

To: Council

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

Report Number: CNCL-25-34

Date of Report: June 18, 2025

Date of Meeting: June 26, 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 provide background information for the Planning Act public meeting to consider various proposed City-initiated amendments to Zoning By-law 60-94, as amended (the “Zoning By-law”).

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 Council 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 June 25, 2025.

### **2.0 Recommendation**

That, Council select an appropriate option as set out in Section 4.2 of Report CNCL-25-34 dated June 18, 2025.

### **3.0 Input from Other Sources**

#### **3.1 Other Departments and Agencies**

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

#### **3.2 Public Comments**

One letter was received from a member of the public (Correspondence ED-25-83) prior to the Economic and Development Services Committee meeting held on June 2, 2025. The following subsections identify the various matters raised in the letter together with a staff response.

##### **3.2.1 Vapour Product Shops**

**Comment:**

The letter supports the proposed amendments related to the types of schools permitted in proximity to vapour product shops and supports limiting vapour product shops in the downtown.

**Staff Response:**

Noted.

##### **3.2.2 Addition of Social Service Establishment to Subsection 5.17**

**Comment:**

The letter questions the proposed inclusion of social service establishments as an additional use to those already listed in Subsection 5.17 of the Zoning By-law, which requires a minimum separation distance between like uses.

**Staff Response:**

Subsection 16.4 of the Zoning By-law currently prohibits social service establishments within the area identified on Schedule "G" which depicts the main pedestrian and shopping streets in the Downtown Oshawa Urban Growth Centre. Subsection 16.4 also restricts social service establishments from establishing within 400 metres (1,312 ft.) of another social service establishment within the entire Downtown Urban Growth Centre as shown on Schedule "I". The proposed amendment to Zoning By-law 60-94 is to remove the separation distance criteria from Subsection 16.4 and consolidate all separation distances in Subsection 5.17 which apply City-wide. Social service establishments would continue to be prohibited in downtown main pedestrian and shopping streets by Subsection 16.4.

The minimum separation distance provisions are to prevent an overconcentration of specific uses in any given geographical area. The repetition or concentration of certain uses in any given geographical area can result in a diminished urban and economic

business environment. In consideration of the significant development and growth forecasted for the City, particularly in mixed-use areas such as the Downtown Oshawa Urban Growth Centre, the Protected Major Transit Station Areas surrounding planned new GO Train stations, and along arterial road commercial corridors and central areas such as Simcoe Street North, Taunton Road East, Bloor Street East and King Street West, it is appropriate that the City be proactive to support urban environments in a manner that provides opportunities for a diverse mix of uses and avoids an undue concentration of similar uses. In doing so the quality of the pedestrian environment is maintained, the level of competition between like uses is regulated to avoid an over-saturation in an area (thereby helping to facilitate commercial and residential growth across the City), and opportunities for residents to conveniently access businesses and services without having to travel larger distances is optimized, including greater modal choice (i.e., using active transportation as opposed to private automobiles).

### **3.2.3 Increasing the minimum separation distance of certain uses City-wide in Subsection 5.17**

#### **Comment:**

The letter questions the proposed increase of the minimum separation distance requirement between like uses, specifically those listed in Subsection 5.17, from 400 metres (1,312 ft.) to 800 metres (2,625 ft.).

#### **Staff Response:**

Several transit agencies aim to provide transit stops or stations within a 500 metre (1,640 ft.) to 800 metre (2,625 ft.) walking distance of residences or destinations. This generally represents a 5 to 10 minute walk, the distance that people are generally comfortable choosing to walk as opposed to driving. For example, Durham Region Transit aims to provide a bus stop within 500 metres (1,640 ft.) of 80% of all dwellings and within 800 metres (2,625 ft.) of 95% of all dwellings. The Province of Ontario's Transit-Supportive Land Use Planning Guidelines (2012) uses the general metric of 400 metres (1,312 ft.) to 800 metres (2,625 ft.) as the standard for identifying transit-supportive nodes around transit stops or stations and for spacing of arterial and collector roads so that a person would have to walk no more than 400 metres (1,312 ft.) to access a bus route on said arterial or collector road.

With respect to implementing a 800 metre (2,625 ft.) separation between certain like uses in Zoning By-law 60-94, the furthest from a service that someone theoretically would be 400 metres (1,312 ft.) or an approximately 5 minute walk. In contrast, a 400 metre (1,312 ft.) separation distance means that if the uses are separated by 400 metres (1,312 ft.), any given geographic point is only 200 metres (656.17 ft.) away from a use in either direction. The 800 metre (2,625 ft.) separation distance is more appropriate as it further separates like uses, for the beneficial reasons discussed in Subsection 3.2.2 of this Report, while maintaining a widely recognized reasonable walking distance to any given use.

