

To: Economic and Development Services Committee

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

Report Number: ED-26-19

Date of Report: February 25, 2026

Date of Meeting: March 2, 2026

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

Ward: All Wards

File: 12-12-5252

---

## **1.0 Purpose**

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

## **2.0 Recommendation**

That the Economic and Development Services Committee recommend to City Council that, based on Report ED-26-19 dated February 25, 2026, the Economic and Development Services Department be authorized to initiate the statutory public process under the Planning Act for Council to consider proposed City-initiated amendments to the Oshawa Official Plan and Zoning By-law 60-94, generally in accordance with Attachments 1 and 2 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 Attachments 1 and 2. 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 Attachments 1 and 2 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 updated, Council has approved a number of City-initiated, technical and housekeeping amendments to the Oshawa Official Plan and Zoning By-law 60-94.

It is now appropriate to consider another round of City-initiated amendments to address issues which have been identified since the last update. The proposed amendments are generally set out in Attachments 1 and 2 to this Report.

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

### **5.0 Financial Implications**

Anticipated costs to the City are included in the appropriate 2026 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 2 and Zoning By-law 60-94 Sections 1 and 4**

**Issue:**

On June 1, 2021, the Local Planning Appeal Tribunal (L.P.A.T.) was amalgamated with four other provincial-level tribunals, namely the Board of Negotiation, the Conservation Review Board, the Environmental Review Tribunal, and the Mining and Lands Tribunal, to form the Ontario Land Tribunal (O.L.T.).

It is appropriate to replace references to the Local Planning Appeal Tribunal with the Ontario Land Tribunal throughout the Oshawa Official Plan (O.O.P.) and Zoning By-law 60-94.

Policy 2.4.2.6 of the O.O.P. reads as follows:

“2.4.2.6 Decisions of City Council to refuse applications, or non-decisions of City Council on applications, for the redesignation of industrial areas to another designation or to permit an otherwise non-conforming use in an Industrial area shall not be subject to appeal to the Local Planning Appeal Tribunal, pursuant to the Planning Act.”

This policy of the O.O.P. is advisory in nature and has no effect since it is strictly the Planning Act and Provincial Planning Statement, 2024 which govern who can appeal, not the O.O.P. itself. Further, in the time since this policy was introduced into the O.O.P., the Planning Act and Provincial Planning Statement, 2024 have undergone changes to more broadly allow appeals on official plan amendment applications related to the redesignation of industrial areas and employment areas. Therefore, it is recommended that Policy 2.4.2.6 be deleted.

**Proposed Amendment:**

(a) Amend the Oshawa Official Plan by deleting Policy 2.4.2.6.

(b) Amend Article 1.14.1 of Zoning By-law 60-94 to delete the text “Local Planning Appeals” and replace with the text “Ontario Land” such that it reads as follows:

“1.14.1 A provision of this By-law implementing an Oshawa Official Plan Amendment that has not been approved either by the Minister of Municipal Affairs and Housing or the Ontario Land Tribunal before the date of passage of this By-law does not come into force or take effect until the related Oshawa Official Plan Amendment is approved.”.

(c) Amend Article 4.2.1 of Zoning By-law 60-94 to delete the text “Local Planning Appeal” and replace with the text “Ontario Land” such that it reads as follows:

“4.2.1 No enlargement or addition is permitted to a building or structure which is lawfully non-conforming without the approval of the Committee of Adjustment or the Ontario Land Tribunal, as set out in the Planning Act.”.

## **2. Kedron Part II Plan and Zoning By-law 60-94 Schedule “A”: Map B4**

### **Issue:**

Nideva Properties is in the process of registering Phase 1 of their draft plan of subdivision (File: S-O-2014-02) located north of Conlin Road East, east of Ritson Road North. This phase includes 89 single detached dwellings, 8 semi-detached dwellings, 33 street townhouse dwellings, and two blocks for medium density residential development.

Nideva Properties is pursuing a long term care facility for the block in this phase located at the northeast corner of Ritson Road North and Britannia Avenue East. Currently this block is zoned to permit only block townhouses up to a density of 60 units per hectare (24 u/ac.) pursuant to the Kedron Part II Plan.

To facilitate the introduction of a long term care facility in this part of the City, which is a housing form much in demand, it is recommended that the Kedron Part II Plan and Zoning By-law 60-94 be amended to permit High Density I Residential uses at these lands.

The O.O.P. contains policies which establish various density types and provide general locational criteria for such densities. Table 2, Residential Density Classification, has five density categories, one of which is the High Density I Residential category. This category generally permits 85 to 150 units per hectare (34 to 60 u/ac.) subject to general locational criteria as follows:

- (a) Generally located at the periphery of neighbourhoods along arterial roads, or within or at the periphery of the Downtown Oshawa Urban Growth Centre, or in proximity to arterial roads within the Main Central Areas, Sub-Central Areas Community Central Areas or along Regional Corridors.
- (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.

The general representative housing type/form for High Density I Residential sites is low rise and medium rise apartments.

Land uses surrounding the site include:

- North: a future local road, beyond which will be future street townhouses in the Nideva subdivision
- South: Britannia Avenue East, beyond which is a storm water management pond in the Nideva subdivision

- East: a future local road, beyond which will be future single detached dwellings in the Nideva subdivision
- West: Ritson Road North, beyond which are single detached dwellings fronting Britannia Avenue East and the Kedron Dells Golf Course

The proposed high density residential development is appropriate for these lands given the site's corner location adjacent to two arterial roads (Ritson Road North and Britannia Avenue East) and is sitting at the periphery of the surrounding neighbourhood.

The current R4-A(19).DBR40-60 "h-14" "h-38" (Residential) zoning of this land permits block townhouses at a density between 40 and 60 units per hectare in accordance with the current Medium Density I Residential density category of the O.O.P.

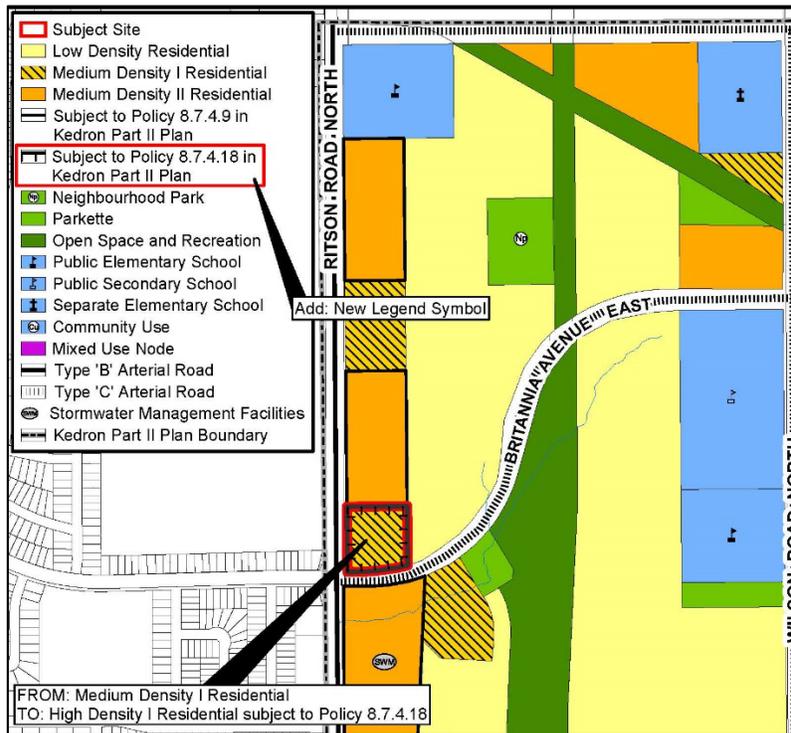
It is recommended that the zoning of the site be amended to R4-A(19).DBR40-85/R6-C.DBR40-160 "h-14" "h-38" (Residential).

