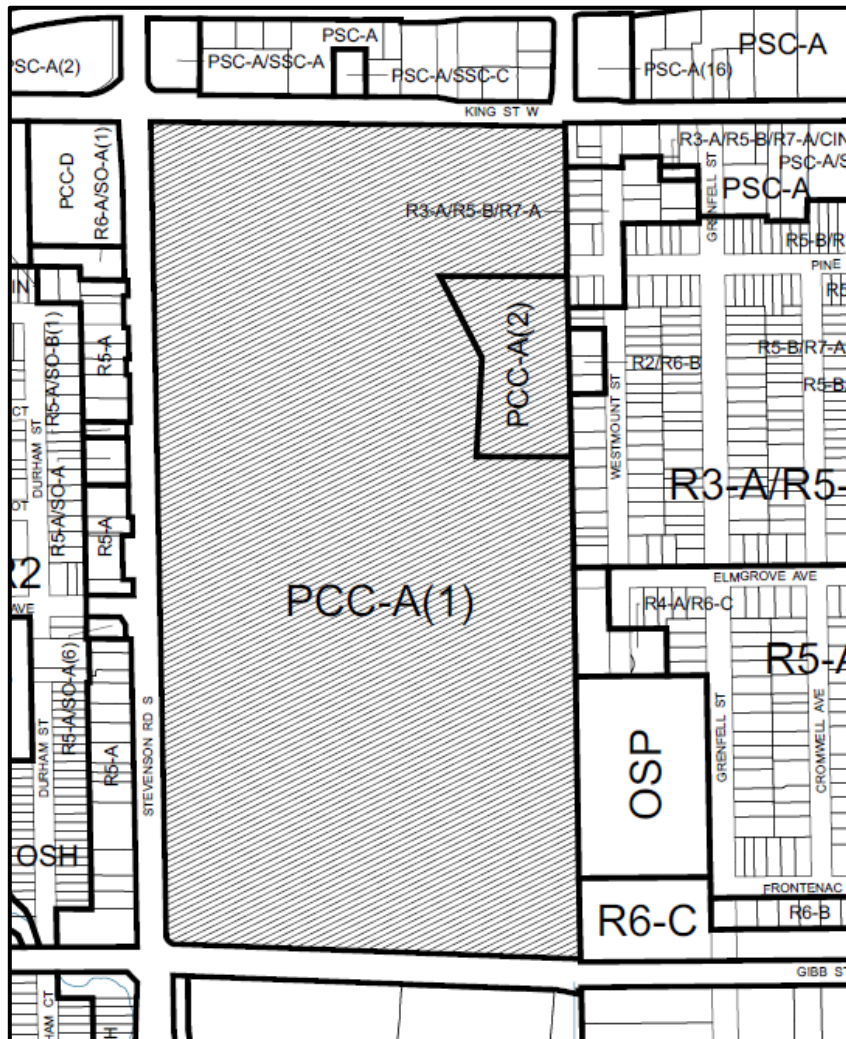
The entire property forms part of a Regional Centre as designated in Envision Durham, which was approved by the Province of Ontario on September 3, 2024. King Street West is identified as a Rapid Transit Corridor in Envision Durham. Strategic Growth Areas such as Regional Centres represent optimal locations for prioritizing intensification and higher density mixed-use development. Strategic Growth Areas are planned as focal points for more intensive forms of development and as locations to achieve transit supportive densities within the Region's Urban System. Envision Durham establishes a long-term transit supportive density target of 150 people and jobs per gross hectare in Regional Centres on Rapid Transit Corridors.

The Provincial Planning Statement, 2024 ("P.P.S.") states that planning authorities should identify the appropriate type and scale of development in strategic growth areas and the transition of built form to adjacent areas and support redevelopment of commercially-designated retail lands to support mixed-use residential development. It also states that planning authorities shall plan for intensification on lands that are adjacent to existing and planned frequent transit corridors, where appropriate.