### **3.2.4 Tattoo Parlours in Subsection 5.17**

#### **Comment:**

Comments were made regarding the current listing of tattoo parlours among the list of existing uses which require a minimum separation distance, including a suggestion that they be removed from this subsection and no longer be subject to minimum separation requirements.

#### **Staff Response:**

Tattoo parlours are permitted broadly throughout the City under the term “personal service establishment” which is identified as a permitted use in most commercial and mixed use zones in Zoning By-law 60-94, namely SO-B and SO-C (Special Office) Zones, OC-B and OC-C (Office Conversion) Zones, UGC (Urban Growth Centre) Zones, PCC (Planned Commercial Centre) Zones, PSC (Planned Strip Commercial) Zones, SPC (Special Purpose Commercial) Zones, CC (Convenience Commercial) Zones, HMC (Hamlet Commercial) Zones, HBC (Harbour Commercial) Zones, and MU (Mixed Use) Zones.

Subsection 5.17 of Zoning By-law 60-94 currently contains a minimum separation distance requirement for lots occupied by tattoo parlours of 150m outside of the Downtown Urban Growth Centre and 400 metres (1,312 ft.) within the Downtown Urban Growth Centre. As with the other uses listed in Subsection 5.17, these regulations prevent the overconcentration of specific uses as-of-right within the same geographical area. Changing the minimum separation distance to 800 metres (2,625 ft.) consistent with other land uses will further support preventing an overconcentration of tattoo parlours in any given geographic location. The rationale for avoiding an overconcentration of like uses is outlined above in Subsection 3.2.2 of this Report.

## **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 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 5, 2025, Council considered Report ED-25-80 dated May 28, 2025 and authorized this Department to initiate the public process that will allow Council to consider the City-initiated amendments.

Section 2 of Attachment 1 to this Report includes additional new content with respect to the potential regulations for minimum separation distance for social service establishments not outlined in Report ED-25-80, for Council's consideration. This additional new content is generally consistent with Report ED-25-80, but provides additional clarity by specifically indicating that a social service establishment that is directly approved and/or operated by the Province of Ontario or a provincial agency shall not be subject to the proposed minimum separation distance requirement. This clarity is appropriate given that a social service establishment meeting these criteria includes those that fall under the umbrella of a public use operated by a Public Authority, which is defined as follows:

““PUBLIC AUTHORITY” means the Government of Canada, the Government of Ontario, and municipal corporations, as well as any department or board established thereby, including Hydro One Inc. (except with respect to Hydro One Inc. transformer stations that transform power down to 44kv), the Oshawa Power and Utilities Corporation and its subsidiaries, any Crown Agency and any college, university or other post secondary institution created by the Province of Ontario but not including any type of group home or any School Board created by the Province of Ontario.”

Subsection 5.4 of the Zoning By-law specifies that none of the provisions in the Zoning By-law shall apply to prevent the use of any land or the erection/conversion or use of any building or structure, or part thereof, by a Public Authority, provided the use conforms to the Oshawa Official Plan. Accordingly, the proposed exemption aligns with the structural exemptions already in place for public uses in general, as well as recognizes and allows any facilities that are approved by the Province or a provincial agency and which bring to the community their professional resources and expertise to operating and managing such a facility and immediate surroundings.

The City is currently advancing amendments to the Oshawa Official Plan (“O.O.P.”) and Zoning By-law 60-94 related to two Protected Major Transit Station Areas (“P.M.T.S.A.s”) in Oshawa. These amendments, which are contained in Report ED-25-76 dated May 28, 2025, were considered by the Economic and Development Services Committee on June 2, 2025 and it is anticipated Council will adopt them on June 23, 2025. Subsequent to the adoption of the O.O.P. amendments, certain O.O.P. amendments must be sent to the Province for final approval by the Minister of Municipal Affairs and Housing given that they relate to matters that have not been exempted from Provincial approval, including the authorization of land uses, minimum residential densities, and minimum persons and jobs targets in the P.M.T.S.A.s. Consequently, certain amendments to Zoning By-law 60-94 outlined in Report ED-25-76 will also not come into effect until related policies contained in the associated O.O.P. amendments come into effect following Ministerial review and approval.