The proposed zoning would continue to permit block townhouses. However, the zoning would be amended to allow block townhouses at a density range of 40 to 85 units per hectare (60 to 34 u/ac.) to correlate with the Medium Density I Residential and Medium Density II Residential density categories of the O.O.P. The introduction of the R6-C.DBR40-160 (Residential) Zone would permit long term care facilities, nursing homes, retirement homes and apartment buildings with a density between 40 and 160 units per hectare (16 to 65 u/ac.) and a maximum height of 25 metres (82 ft.).

**Proposed Amendment:**

- (a) Amend Kedron Part II Plan Schedule 'A', Kedron Land Use and Road Plan, by redesignating the lands at the northeast corner of Ritson Road North and Britannia Avenue East from Medium Density I Residential to High Density I Residential subject to

Policy 8.7.4.18 as shown on the map below, and adding a new legend symbol to identify lands “Subject to Policy 8.7.4.18 in Kedron Part II Plan”.



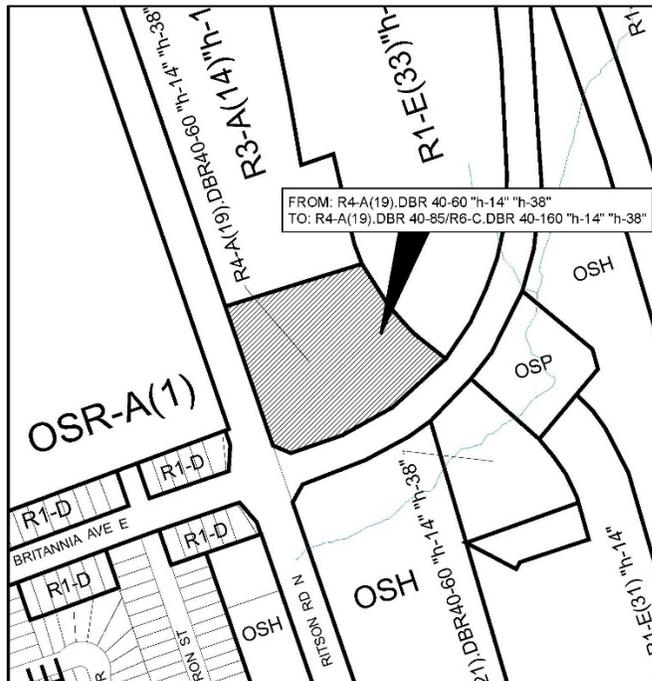
(b) Amend the Kedron Part II Plan by adding a new Policy 8.7.4.18 as follows:

“8.7.4.18 Notwithstanding any other policy of this Part II Plan to the contrary, the following lands designated as High Density I Residential may also be developed with Medium Density I Residential uses or Medium Density II Residential uses, in accordance with Section 2.3 of the Part I Plan:

- Lands at the northeast corner of Ritson Road North and Britannia Avenue East.”.

(c) Amend Schedule “A” – Map B4 of Zoning By-law 60-94 to rezone the lands at the northeast corner of Ritson Road North and Britannia Avenue East as shown in hatching

on the map below from R4-A(19).DBR40-60 "h-14" "h-38" (Residential) to R4-A(19).DBR40-85/R6-C.DBR40-160 "h-14" "h-38" (Residential).



### 3. Kedron Part II Plan and Zoning By-law 60-94 Section 9 R4 Residential Zones and Schedule "A" Maps A4 and North Half

#### Issue:

Minto is in the process of registering Phase 2 of their draft plan of subdivision (File: S-O-2017-07) located east of Harmony Road North, south of the planned extension of Nancy Diamond Boulevard. Phase 2 will include the construction of a 300m (984 ft.) portion of Nancy Diamond Boulevard extending east of Harmony Road North. This phase includes 79 street townhouse dwellings, two (2) medium density blocks and one (1) mixed-use block.

Minto is pursuing a long term care facility for the mixed-use block and one of the two medium density blocks. The mixed-use block is designated Mixed Use II in the Kedron Part II Plan and is zoned MU-C(3) (Mixed Use) in Zoning By-law 60-94 which permits a range of commercial and residential uses including retirement homes up to a maximum residential density of 150 units per hectare (60 u/ac.) and a maximum height of 8 storeys or 30m (98.4 ft.). The medium density block is designated Medium Density II Residential in the Kedron Part II Plan and is zoned R4-A(25).DBR60-85 which permits block townhouses and apartment buildings with a permitted density range of 60 and 85 units per hectare (24 to 34 u/ac.) and a maximum height of 6 storeys or 25m (82 ft.).

To facilitate the introduction of a retirement home in this part of the City, which is a housing form much in demand, it is recommended that the Kedron Part II Plan and Zoning By-law 60-94 be amended to permit High Density I Residential uses at the medium density block (Block 132 in draft plan S-O-2017-07), in order that both the medium density block and the

abutting mixed use block (Block 137 in draft plan S-O-2017-07) have consistent density permissions allowing a maximum of 150 units per hectare (60 u/ac.).

The O.O.P. contains policies which establish various density types and provide general locational criteria for such densities. Table 2, Residential Density Classification, has five density categories, one of which is the High Density I Residential category. This category generally permits 85 to 150 units per hectare (34 to 60 u/ac.) subject to general locational criteria as follows:

- (a) Generally located at the periphery of neighbourhoods along arterial roads, or within or at the periphery of the Downtown Oshawa Urban Growth Centre, or in proximity to arterial roads within the Main Central Areas, Sub-Central Areas Community Central Areas or along Regional Corridors.
- (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.

The general representative housing type/form for High Density I Residential sites is low rise and medium rise apartments.

Land uses surrounding the site include:

- North: future residential development beyond Nancy Diamond Boulevard
- South: a branch of the Oshawa Creek, beyond which is land intended for street townhouses in the Minto subdivision
- East: a branch of the Oshawa Creek, beyond which is another medium density block in the Minto subdivision
- West: Harmony Road North, beyond which are block townhouses and a block for planned stacked townhouses

The proposed high density residential development is appropriate for these lands given the site's corner location adjacent to two arterial roads (Harmony Road North and Nancy Diamond Boulevard), its sitting at the periphery of the surrounding neighbourhood, and the natural buffer to surrounding development provided by the Oshawa Creek natural heritage system.

It is recommended that the zoning of Block 132 be amended from R4-A(25).DBR60-85“h-14”“h-30” (Residential) to a new site specific R4-A(32).DBR60-150“h-14”“h-30” (Residential) Zone. This new zone will continue to have regulations similar to those of the R4-A(25) Zone but will include retirement homes, nursing homes and long term care facilities as permitted uses in addition to block townhouses and apartment buildings, and will permit a density of 60 to 150 units per hectare. No changes to the zoning of the mixed-use block are required.

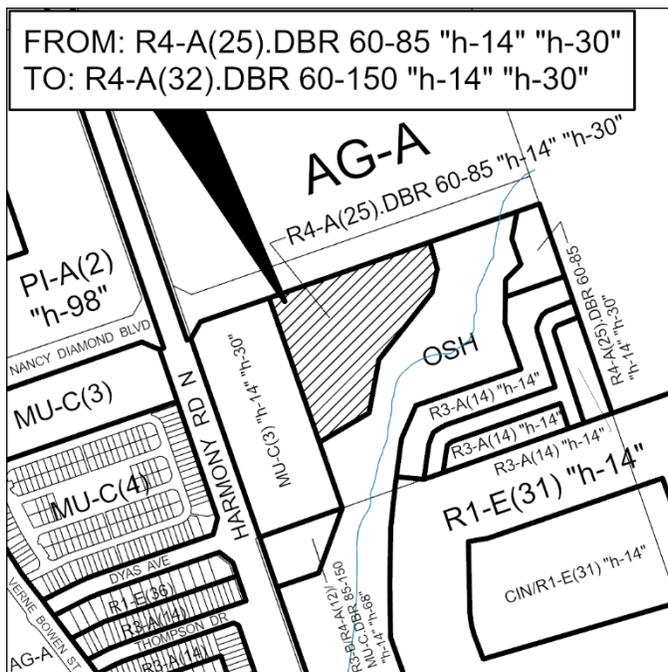
**Proposed Amendment:**

(a) Amend the Kedron Part II Plan by adding a new Policy 8.7.4.19 as follows:

“8.7.4.19 Notwithstanding any other policy of this Part II Plan to the contrary, the following lands designated as Medium Density II Residential may also be developed with High Density I Residential uses, in accordance with Section 2.3 of the Part I Plan:

- Lands on the south side of Nancy Diamond Boulevard between Harmony Road North and the Oshawa Creek.”