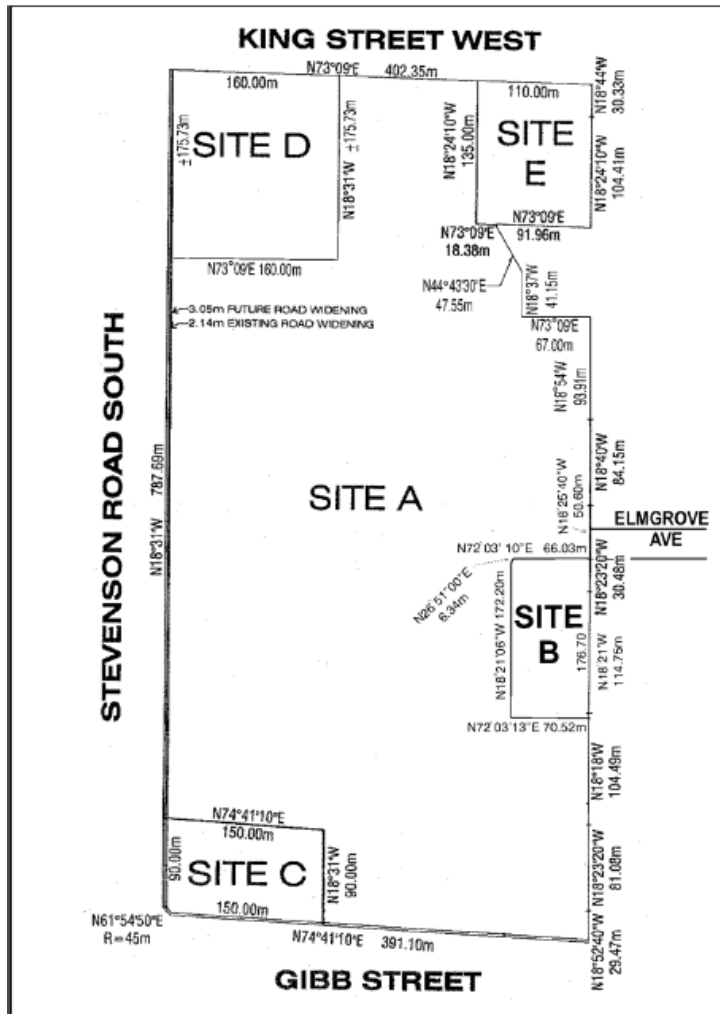
The subject property is designated as Planned Commercial Centre and forms part of the Downtown Main Central Area in the O.O.P. King Street West is identified as a Transit Spine. The policies of the O.O.P. state that the Downtown Main Central Area outside of the Downtown Oshawa Urban Growth Centre is to have emphasis on major office, retail business, personal and administrative services, residential, institutional, recreational, cultural and entertainment uses, and shall be planned to support an overall long-term density target of at least 75 residential units per gross hectare and a floor space index of 2.5. The built form is to consist of a wide variety of high-rise and mid-rise development, with some low-rise development. Developments adjacent to Transit Spines are to provide for a broad mix of uses whose nature lends themselves to more intensive, compact development at higher densities, which are complementary in terms of scale, design and context to the support of transit services, and which are compatible with surrounding stable, established development. The O.O.P. contains policies that establish various density types and provide general locational criteria for such densities. Table 2, Residential Density Classification, in the O.O.P. has five density categories including the High Density II Residential category. The general representative housing type/form within the High Density II Residential category generally consists of medium rise and high rise apartments with a density range of 150 to 300 units per hectare (60 to 120 u/ac.) for

- (a) 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; and;
- (b) Generally located in such a manner that the scale, form and impacts of this type of housing are generally compatible with adjacent land uses.

### Existing Zoning Context:



## Appendix “A” to Special Condition PCC-A(1):



Given the above-noted policy context of the P.P.S., Envision Durham and the O.O.P., and in consideration of the nearby location of the Durham Region Transit bus terminal on the subject property and the planned Durham-Scarborough Bus Rapid Transit service that will provide high-frequency transit service along the Highway 2 corridor, the subject property is ideally suited for zoning that permits mid-rise and high-rise high density mixed-use buildings with lesser residential parking rates.