Subsequent to Council considering Report ED-25-80 and authorizing staff to initiate the process to seek public input on the proposed amendments contained in said report, the Ministry of Municipal Affairs and Housing (“M.M.A.H.”) advised staff that, although not all

O.O.P. amendments outlined in Report ED-25-76 related to the P.M.T.S.A.s are subject to Ministerial approval, all of the O.O.P. amendments should be sent to the Ministry for review and approval, as necessary. One of the proposed amendments to Zoning By-law 60-94 outlined in Report ED-25-76 would modify Article 5.4.1 to include reference to the new Central Oshawa (CO) and Planned Commercial Centre (PCC-E) Zones. Another of the proposed amendments outlined in Report ED-25-80 would similarly modify Article 5.4.1 to include reference to the Urban Growth Centre (UGC) Zone. Article 5.4.1 stipulates that none of the provisions of Zoning By-law 60-94 shall apply to prevent the use of any land or the erection or use of any building or structure by a public authority, as defined, or by a telephone, telecommunications, cable television, natural gas, railway or pipeline company for essential services or utilities work. However, Article 5.4.1 also states that within a Residential zone no goods, materials or equipment shall be stored outdoors, the provisions prescribed for the most similar use shall be complied with, and any buildings or structures should be designed and maintained in general harmony with other buildings or structures in the same zone. The intent of the amendments to Article 5.4.1 outlined in Report ED-25-76 and Report ED-25-80 would introduce the UGC and new CO and PCC-E Zones alongside the Residential Zones where these additional regulations would apply. However, as a result of the M.M.A.H.'s recent advisory, it is appropriate that the amendment contained in Report ED-25-80 be deferred until the Ministry first approves the O.O.P. amendments related to the P.M.T.S.A.s.

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 minor variance applications to the Committee of Adjustment.

## **4.2 Options**

At the conclusion of the public meeting, two options are available to Council 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 Council concern.

Accordingly, Council may wish to pass the following motion in the event no significant issues are raised at the public meeting:

“That the proposed amendments to Zoning By-law 60-94 as generally set out in Attachment 1 to Report CNCL-25-34 dated June 18, 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 Council 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 Council:

“That staff be directed to further review the proposed City-initiated amendments to Zoning By-law 60-94, as generally set out in Attachment 1 to Report CNCL-25-34 dated June 18, 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 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.

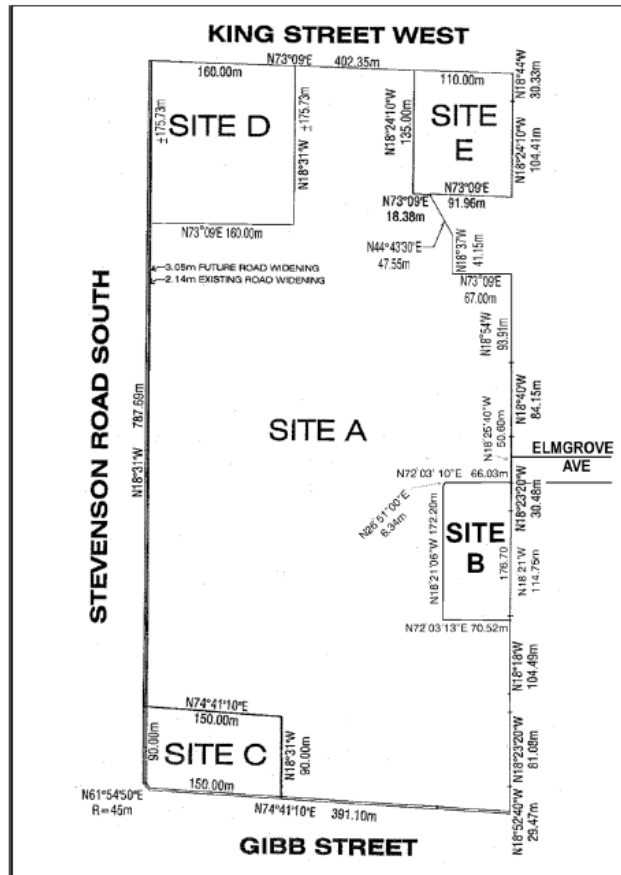
The Provincial Planning Statement, 2024 ("P.P.S.") states that planning authorities should identify the appropriate type and scale of development in strategic growth areas and the transition of built form to adjacent areas and support redevelopment of commercially-designated retail lands to support mixed-use 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 Oshawa Official Plan (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