(b) Amend Schedule “A” – Maps C4 and North Half of Zoning By-law 60-94 to rezone the lands on the south side of Nancy Diamond Boulevard, east of Harmony Road North and west of the Oshawa Creek, as shown in hatching on the map below from R4-A(25).DBR60-85 “h-14” “h-30” (Residential) to R4-A(32).DBR60-150 “h-14” “h-30” (Residential).



(c) Amend Zoning By-law 60-94 by adding a new Article 9.3.33 which reads as follows:

“9.3.33 **R4-A(32) Zone (south of Nancy Diamond Boulevard, between Harmony Road North and Oshawa Creek)**

9.3.33(1) Notwithstanding any other provisions of Subsection 9.1 of this By-law to the contrary, in any R4-A(32) Zone, as shown on Schedule “A” to this By-law, an apartment building, long term care facility, nursing home and retirement home are also permitted uses.

9.3.33(2) Notwithstanding the provisions of Subsection 9.2 of this By-law to the contrary, in any R4-A(32) Zone, as shown on Schedule “A” to this By-law, the following regulations shall apply:

- (a) A minimum front yard depth of 3.0m shall be provided.
- (b) A minimum exterior side yard depth of 3.0m shall be provided.
- (c) A minimum rear yard depth of 3.0m shall be provided.
- (d) A minimum landscaped open space of twenty percent (20%) shall be provided.
- (e) A minimum height of 8.0m and 2 storeys shall be provided.
- (f) A maximum height of 25m shall be provided.

9.3.33(3) A block townhouse building in a R4-A(32) Zone shall contain no more than ten (10) dwelling units, except that a back-to-back block townhouse building shall contain no more than twenty (20) dwelling units.”

#### **4. Zoning By-law 60-94 Section 2: Definitions**

##### **Issue:**

Outdoor storage is defined in Section 2 of Zoning By-law 60-94 as follows:

“**“OUTDOOR STORAGE”** means the storage of raw materials, machinery, equipment, unlicensed vehicles, or other goods or materials, in an area not enclosed within a building or structure but this shall not include a parking lot, an outdoor retail display area, mineral aggregate extraction operations, a transport terminal, a salvage yard, the temporary storage of refuse in accessory bulk containers or receptacles or other similar uses.”

Subsection 5.5 regulates the location and size of outdoor storage. A key regulation in Subsection 5.5 is that outdoor storage is not permitted in front yards or exterior side yards (i.e. between a building and the street).

The definition of outdoor storage specifies that outdoor retail display areas are not considered outdoor storage. However, outdoor retail display area is not a defined term in the zoning by-law. The definition also specifies that the storage of unlicensed vehicles outdoors is considered outdoor storage.

Automobile sales establishments and vehicles sales establishments often have unlicensed vehicles for sale on display in their front and exterior side yards.

To provide clarity, it is appropriate to amend the definition of Outdoor Storage to specify that the outdoor display of unlicensed vehicles for sale is not outdoor storage and is not prohibited in front yards and exterior side yards.

##### **Proposed Amendment:**

- (a) Amend the definition of “Outdoor Storage” in Section 2 of Zoning By-law 60-94 by adding the text “that are not on display for sales purposes” after the text “unlicensed

vehicles” and the text “including outdoor display of unlicensed vehicles for sale” after the text “outdoor retail display area” such that the definition reads as follows:

“**“OUTDOOR STORAGE”** means the storage of raw materials, machinery, equipment, unlicensed vehicles that are not on display for sales purposes, or other goods or materials, in an area not enclosed within a building or structure but this shall not include a parking lot, an outdoor retail display area including outdoor display of unlicensed vehicles for sale, mineral aggregate extraction operations, a transport terminal, a salvage yard, the temporary storage of refuse in accessory bulk containers or receptacles or other similar uses.”

## **5. Zoning By-law 60-94 Section 2: Definitions and Section 5: Uses Permitted in Certain Zones**

### **Issue:**

The short-term rental, home occupation and bed and breakfast establishment regulations of Zoning By-law 60-94 require the dwelling unit where the short-term rental, home occupation or bed and breakfast takes place to be the person’s “principal residence” as defined in the Income Tax Act. It is more appropriate for the zoning by-law to have its own definition for “Principal Residence” for ease of use by staff and members of the public.

### **Proposed Amendment:**

- (a) Amend Section 2 of Zoning By-law 60-94 by adding the following definition for Principal Residence in Section 2: Definitions, after the definition for “Post-Secondary School” and before the definition for “Printing Establishment”:

“**“PRINCIPAL RESIDENCE”** means the dwelling unit where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, driver’s licenses, personal identification vehicle registration, and utility bills.”.

- (b) Amend Article 5.3.5 of Zoning By-law 60-94 to delete the text “, as defined in the Income Tax Act,” such that Article 5.3.5 reads as follows:

“5.3.5           The dwelling unit in which the home occupation is located shall be the principal residence of the person or persons engaged in the home occupation use.”.

- (c) Amend Article 5.9.3 of Zoning By-law 60-94 to delete the text “, as defined in the Income Tax Act,” such that Article 5.9.3 reads as follows:

“5.9.3           The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the person or persons operating the bed and breakfast establishment.”.

(d) Amend Article 5.16.3 of Zoning By-law 60-94 to delete the text “, as defined in the Income Tax Act,” such that Article 5.16.3 reads as follows:

“5.16.3 The dwelling unit in which the short-term rental is located shall be the principal residence of the person or persons operating and residing in the short-term rental.”.

## **6. Zoning By-law 60-94 Section 2: Definitions and Subsection 5.12: Accessory Apartments**

### **Issue:**

Zoning By-law 60-94 has a definition for the term “Surfaced” which is intended to refer to various hard surface treatments (e.g. asphalt, concrete, crushed stone, etc.) for driveways, driveway aisles, parking spaces, parking areas and loading spaces. The definition of “surfaced” is as follows:

“**SURFACED**” means, when used to describe a driveway, aisle, parking space, parking area or loading space, an area covered with asphalt, concrete, interlocking brick or block, crushed stone, gravel, slag or other material capable of providing and maintaining a hard dust free surface.”

The definition does not include a reference to walkways or pathways. The accessory apartment regulations require a “hard surface treated pathway” between the exterior entrance of the accessory apartment and a street; however, there is no definition or description of what qualifies as “hard surface treated pathway”. To provide clarity to the accessory apartment regulation, it is recommended the definition of “Surfaced” be amended to include walkways and pathways, and the term “surfaced” be used in the accessory apartment regulations.

### **Proposed Amendment:**

(a) Amend the definition of “Surfaced” in Section 2 of Zoning By-law 60-94 by adding the text “walkway, pathway,” after the text “when used to describe a” so that the definition reads as follows:

“**SURFACED**” means, when used to describe a walkway, pathway, driveway, aisle, parking space, parking area or loading space, an area covered with asphalt, concrete, interlocking brick or block, crushed stone, gravel, slag or other material capable of providing and maintaining a hard dust free surface.”.

(b) Amend Sentence 5.12.1(p) of Zoning By-law 60-94 by deleting the text “hard surface treated” and replacing it with the text “surfaced” such that the sentence reads as follows:

“(p) The exterior entrance to an accessory apartment shall be accessed by a minimum 0.81m wide unobstructed walkway provided from a street line or 0.3m reserve. For the purpose of this sentence, a walkway is defined as a surfaced pathway that provides pedestrian access. Unobstructed means free of obstacles such as, but not limited to, fences without a gate, hedges, trees, heat pumps, air

exchangers, air conditioners, downspouts, chimney breasts, bay windows, porches, vent pipes or ramps, steps or stairs not intended to provide pedestrian access between the street line or 0.3m reserve and the accessory building, up to a height of 2.3m. This provision shall not prevent the establishment of a gate to access the side yard or rear yard, or the establishment of parking spaces or a driveway.”.