The proposed zoning would generally allow for the following:

- Building heights of up to 180 metres above sea level, which would be approximately a height of 22 storeys. This height restriction corresponds with the maximum building height permitted in this area by the Transport Canada height regulations related to the Oshawa Executive Airport. In addition, for any building or portion thereof in this northerly area situated in proximity to the properties fronting Pine Avenue or Westmount Street, the maximum height shall be 10 metres (33 ft.) for any portion of a building situated at the minimum required setback from the shared property line, and the permitted maximum height shall increase by 1.0 metre (3.3 ft.) for every 1.0 metre

(3.3 ft.) of setback from the shared property line, up to the above noted maximum height;

- The implementation of new building setback and minimum lot area requirements for the northerly portion of the site adjacent to King Street West and Stevenson Road South;
- Reduced residential parking requirements for apartments and flats, down to 0.5 parking spaces per unit plus 0.25 spaces per bedroom after the first, plus 0.25 parking spaces per unit for visitors. Currently, the parking requirements for apartments and flats in this area are as follows:
  - Rental apartment building: 1.0 parking space per unit plus 0.3 spaces per unit for visitors;
  - Condominium apartment building: 1.45 spaces per unit plus 0.3 spaces per unit for visitors; and,
  - Flats in a mixed-use building four storeys or less: 1.0 space per unit; and,
- Reduced residential parking requirements for block townhouses, down to 1.0 parking space per unit plus 0.25 parking spaces per unit for visitors. Currently, the parking requirements for block townhouses in this area are as follows:
  - Rental block townhouses: 1.25 parking spaces per unit plus 0.35 spaces per unit for visitors; or,
  - Condominium block townhouses: 1.65 spaces per unit plus 0.35 spaces per unit for visitors.

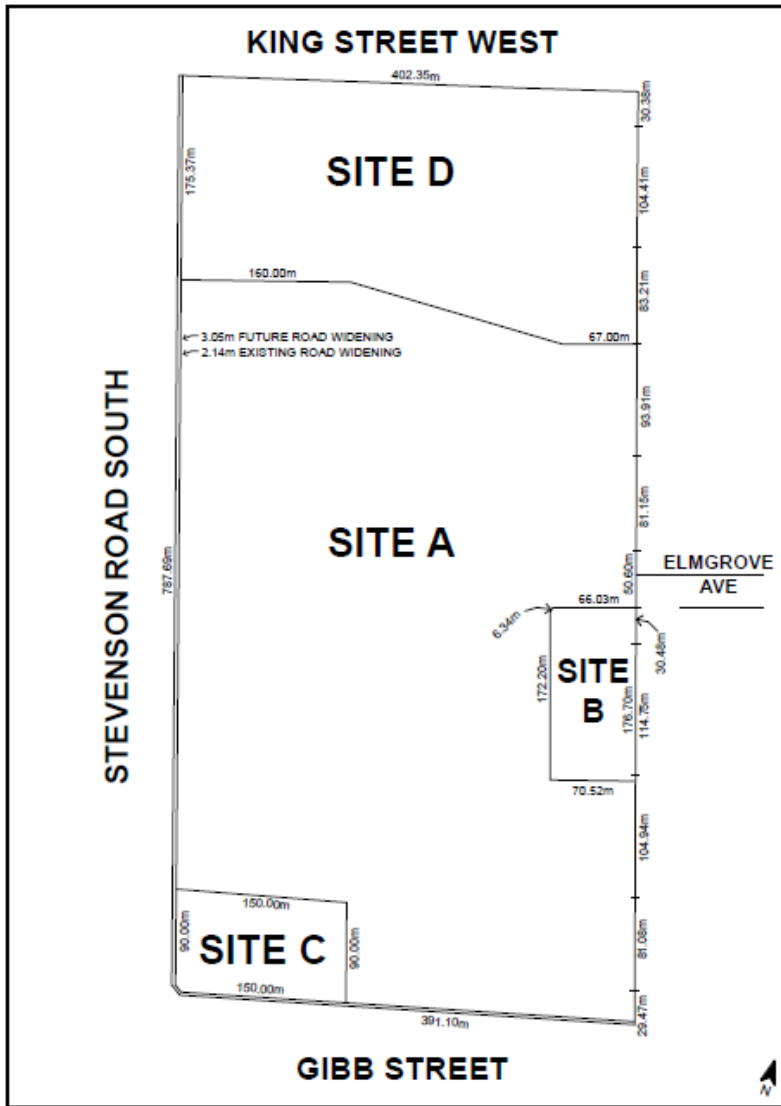
Staff anticipate that a City-initiated rezoning to increase permitted height and density and reduce residential parking requirements would allow the north end of the subject property to intensify with mixed-use redevelopment and further support the future Durham-Scarborough Bus Rapid Transit service along King Street West.