## 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.

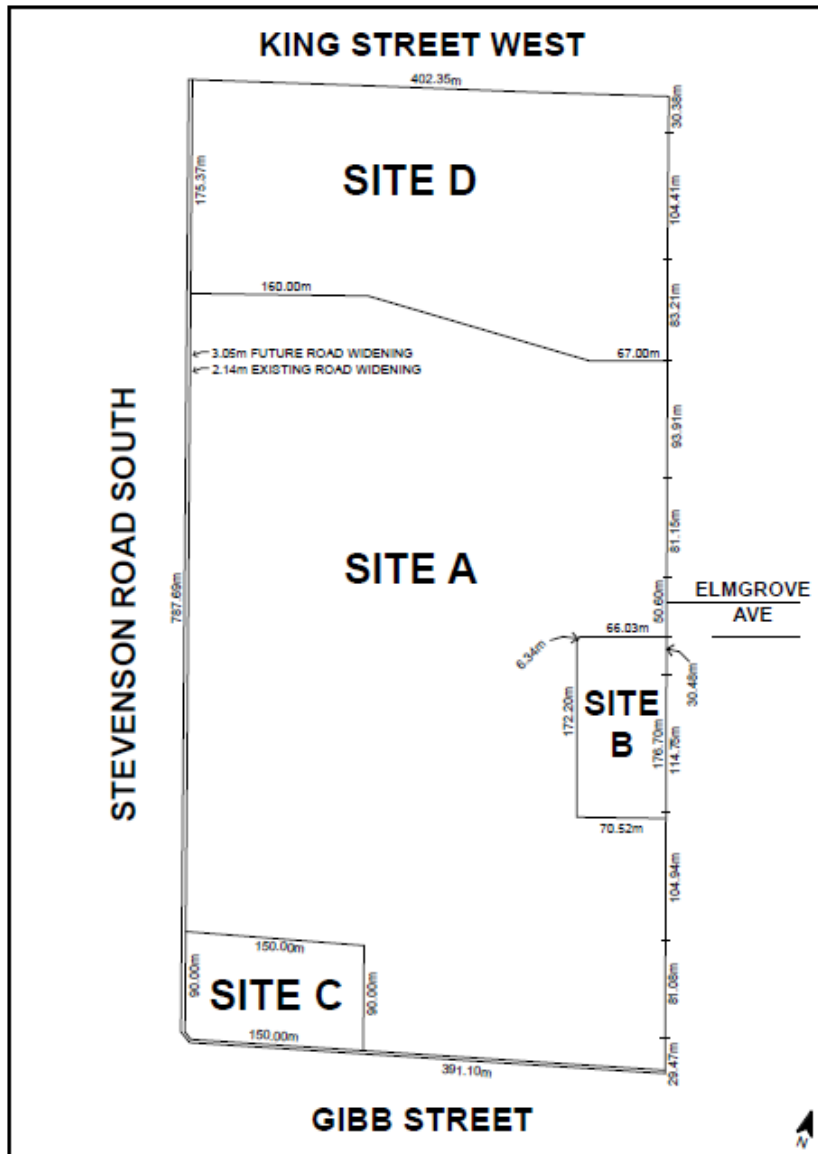
Staff anticipate that a City-initiated rezoning to increase permitted height and density and reduce residential parking requirements would allow the north end of the subject property to intensify with mixed-use redevelopment and further support the future Durham-Scarborough Bus Rapid Transit service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

“17.3.2(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.”



## **2. 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 in the Downtown Oshawa Urban Growth Centre and in 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 like businesses to remain viable, and instead assist to deliver a wide variety of diverse uses at street level. This is of particular importance given the expanded land use permissions recently introduced in Zoning By-law 60-94 for additional lands in the Downtown Oshawa Urban Growth Centre and the area surrounding the planned Central Oshawa GO Station.

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). It would also optimize opportunities for residents to conveniently access businesses and services without having to travel larger distances, thereby also facilitating greater modal choice (i.e., using active transportation as opposed to private automobiles).

With respect to adult use stores and vapour product shops, these amendments would not prevent a retail store from selling vapour products or adult products, but rather would only implement a minimum separation between individual retail stores that primarily sell vapour products or adult products as defined in their respective definitions.

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 only 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”.

(g) Amend Subsection 5.17 by adding new Article 5.17.4 that reads as follows:

“5.17.4 Notwithstanding Article 5.17.1 of this By-law to the contrary, for the purpose of establishing a social service establishment that is approved and/or operated by the Province of Ontario or a provincial agency, there shall be no minimum separation distance requirement relative to another social service establishment. For clarity, the establishment of a social service establishment that is not approved and/or operated by the Province of Ontario or a provincial agency shall be subject to the minimum separation distance requirement to a social service establishment that is approved and/or operated by the Province of Ontario or a provincial agency.”