## **7. Zoning By-law 60-94 Subsection 3.5: Holding “h” Zones**

### **Issue:**

In 2023, a site-specific zoning by-law amendment was approved by Council for 70 King Street East (the site of the now-converted former Genosha Hotel) to permit a new high rise apartment building on the northerly unoccupied portion of the property. The new zoning of the property included a holding symbol, “h-86”. The purpose of the holding symbol is to prevent the development of a new apartment building until site plan approval for the new building is obtained from the City, a noise study is completed, and appropriate arrangements are made for the provision of adequate parking on-site or off-site.

The “h-86” holding symbol reads as follows:

### **“3.5.2(86) h-86 Zone (70 King Street East)**

Purpose: To ensure that:

- (a) Site plan approval is obtained from the City.
- (b) Appropriate arrangements shall be made for the provision of adequate parking spaces on-site and/or off-site to serve the development.
- (c) A noise study is completed that addresses implementation of mitigation of noise from adjacent stationary noise sources, to the satisfaction of the City.

Permitted Interim Uses:

- (a) Existing uses.”

The permitted interim uses component of the holding symbol specifies that only existing uses are permitted until the holding symbol has been lifted. This wording inadvertently prevents new uses from being introduced in the existing building occupying the balance of the site (i.e. the former Genosha Hotel building). It is appropriate to amend the holding symbol to specify that any use permitted by the UGC-A Zone is permitted in the existing building while the holding symbol is in place.

**Proposed Amendment:**

(a) Amend the Permitted Interim Uses component of Sentence 3.5.2(86) of Zoning By-law 60-94 by deleting item (a) and replacing with a new item (a) that reads as follows:

“(a) Any use permitted in the UGC-A Zone in a building existing as of October 30, 2023.”

**8. Zoning By-law 60-94 Subsection: 3.8: Determining Zone Boundaries, Section 33: Airport Zones and Schedule “A”: Map A3**

**Issue:**

The lands subject to this proposed amendment are owned by the City and generally located on the south side of Taunton Road West, between Keith Ross Drive and Thornton Road North, adjacent to the Oshawa Executive Airport. The subject lands are designated Open Space and Recreation and Airport in the Oshawa Official Plan, and zoned OSU (Urban Open Space) in Zoning By-law 60-94.

On May 27, 2024, City Council endorsed the 2024 Oshawa Executive Airport Action Plan contained in Report SF-24-24 dated May 8, 2024. The 2024 Oshawa Executive Airport Action Plan is comprised of eight action items. The third action item is to market the airport as an executive airport. Recognizing the airport as a vital economic asset, it is important to leverage its high-quality aviation infrastructure to attract corporate investment and stimulate regional growth.

Consequently, it is appropriate to amend the Zoning By-law by rezoning the subject lands as follows:

- (a) For the northwesterly portion of the subject lands generally associated with the component of the City’s Natural Heritage System located to the west: from OSU (Urban Open Space) to OSH (Hazard Lands Open Space);
- (b) For the southerly portion of the subject lands generally located within the security perimeter of the Oshawa Executive Airport: from OSU (Urban Open Space) to AP-C (Airport); and,
- (c) For the balance of the subject site available to accommodate expanded Airport-related activities: from OSU (Urban Open Space) to a site specific AP-A (Airport) Zone with an appropriate holding symbol.

This proposed zoning is consistent with the current land use designations in the Oshawa Official Plan and facilitates the City’s ongoing strategic efforts to market the Airport as an Executive Airport which aligns with the 2024 Oshawa Executive Airport Action Plan.

In addition, it is important to note the proposed zoning conforms to those schedules and policies within the Oshawa Official Plan that relate to environmental management. In this regard, Schedule ‘D-1’, Environmental Management, Schedule ‘D-2’, Environmental Management, Schedule ‘F1-A’, Natural Heritage System Components (Excluding High

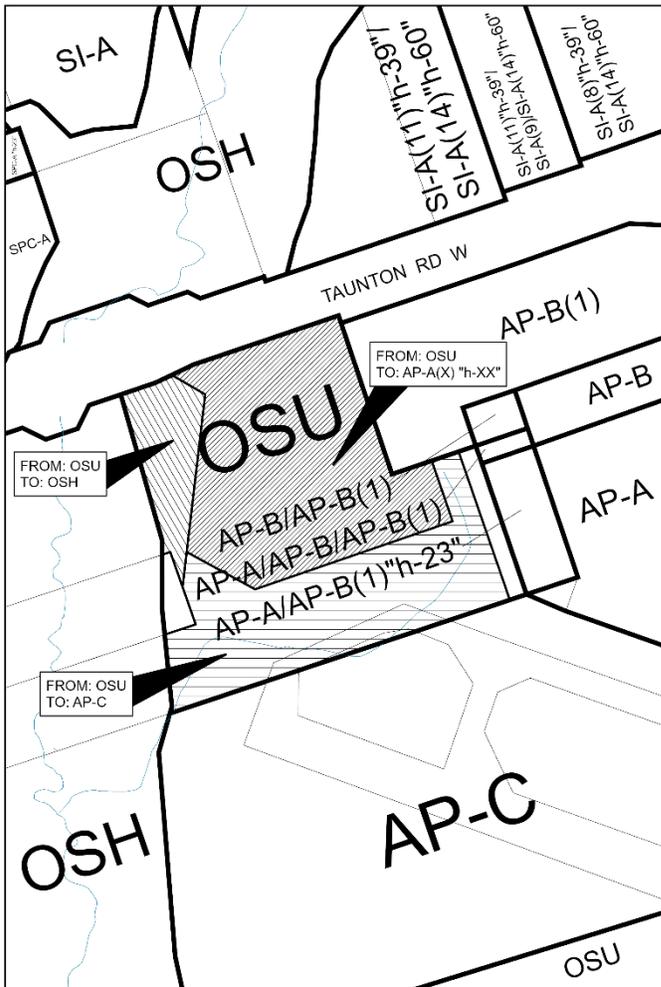
Volume Recharge Areas), and Schedule 'F1-B', High Volume Recharge Areas and Greenbelt Natural Heritage System, of the Oshawa Official Plan show the subject lands as a component of the City's Natural Heritage System as a High Volume Recharge Area, as a Natural Cover Regeneration/Restoration Area, and having a Natural Heritage and/or Hydrologic Feature Outside of the Natural Heritage System. However, Policy 10.1.2(b) of the Oshawa Official Plan states that where an Environmental Impact Study further defines the limits of the Natural Heritage System within the area of a development application, corresponding adjustments to boundaries of any related portion the Open Space and Recreation designation shall also be permitted without an amendment to the Oshawa Official Plan. Accordingly, staff will undertake an appropriately scoped Environmental Impact Study in consultation with the Central Lake Ontario Conservation Authority, in accordance with Policies 5.5.5 and 5.5.6 of the Oshawa Official Plan, prior to any potential development taking place on the subject lands to ensure that the actual extent of the natural heritage feature is determined. Policy 5.3.7 of the Oshawa Official Plan also provides the flexibility to not have to amend the Oshawa Official Plan based on the results of the Environmental Impact Study.

To reciprocate the same type of flexibility that is currently contained in the Oshawa Official Plan pursuant to the above noted policies, it is appropriate that similar clarity regarding this type of boundary interpretation be included in Subsection 3.8 of the zoning by-law, consistent with past practices in dealing with similar circumstances.

**Proposed Amendment:**

- (a) Amend Schedule "A" – Map A3 of Zoning By-law 60-94 to rezone the lands generally located on the south side of Taunton Road West, between Keith Ross Drive and Thornton Road North, as shown in hatching on the map below, from OSU (Urban Open

Space) to AP-A(X) "h-XX" (Airport) in part, AP-C (Airport) in part and OSH (Hazard Lands Open Space) in part.