The proposed changes to minimum parking requirements would only apply to residential uses; no changes are proposed to non-residential parking requirements.

**Proposed Amendment:**

- (a) Amend Article 17.3.2 of Zoning By-law 60-94 by deleting Appendix “A” to this Special Condition and replacing it with a new Appendix “A” as shown in the map below. The effect is to reduce the size of Site A, remove Site E, and expand the area of Site D such that it stretches across the north end of the subject site on the south side of King Street West, including the area of land south of Site E as shown on the current version

of Appendix “A” that does not itself form part of the Appendix, but which is currently zoned PCC-A(2).



- (b) Amend Sentence 17.3.2(5) of Zoning By-law 60-94 by deleting the text “Sites “C” and “D”” in the second instance and replacing it with the text “Site “C””, such that the sentence reads as follows:

“17.3.2(5) In addition to any PCC-A(1) use, the lands shown as Sites “C” and “D” on Appendix “A” to this Special Condition may be used for an uncovered surface parking lot associated with any PCC-A(1) use on Site “A”. No PCC-A(1) use, other than an office use or a hotel use, shall be permitted beyond the first three floors, including any cellar or basement, of any building on the lands shown as Site “C” on Appendix “A” to this Special Condition.”

(c) Amend Sentence 17.3.2(6) of Zoning By-law 60-94 by deleting the provision in its entirety and replacing it with the following:

“17.3.2(6) Notwithstanding any provision of this By-law to the contrary, on the lands shown as Site “D” on Appendix “A” to this Special Condition, the minimum residential parking requirement shall be equivalent to the parking requirement for the area shown on Schedule “D” as Area B, as described in Table 39.3B.”

(d) Amend Sentence 17.3.2(7) of Zoning By-law 60-94 by adding the text “for any lot that has frontage on Elmgrove Avenue” after the text “front lot line” such that it reads as follows:

“17.3.2(7) Notwithstanding any other provisions of this By-law to the contrary, in any PCC-A(1) Zone, the Elmgrove Avenue road allowance shall be deemed to be the front lot line for any lot that has frontage on Elmgrove Avenue.

(e) Amend Sentence 17.3.2(8) of Zoning By-law 60-94 by deleting the provision in its entirety and replacing it with the following:

“17.3.2(8) Notwithstanding Subsection 17.2 to the contrary, on the lands shown as Sites “A”, “B” and “C” on Appendix “A” to this Special Condition, the maximum height of any building shall not exceed 50m and shall not exceed 10 storeys in height, and on the lands shown as Site “D” the maximum height shall not exceed 180m above sea level. Notwithstanding the foregoing, on the lands shown as Site “D” on Appendix “A” to this Special Condition, the maximum height shall be 10m for any portion of a building situated at the minimum required setback from the east property line abutting a Residential Zone, and the permitted maximum height shall increase by 1.0m for every 1.0m of setback from the aforementioned lot line, up to a maximum height of 180m above sea level.”

(f) Amend Sentence 17.3.2(12) of Zoning By-law 60-94 to add the text “Sentence 17.3.2(6) and” after the word “Notwithstanding”, such that it reads as follows:

“17.3.12(12) Notwithstanding Sentence 17.3.2(6) and Section 39 to the contrary, in any PCC-A(1) Zone, parking spaces shall be provided based on a shared parking rate. The shared parking rate is determined in accordance with Sentences 17.3.2(13) and 17.3.2(14).”