(b) Amend Subsection 33.3, Special Conditions, of Zoning By-law 60-94 by adding the following new Article:

**“33.3.X AP-A(X) Zone (lands along the south side of Taunton Road West, adjacent to the northwest portion of the Oshawa Executive Airport)**

33.3.X(1) Notwithstanding Subsection 33.1 to the contrary, in any AP-A(X) Zone, as shown on Schedule “A” to this By-law, only the following uses are permitted:

- (a) Airport
- (b) Aviation related commercial uses
- (c) Aviation related institutional uses
- (d) Aviation related manufacturing, processing, or assembly industry
- (e) Aviation related transport terminal
- (f) Aviation related warehouse
- (g) Outdoor storage accessory to any use permitted in the AP-A Zone”

- (c) Add a new holding zone provision under Article 3.5.2 of Zoning By-law 60-94 for the portion of the subject lands proposed to be rezoned from OSU (Urban Open Space) to AP-A(X) (Airport), to ensure that certain specific requirements are addressed to the City's satisfaction prior to any future development on the site proceeding, that generally reads as follows:

**"3.5.2(XX) h-XX Zone (lands along the south side of Taunton Road West, adjacent to the northwest portion of the Oshawa Executive Airport)**

Purpose: To ensure that:

- (a) Site plan approval is granted by the City;
- (b) Appropriate arrangements are made for servicing, including storm water management;
- (c) An archaeological study is completed to the satisfaction of the City, if necessary;
- (d) The site design is compatible with the operation of the Oshawa Executive Airport; and
- (e) Verification has been provided to the satisfaction of the City that the site is suitable for the proposed uses in accordance with the relevant Provincial guidelines in effect immediately prior to the issuance of any building permit or use of the site. A Record of Site Condition, if necessary, must be submitted to the Ministry of the Environment, Conservation and Parks.

Permitted Interim Uses:

- (a) All uses permitted in the FD Zone."

- (d) Amend Subsection 3.8 of the Zoning By-law 60-94 by introducing a new Article 3.8.15 to read as follows:

"3.8.15 Notwithstanding any Article in Subsection 3.8 to the contrary, the westerly boundary of the AP-A(X) Zone affecting the area on the south side of Taunton Road West, adjacent to the northwest portion of the Oshawa Executive Airport, 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."

## **9. Zoning By-law 60-94 Section 4: General Provisions**

### **Issue:**

TransCanada Pipelines Limited ("TransCanada") has asked the City to include a regulation in Zoning By-law 60-94 requiring new buildings to be located not less than 7.0m (23 ft.)

from the limits of their high-pressure natural gas pipeline corridors (which typically take the form of a right-of-way or easement) that traverse east-west through the City. Federal regulations allow pipeline companies to regulate development within 30m (98.4 ft.) of the centreline of the pipeline (referred to as the “Prescribed Area”). The Prescribed Area often extends beyond the corridor limits of TransCanada’s right-of-way/easement, which means it usually extends onto private property. TransCanada can prevent certain development taking place on private properties within the Prescribed Area, but often the enforcement is reactive where the only municipal approval required is a building permit, or no building permit is required. TransCanada has requested the City (and other municipalities) to include zoning regulations for the following reasons:

- Such regulations would help provide clarity to property owners regarding their ability to build adjacent to the pipeline corridor;
- Such regulations would help TransCanada implement safe setbacks to the pipelines proactively; and,
- Maintenance and upgrade activities on pipelines require TransCanada to excavate diagonally around the pipeline. Permanent buildings and structures located within this 7m area impacts TransCanada’s ability to undertake maintenance and upgrade activities and results in loss of buildings/structures on private property.

As development has started to take place and continues to take place around the TransCanada pipeline in the Kedron and Windfields planning areas and, in the future, the Columbus planning area, it is appropriate to stipulate setbacks to pipeline corridors.

**Amendment:**

(a) Amend Zoning By-law 60-94, as amended, by repurposing Subsection 4.12 (currently identified as “not in use” for the following:

**“4.12           Setbacks to Pipelines**

4.12.1           Notwithstanding any other provision of this By-law to the contrary, the following shall be located not less than 7.0m from the outer limits of a TransCanada Pipeline right-of-way/easement:

- (a)   Buildings
- (b)   Structures
- (c)   Parking areas
- (d)   Loading spaces
- (e)   Driveways”.

**10.   Zoning By-law 60-94 Subsection 4.1: Non-Complying Uses**

**Issue:**

Article 4.1.4 recognizes that all non-complying yard depths existing prior to January 1, 2015 for any building which is a permitted use in the zone in which it is located, shall be deemed to comply with the minimum requirements of this By-law. This date is

routinely updated every few years. The most recent update was in 2018 to reflect the January 1, 2015 date. As per past practice, it is appropriate that this provision be updated by changing the date to January 1, 2023.

**Proposed Amendment:**

(a) Amend Article 4.1.4 by deleting the year “2015” and replacing with the year “2023” such that Article 4.1.4 reads as follows:

“4.1.4 Notwithstanding any other provision of this By-law to the contrary, all yard depths existing prior to January 1, 2023 for any building which is a permitted use in the zone in which it is located, shall be deemed to comply with the minimum requirements of this By-law. In addition, such buildings may be enlarged, repaired or rebuilt in accordance with Subsection 4.1 of this By-law as if the building is considered lawfully non-complying.”

**11. Zoning By-law 60-94 Subsection 4.6: Permitted Yard Encroachments**

**Issue:**

Zoning By-law 60-94 contains provisions that permit encroachments of structure or building features into required front, side and rear yards (e.g. eaves, windowsills, etc.). Bay windows are not defined in Section 2 of the zoning by-law, but Subsection 4.6 permits bay windows to encroach a maximum of 0.6m into any required yard.

Traditional bay windows project from the exterior wall of the building and essentially “float”, i.e. the projecting feature does not extend to the exterior ground level and include a foundation. Some recent designs of bay windows include a projection from the exterior building wall and extend to the ground and form part of the foundation of the building. The existing standard is unclear whether a bay window with a foundation is permitted to encroach into a required yard. It is recommended that the regulations for bay windows be refined for a “bay window with a foundation” and a “bay window without a foundation”. It is recommended that bay windows without a foundation continue to be permitted to encroach a maximum of 0.6m into any required yard, and that bay windows with a foundation only be permitted to encroach a maximum of 0.6m into required front, rear and exterior side yards (not interior side yards).

**Proposed Amendment:**

(a) Amend the first column of Table 4.6 item (a) of Zoning By-law 60-94 by adding the text “without a foundation” after the text “bay window” such that the item reads as follows:

“(a) Window sills, cornices, pilasters, cantilevered canopies or roofs, eaves, gutters, bay windows without a foundation, chimney breasts and vent pipes”.

(b) Amend Table 4.6 by adding a new row following item (p) that appears as follows:

|                                  |                               |      |
|----------------------------------|-------------------------------|------|
| (q) Bay window with a foundation | Front, rear and exterior side | 0.6m |
|----------------------------------|-------------------------------|------|

## 12. Zoning By-law 60-94 Subsection 5.1: Accessory Uses, Buildings and Structures

### Issue:

On November 28, 2022, the Provincial government passed Bill 23, More Homes Built Faster Act, 2022, which amended the Planning Act to stipulate that municipalities must permit an accessory apartment to be located in an accessory building that is accessory to a detached house, semi-detached house or rowhouse. Since then, several accessory buildings have been built in Oshawa containing an accessory apartment or have been modified to accommodate an accessory apartment.