(g) Amend clause (a) of Sentence 17.3.2(13) of Zoning By-law 60-94 to add the text “, save and except for residential uses on the lands shown as Site “D” on Appendix “A” to this Special Condition, in which case the provisions of Sentence 17.3.2(6) apply” after the text “parking spaces for residential and storage uses”, such that the clause reads as follows:

“(a) The provisions of Section 39 apply to the required number of parking spaces for residential and storage uses, save and except for residential uses on the lands shown as Site “D” on Appendix “A” to this Special Condition, in which case the provisions of Sentence 17.3.2(6) apply. No adjustment for peak period use is

made to those requirements. The minimum number of required parking spaces for these uses must be added to the figure resulting from clause (e) below.”

- (h) Amend Sentence 17.3.2(14) of Zoning By-law 60-94 to add the text “a block townhouse, “ after the text “an apartment building,”, such that the provision reads as follows:

“17.3.2(14) For the purposes of Sentences 17.3.2(12) and 17.3.2(13), and for applying the figures in Tables 1 and 2, use categories are determined in accordance with this Sentence. Any of the following are considered “Retail” uses: animal hospital, automobile rental establishment, automobile repair garage, automobile service station, cinema, club, commercial recreation establishment, commercial school, financial institution, merchandise service shop, personal service establishment, place of amusement, printing establishment, restaurant, retail store, studio, tavern, and a theatre. Any of the following are considered “Office” uses: adult secondary school, art gallery, assembly hall, place of worship, day care centre, funeral home, museum, and an office. Notwithstanding the foregoing, neither “Retail” uses nor “Office” uses shall include any of the following: an apartment building, a block townhouse, a flat, a Long Term Care Facility, a nursing home, and a retirement home, which are considered “Residential” uses for the purposes of Sentence 17.3.2(13).”

- (i) Amend Article 17.3.2 of Zoning By-law 60-94 by adding new Sentences 17.3.2(15) and 17.3.2(16) that read as follows:

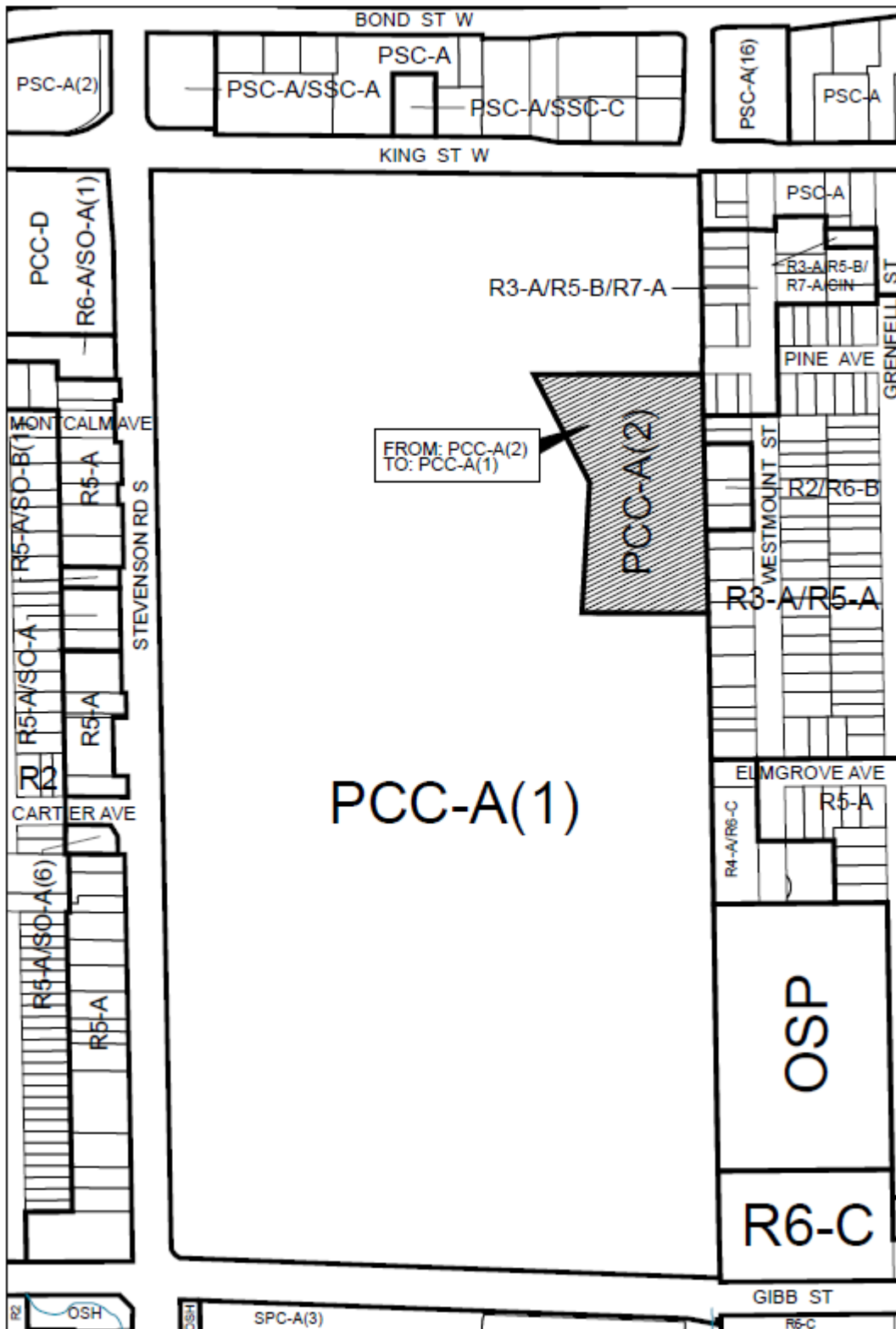
“17.3.2(15) Notwithstanding Table 17.2 of this By-law to the contrary, on the lands shown as Site “D” on Appendix “A” to this Special Condition, the minimum yard depth abutting King Street West and Stevenson Road South shall be 3.0m.