In 2025, the Canada Mortgage and Housing Corporation (C.M.H.C.) released a housing design catalogue. The catalogue offers tailored designs for residential buildings, including accessory buildings containing accessory apartments, also referred to as accessory dwelling units (“A.D.U.s”). The purpose of the catalogue is to help municipalities, builders and homeowners build more homes, faster, by having pre-approved building designs that comply with regional building codes. The catalogue includes two designs for A.D.U.s for Ontario. These have the following design features:

- A.D.U. 01:
  - Building footprint: 58.9 square metres (634 sq. ft.)
  - Building height: 4.0 metres (13.1 ft.)
  - Number of storeys: 1
  - Rooms: 1 bedroom and 1 bathroom
  
- A.D.U. 02:
  - Building footprint: 59.5 square metres (640 sq. ft.)
  - Building height: 6.0 metres (19.7 ft.)
  - Number of storeys: 2
  - Rooms: 3 bedrooms and 1 bathroom

Depending on the size of the residential lot and the size of the main house on the lot, the design for A.D.U. 01 would comply with the lot coverage and height regulations for accessory buildings outlined in Subsection 5.1 of the City’s Zoning By-law 60-94. Depending on the size of the residential lot and the size of the main house on the lot, the design for A.D.U. 02 would comply with the lot coverage regulations contained in Subsection 5.1 but not the height regulation for A.D.U.s on lots in residential urban areas [6.0 metres (19.7 ft.) whereas Subsection 5.1 generally permits a maximum height of 4.5 metres (14.7 ft.) or 5.0 metres (16.4 ft.) in residential urban areas].

The current height and size regulations for accessory buildings were introduced to the Zoning By-law in 2007. Since then, the Committee of Adjustment has dealt with numerous minor variance applications to permit proposed accessory buildings that are taller and/or larger than permitted by the regulations. This is particularly the case in mature parts of the City (e.g. neighbourhoods built in the mid-1900s). Since the enactment of Bill 23, the Committee has also dealt with several minor variance applications for accessory buildings containing accessory apartments that are taller and/or larger than otherwise permitted.

Considering the time that has passed, the minor variances that have been considered by the Committee of Adjustment, and the growing trend to accommodate accessory apartments in accessory buildings, it is appropriate to consider changes to accessory building regulations. It is recommended that several changes be made to the regulations to allow slightly larger accessory buildings, as well as greater combined coverage for accessory buildings, and that the regulations continue to ensure that accessory buildings are: (a) not larger than the main building (in height or area), and; (b) clearly secondary and incidental to the main house on the property. More specifically, it is recommended that:

- The maximum height of accessory buildings be up to 6.0 metres (19.7 ft.) where the accessory building is located not less than 6.0 metres from the rear lot line in urban areas or in any OSR (Rural Open Space) Zone (but in no instance greater than the height of the main dwelling). This change would continue to accommodate A.D.U. 01 from the C.M.H.C. catalogue but would only accommodate the height of A.D.U. 02 where the accessory building is setback 6.0 metres or more from the rear lot line;
- The maximum combined lot coverage of accessory buildings be increased from 8% to 10% of the area of the lot in urban areas; and,
- The maximum combined footprint of all accessory buildings be increased from 50% of the footprint of the main house to 100% of the footprint of the main house in urban areas, but in no case shall any individual accessory building be larger than 75% of the footprint of the main house.

Attachment 2 to this Report is a copy of Subsection 5.1 generally showing all of the proposed changes described herein.

**Proposed Amendment:**

(a) Amend Sentence 5.1.2(1) of Zoning By-law 60-94 by deleting the text “eight percent (8%)” and replacing with the text “ten percent (10%)” such that it reads as follows:

“5.1.2(1) Subject to Sentences 5.1.2(2) and 5.1.2(3), the total combined lot coverage of all accessory buildings on a lot in any Residential Zone shall not exceed ten percent (10%) of the lot area.”.

(b) Amend Sentence 5.1.2(2) of Zoning By-law 60-94 by:

- (i) Amending item (a) by deleting the text “Eight percent (8%) of the lot area” and replacing with the text “Ten percent (10%) of the lot area; however, in no case shall any individual accessory building exceed a lot coverage of eight percent (8%)”; and,
- (ii) Amending item (b) by deleting the text “Fifty percent (50%) of the lot coverage of the main building on the lot” and replacing it with the text “One hundred percent (100%) of the lot coverage of the main building on the lot; however, in no case shall any individual accessory building exceed seventy-five percent (75%) of the lot coverage of the main building”,

such that Sentence 5.1.2(2) reads as follows:

“5.1.2(2) Notwithstanding Sentence 5.1.2(1), the total combined lot coverage of all accessory buildings on a lot in any R1-A, R1-B, R1-C, R1-D, R1-E, R1-F, R2, R3 and R5 Residential Zone, excluding accessory buildings associated with apartment buildings in R5 Zones, shall not exceed the most restrictive of the following:

- (a) Ten percent (10%) of the lot area; however, in no case shall any individual accessory building exceed a lot coverage of eight percent (8%);
- (b) One hundred percent (100%) of the lot coverage of the main building on the lot; however, in no case shall any individual accessory building exceed seventy-five percent (75%) of the lot coverage of the main building; and
- (c) 60m<sup>2</sup> of ground floor area.”.

(c) Amend Sentence 5.1.3(1) item (a) of Zoning By-law 60-94 by adding after the first sentence a new sentence that reads “Notwithstanding the foregoing, the maximum height may be up to 6.0m if the building is setback a minimum of 6.0m from the rear lot line, provided it does not exceed the height of the main building on the lot.”, such that it reads as follows:

“(a) The lesser of 4.5m or the actual height of the main building on a lot in any R1-A, R1-B, R1-C, R1-D, R1-E, R1-F, R2, R3 and R5 Residential Zone, excluding accessory buildings or structures associated with apartment buildings in R5 Zones. Notwithstanding the foregoing, the maximum height may be up to 6.0m if the building is setback a minimum of 6.0m from the rear lot line, provided it does not exceed the height of the main building on the lot.”.

(d) Amend Sentence 5.1.3(1) item (b) of Zoning By-law 60-94 by adding after the first sentence a new sentence that reads “Notwithstanding the foregoing, the maximum height may be up to 6.0m if the building is setback a minimum of 6.0m from the rear lot line, provided it does not exceed the height of the main building on the lot.”, such that it reads as follows:

“(b) The lesser of 4.5m or the actual height of the main building on a lot in any R1-G and R1-H Residential Zone. Notwithstanding the foregoing, the maximum height may be up to 6.0m if the building is setback a minimum of 6.0m from the rear lot line, provided it does not exceed the height of the main building on the lot.”.

(e) Amend Sentence 5.1.3(1) item (c) of Zoning By-law 60-94 by adding after the first sentence a new sentence that reads “Notwithstanding the foregoing, the maximum height may be up to 6.0m if the building is setback a minimum of 6.0m from the rear lot

line, provided it does not exceed the height of the main building on the lot.”, such that it reads as follows:

“(c) 5.0m in all other Residential Zones not listed in Item (a), including accessory buildings and structures associated with apartment buildings in R5 Zones. Notwithstanding the foregoing, the maximum height may be up to 6.0m if the building is setback a minimum of 6.0m from the rear lot line, provided it does not exceed the height of the main building on the lot.”.

(f) Amend Sentence 5.1.3(1) item (d) of Zoning By-law 60-94 by adding after the first sentence a new sentence that reads “Notwithstanding the foregoing, the maximum height may be up to 6.0m if the building is setback a minimum of 6.0m from the rear lot line, provided it does not exceed the height of the main building on the lot.”, such that it reads as follows:

“(d) 5.0m for any accessory building or structure accessory to a single detached dwelling in any OSR Rural Open Space Zone. Notwithstanding the foregoing, the maximum height may be up to 6.0m if the building is setback a minimum of 6.0m from the rear lot line, provided it does not exceed the height of the main building on the lot.”.

### **13. Zoning By-law Subsection 5.12: Accessory Apartments**

#### **Issue:**

In June 2014 the City of Oshawa passed an amendment to the Official Plan and Zoning By-law 60-94 to reflect changes to the Planning Act requiring municipalities to permit two unit dwellings as of right. The City of Oshawa refers to the additional dwelling unit as an accessory apartment. Included in the 2014 Zoning By-law amendment was wording allowing an accessory apartment that existed on the date the by-law was passed (June 23, 2014) that did not have the additional required parking space and/or did not have a minimum lot frontage of 11m (36 ft.) to be legalized.

On November 28, 2022, the Provincial government passed Bill 23, More Homes Built Faster Act, 2022, which made further amendments to the Planning Act to stipulate that municipalities must permit up to two (2) accessory apartments in detached houses, semi-detached houses and rowhouses. As a consequence, municipalities could no longer stipulate a minimum lot frontage requirement specific to accessory apartments.

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

Article 5.12.6 of the Zoning By-law notes that the minimum lot frontage and additional parking requirement for accessory apartments shall not apply to accessory apartments which existed prior to June 23, 2014 and were registered with the City on or after June 23, 2014. However, there is no longer a minimum lot frontage required for accessory

apartments. Removal of the reference to minimum lot frontage requirements for accessory apartments will update the by-law to reflect the current standards.

When the City first introduced regulations to permit accessory apartments in 2014, the City included a regulation that permitted property owners that owned a single detached dwelling or semi-detached dwelling with an accessory apartment that may not have been legal and may not have complied with the minimum parking requirements to legalize their unit, provided it complies with applicable Building Code, Fire Code and Property Standards By-law regulations, and subject to the accessory apartment being registered with the City on or after June 23, 2014. This provided property owners a path to legalization despite not meeting all zoning requirements and ensured as many existing accessory apartments were made safe for their occupants despite not complying with the zoning standards. This regulation is set to expire on June 23, 2026. However, there may be additional accessory apartments in single detached dwellings and semi-detached dwellings that have not yet been registered. It is recommended that the date to demonstrate compliance and get registered be extended to June 23, 2028. This would only apply to accessory apartments in a single detached or semi-detached dwelling that existed before June 23, 2014 and are not yet registered with the City.

**Proposed Amendment:**

(a) Amend the heading of Article 5.12.6 to delete the text “Lot Frontage and” such that it reads as follows:

“5.12.6           **Parking Exemption**”.

(b) Amend Sentence 5.12.6(1) of Zoning By-law 60-94 by deleting the text “minimum lot frontage and” preceding the text “additional parking requirements” such that the provision reads as follows:

“5.12.6(1)       The additional parking requirements for accessory apartments in Articles 5.12.1, 5.12.2, 5.12.4 shall not apply to the following.”.

(c) Amend Sentence 5.12.6(2) by deleting the text “2026” and replacing it with the text “2028” such that it reads as follows:

“5.12.7(2)       The provisions of Sentence 5.12.6(1) shall only apply until June 23, 2028.”.

**14. Zoning By-law 60-94 Section 6: R1 – Residential Zones and Schedule “A”: Maps A2 and B2**

**Issue:**

In June 2020, a building permit was issued by Building Services for construction of a basement apartment at 300 Golf Street. As part of that application a zoning review was completed to ensure zoning standards were met.

Recently a complaint was received about a parking concern at 300 Golf Street. This complaint was closed with no violations. As part of the investigation the issued building

permit was reviewed and staff determined that while the application was originally noted as complying with Zoning By-law 60-94, the driveway length provided was in fact deficient.

The minimum driveway length leading to a private garage should be 6.0m as required by Article 4.19.1 of Zoning By-law 60-94. A site-specific zoning amendment applied to 300 Golf Street will legalize the existing 5.5m driveway length leading to a private garage.

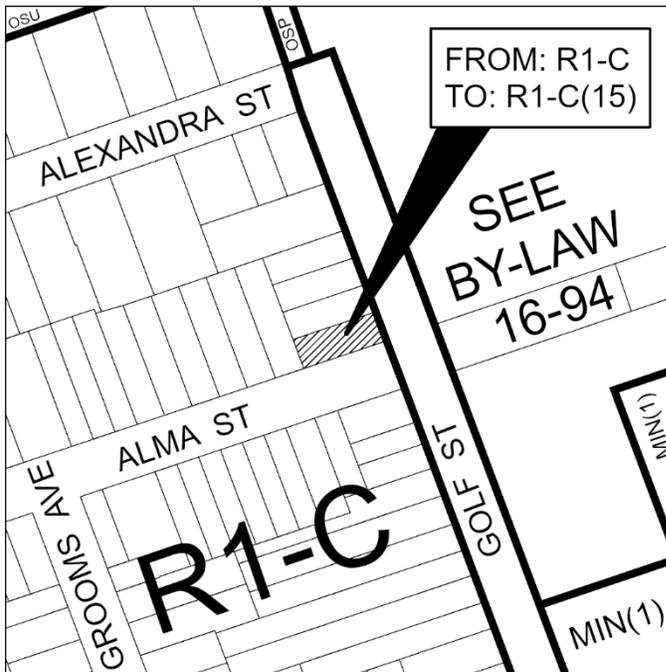
**Amendment:**

(a) Amend Subsection 6.3 of Zoning By-law 60-94 by adding a new Article 6.3.80 which reads as follows:

**“6.3.80 R1-C(15) Zone (300 Golf Street)**

6.3.80(1) Notwithstanding the provisions of Subsection 6.2 of this By-law to the contrary, in any R1-C(15) Zone, as shown in Schedule “A” to this By-law, a minimum driveway length of 5.5m leading to a private garage shall be permitted.”

(b) Amend Schedule “A” – Maps A2 and B2 of Zoning By-law 60-94 to rezone 300 Golf Street as shown in hatching on the map below from R1-C (Residential) to R1-C(15) (Residential).



**15. Zoning By-law 60-94 Section 24: CIN – Community Institutional Zones**

**Issue:**

Subsection 1.7 of the zoning by-law describes the numbering system and appropriate terminology to be used throughout the document.

Sentence 24.3.9(2) of the zoning by-law makes reference to “Subsection 39.4.5” whereas the correct terminology should be “Article” instead of “Subsection”. It is recommended that the language be corrected to align with the numbering system described in Subsection 1.7 of Zoning By-law 60-94.

**Proposed Amendment:**

(a) Amend Sentence 24.3.9(2) of Zoning By-law 60-94 by deleting the word “Subsection” and replacing it with the word “Article” such that Sentence 24.3.9(2) reads as follows:

“24.3.9(2) Notwithstanding Article 39.4.5 to the contrary, in any CIN(8) Zone, as shown on Schedule “A” to this By-law, a place of worship in a building existing as of June 24, 2019 shall provide a minimum aisle width of 6.0m for two-way traffic movement on the north side of the building.”

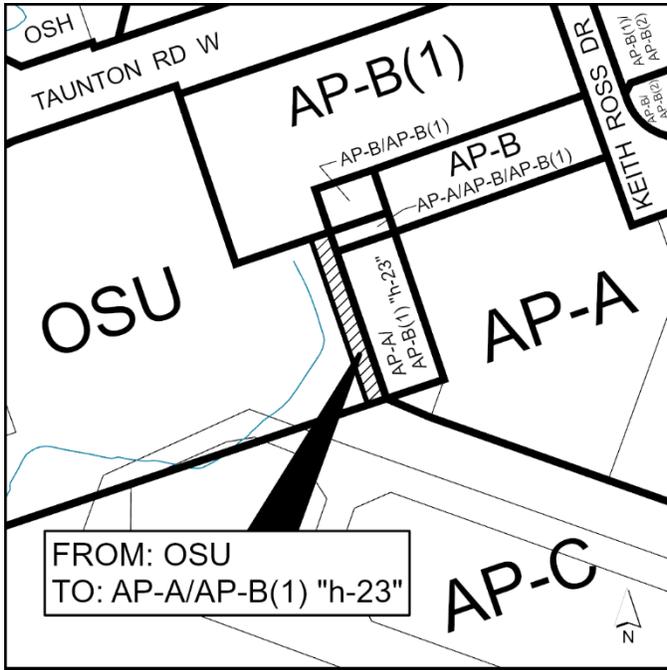
**16. Zoning By-law 60-94 Schedule “A”: Map A3**

**Issue:**

On January 27, 2025, Oshawa City Council declared a 4,330 square metre (46,607 sq. ft.) area of City-owned land adjacent to the Oshawa Executive Airport (the “Subject Site”) as surplus to municipal needs. The westernmost portion of these lands is currently zoned OSU in Zoning By-law 60-94. The balance of the lands are zoned AP-A/AP-B(1) “h-23”, AP-A/AP-B/AP-B(1) and AP-A (Airport). In order to facilitate the future disposition of the lands and ultimately the development of the lands, it is appropriate to change the OSU zoning currently applying to the westernmost portion of the City-owned lands to AP-A/AP-B(1) “h-23” to generally match the zoning of the remainder of the surplus lands.