17.3.2(16) Notwithstanding Table 17.2 of this By-law to the contrary, on the lands shown as Site “D” on Appendix “A” to this Special Condition, the minimum lot area shall be 0.4 hectares.”

- (j) Amend Article 17.3.3 of Zoning By-law 60-94, being the site specific PCC-A(2) Zone, by deleting the article in its entirety and replacing it with the text “[Not in use]” such that it reads as follows:

“17.3.3 [Not in use]”

- (k) Amend Schedule "A" – Map A2 of Zoning By-law 60-94 by changing the zoning of the area of land zoned PCC-A(2) to PCC-A(1) as shown on the map below:



## **2. Zoning By-law 60-94 Subsection 5.17: Payday Loan Establishment, Tattoo Parlour, Pawn Shop, Vapour Product Shop and Adult Use Store**

### **Issue:**

In order to support the significant growth planned for the City, including the area surrounding the future Central Oshawa GO Station located at 500 Howard Street, 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, can reduce the quality of the pedestrian environment, public safety and ability of other existing businesses to remain viable, and instead assist to deliver a wide variety of diverse uses at street level. This proposed amendment to the Zoning By-law would contribute to the creation of a high quality retail, residential and pedestrian-oriented environment in the City's residential/commercial mixed-use areas, such as the area surrounding the planned Central Oshawa GO Station (corresponding to the boundaries of the Central Oshawa Protected Major Transit Station Area).

Secondly, Article 5.17.2 currently prohibits a vapour product shop within 150m of any school, park, day care centre or hospital. A "school" includes "elementary schools" and "secondary schools", but also includes adult secondary schools, commercial schools, private schools and post-secondary schools (colleges and universities). It is recommended that Article 5.17.2 be amended to specify that vapour product shops must be a minimum of 150m away from elementary schools, secondary schools and private schools.

### **Proposed Amendments:**

- (a) Amend the title of Subsection 5.17 by adding the text "and Social Service Establishment, and" after the text "Vapour Product Shop," such that it reads as follows:

"5.17            Payday Loan Establishment, Tattoo Parlour, Pawn Shop, Vapour Product Shop, Social Service Establishment, and Adult Use Store."

- (b) Amend Article 5.17.1 by:

- (i) Deleting the word "No" at the beginning of the opening sentence and replacing it with the text "Notwithstanding any provision of this By-law to the contrary, no";
- (ii) Adding the text ", social service establishment" after the text "vapour product shop" in the opening sentence;
- (iii) Deleting the text "outside of the hatched area shown on Schedule "I" to this By-law" in the opening sentence;
- (iv) Deleting the text "150m" in paragraph (a) and replacing it with the text "800m";
- (v) Deleting the text "outside of the hatched area shown on Schedule "I" to this By-law" in paragraph (a);

- (vi) Deleting the text “closer than 400m to another lot within the hatched area shown on Schedule “I” to this By-law” and replacing it with the text “on the same lot already lawfully” in paragraph (b); and,
- (vii) Deleting the text “, as measured along a line connecting the two closest points of the respective lots” in paragraph (b),

such that it reads as follows:

“5.17.1 Notwithstanding any provision of this By-law to the contrary, no payday loan establishment, tattoo parlour, pawn shop, vapour product shop, social service establishment or adult use store situated on a lot shall:

- (a) Be located closer than 800m to another lot occupied by the same use, as measured along a line connecting the two closest points of the respective lots; and,
- (b) Be located on the same lot already lawfully occupied by the same use.”

(c) Amend Article 5.17.2 by deleting item “(a) School” from the list of uses and replacing it with the text “(a) Elementary school, secondary school or private school.”

(d) Amend Subsection 5.17 by adding new Article 5.17.3 that reads as follows:

“5.17.3 For the purposes of Subsection 5.17, the term “social service establishment” shall have the meaning defined in Article 16.4.3 of this By-law.”

(e) Delete the text of Article 16.4.2 in its entirety and replace it with the text “[Not in use]”.

(f) Amend Schedule “I”, Urban Growth Centre, of Zoning By-law 60-94 by deleting the text “Articles 5.15.11, 5.17.1 and 16.4.2” in the legend description and replacing it with the text “Article 5.15.11”.

### **3. Zoning By-law 60-94 Section 5: Uses Permitted in Certain Zones**

#### **Issue:**

The City recently replaced the CBD (Central Business District) Zones with the UGC (Urban Growth Centre) Zones, introduced new CO (Central Oshawa) and PCC-E (Planned Commercial Centre) Zones for two Protected Major Transit Station Areas (“P.M.T.S.A.s”) in the City, and implemented new associated regulations. One of the new regulations requires new buildings in the UGC-A and UGC-B Zones to have a minimum height of 12 metres (39.4 ft.). Further, new buildings in the UGC-C Zone must have a minimum height of 9 metres (29.5 ft.) and have a minimum lot frontage of 18 metres (59 ft.). In a similar fashion, the new zoning implemented for the Central Oshawa P.M.T.S.A. and the Thornton’s Corners P.M.T.S.A. also established certain minimum height and/or lot frontage requirements. However, essential public services and utilities that serve the Downtown Oshawa Urban Growth Centre and other areas of the City should not be bound by design

standards that may inhibit their development. Accordingly, it is recommended that language be added to Subsection 5.4 (Public Uses) to specifically exempt public authorities from having to satisfy design regulations such as minimum height and minimum frontage requirements for the development within the Downtown Oshawa Urban Growth Centre.

**Proposed Amendment:**

(a) Amend Article 5.4.1 to add the text “Urban Growth Centre (UGC) Zone,” after the text “Residential Zone, ” such that the opening paragraph of the provision reads as follows:

“5.4.1 Subject to Article 5.4.3 and to Article 5.4.5, none of the provisions of this By-law shall apply to prevent the use of any land or the erection or use of any building or structure, or part thereof, by a public authority, nor the use of land or the use or erection of any structure in any zone for the purpose of essential services or utilities or work by any telephone, telecommunications, cable television or natural gas company or any railway or pipeline company, provided that where such land, building or structure is located in a Residential Zone, Urban Growth Centre (UGC) Zone, Central Oshawa (CO) Zone or Planned Commercial Centre (PCC-E) Zone:”