**Proposed Amendment:**

- (a) Amend Schedule "A" – Map A3 of Zoning By-law 60-94 to rezone the western portion of 1190 Keith Ross Drive as shown in hatching on the map below from OSU (Urban Open Space) Zone to AP-A/AP-B(1) "h-23" (Airport).



## Proposed Amendments to Subsection 5.1 of Zoning By-law 60-94

Black text represents existing text. Red text represents text proposed to be added (i.e. **text**). Black struck out text represents text to be deleted (i.e. ~~text~~).

### 5.1 Accessory Uses, Buildings and Structures

#### 5.1.1 Accessory Uses Permitted In All Zones

5.1.1(1) Where this By-law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any building, structure or use accessory thereto.

5.1.1(2) Notwithstanding any other provision of this By-law to the contrary, trailers, including any truck bodies, and school portables are prohibited from being used as accessory buildings to residential uses in any Residential Zone.

#### 5.1.2 Lot Coverage

5.1.2(1) Subject to Sentences 5.1.2(2) and 5.1.2(3), the total combined lot coverage of all accessory buildings on a lot in any Residential Zone shall not exceed ~~eight percent (8%)~~ **ten percent (10%)** of the lot area.

5.1.2(2) Notwithstanding Sentence 5.1.2(1), the total combined lot coverage of all accessory buildings on a lot in any R1-A, R1-B, R1-C, R1-D, R1-E, R1-F, R2, R3 and R5 Residential Zone, excluding accessory buildings associated with apartment buildings in R5 Zones, shall not exceed the most restrictive of the following:

- (a) ~~Eight percent (8%) of the lot area~~ **Ten percent (10%) of the lot area; however, in no case shall any individual accessory building exceed a lot coverage of eight percent (8%);**
- (b) ~~Fifty percent (50%) of the lot coverage of the main building on the lot~~ **One hundred percent (100%) of the lot coverage of the main building on the lot; however, in no case shall any individual accessory building exceed seventy-five percent (75%) of the lot coverage of the main building; and**
- (c) 60m<sup>2</sup> of ground floor area.

5.1.2(3) Notwithstanding Sentence 5.1.2(1), the total combined lot coverage of all accessory buildings on a lot in any R1-G and R1-H Residential Zone shall not exceed the most restrictive of the following:

- (a) Eight percent (8%) of the lot area;

(b) One hundred percent (100%) of the lot coverage of the main building on the lot; and

(c) 90m<sup>2</sup> of ground floor area.

5.1.2(4) The total combined lot coverage of all accessory buildings accessory to a single detached dwelling on a lot in any OSR Rural Open Space Zone shall not exceed the most restrictive of the following:

(a) Eight percent (8%) of the lot area; and

(b) 60m<sup>2</sup> of ground floor area.

5.1.2(5) The total combined lot coverage of all accessory buildings accessory to a single detached dwelling on a lot in any AG Agricultural Zone shall not exceed the most restrictive of the following:

(a) Eight percent (8%) of the lot area; and

(b) 150m<sup>2</sup> of ground floor area.

5.1.2(6) The lot coverage of accessory buildings is included in the total maximum lot coverage permitted on a lot.

5.1.2(7) The total combined lot coverage of all accessory buildings accessory to a single detached dwelling on a lot in an AG-ORM Oak Ridges Moraine Agricultural Zone shall not exceed the most restrictive of the following:

(a) Eight percent (8%) of the lot area; and

(b) 150m<sup>2</sup> of the ground floor area.

5.1.2(8) The total combined lot coverage of all accessory buildings accessory to a single detached dwelling on a lot in any OS-ORM Oak Ridges Moraine Open Space Zone shall not exceed the most restrictive of the following:

(a) Eight percent (8%) of the lot area; and

(b) 150m<sup>2</sup> of the ground floor area.

### 5.1.3 **Height Restrictions**

5.1.3(1) No accessory building or structure shall exceed the following height:

(a) The lesser of 4.5m or the actual height of the main building on a lot in any R1-A, R1-B, R1-C, R1-D, R1-E, R1-F, R2, R3 and R5 Residential Zone, excluding accessory buildings or structures associated with apartment buildings in R5 Zones. **Notwithstanding the foregoing, the maximum height may be up to 6.0m if the building is setback a minimum of 6.0m from the rear lot line, provided it does not exceed the height of the main building on the lot.**

(b) The lesser of 5.0m or the actual height of the main building on a lot in any R1-G and R1-H Residential Zone. **Notwithstanding the foregoing, the maximum height may be up to 6.0m if the building is setback a**

minimum of 6.0m from the rear lot line, provided it does not exceed the height of the main building on the lot.

- (c) 5.0m in all other Residential Zones not listed in Item (a), including accessory buildings and structures associated with apartment buildings in R5 Zones. **Notwithstanding the foregoing, the maximum height may be up to 6.0m if the building is setback a minimum of 6.0m from the rear lot line, provided it does not exceed the height of the main building on the lot.**
- (d) 5.0m for any accessory building or structure accessory to a single detached dwelling in any OSR Rural Open Space Zone. **Notwithstanding the foregoing, the maximum height may be up to 6.0m if the building is setback a minimum of 6.0m from the rear lot line, provided it does not exceed the height of the main building on the lot.**
- (e) 6.0m in all Office, Commercial, Mixed Use and Institutional Zones.
- (f) 6.0m for any accessory building or structure accessory to a single detached dwelling in any Agricultural Zone.
- (g) 12.0m in all other zones and for all other uses in any Agricultural Zone and any OSR Rural Open Space Zone not mentioned in Items (d) and (f).
- (h) 6.0m for any accessory buildings or structures accessory to a single detached dwelling in an Oak Ridges Moraine Open Space Zone.
- (i) 6.0m for any accessory buildings or structures accessory to a single detached dwelling in any Oak Ridges Moraine Agricultural Zone.

5.1.3(2) Notwithstanding the definition of the word “height” in Section 2 of this By-law, for the purposes of Items (a) and (d) only, the height is to be measured from grade to the highest point of the building or structure.

#### 5.1.4 **Lot Requirements or Location**

5.1.4(1) Accessory buildings or structures are permitted in any yard, subject to the provisions of this Article.

5.1.4(2) In any AG, OSR, HMC or HI Zone, no accessory building or structure shall be permitted within a required minimum front yard or a required minimum exterior side yard or within any portion of an actual front yard which is closer to a street line than the minimum exterior side yard depth for that zone.

5.1.4(3) No accessory building or structure shall be closer than 0.6m to an interior side lot line or rear lot line.

5.1.4(4) When an accessory building or structure is located wholly or partially in a rear yard abutting a street or a 0.3m reserve, the minimum distance between

the accessory building or structure and the street line or 0.3m reserve shall not be less than the required minimum exterior side yard depth for the zone in which the lot is located.

- 5.1.4(5) No accessory building or structure greater than 0.9m in height shall be erected or maintained in that part of any front yard, rear yard or exterior side yard within any triangular area which is bounded by the street line, the side of a driveway leading from that street, and a straight line joining the points in the street line and the side of the driveway line which are a distance of 3.0m from the point of intersection of the side of the driveway with the street line.
- 5.1.4(6) When an accessory building or structure is a gate house or guard house, it may be located in the front yard or the exterior side yard in an Industrial Zone.
- 5.1.4(7) No accessory building or structure shall be permitted within a front yard or within a required minimum exterior side yard within any zone. The provisions of this sentence shall not apply to the AG, OSR, HMC or HI Zones.
- 5.1.4(8) Notwithstanding the provisions of Articles 5.1.4(2), 5.1.4(4) and 5.1.4(7) to the contrary, an accessory building or structure not exceeding a ground floor area of 10m<sup>2</sup> and 2.0m in height, may be located in a required minimum exterior side yard or that portion of a rear yard which extends from an abutting street or 0.3m reserve to a depth equal to or less than the required minimum exterior side yard depth, provided it shall be no closer than 0.6m to any lot line.