

Economic and Development Services Committee Meeting Agenda



Monday, March 4, 2024, 1:30 p.m.

Council Chamber

Members of the Committee:

Councillor Marimpietri, Chair
Councillor Chapman, Vice-Chair
Councillor Giberson
Councillor Gray
Councillor Kerr
Mayor Carter, Ex Officio

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For inquiries about this agenda please contact Legislative Services at 905-436-3311 or by email at clerks@oshawa.ca.

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Pages

Public Meeting

Land Acknowledgement

The City of Oshawa is situated on lands within the traditional and treaty territory of the Michi Saagiig and Chippewa Anishinaabeg and the signatories of the Williams Treaties, which include the Mississaugas of Scugog Island, Curve Lake, Hiawatha and Alderville First Nations, and the Chippewas of Georgina Island, Rama and Beausoleil First Nations.

We are grateful for the Anishinaabeg who have cared for the land and waters within this territory since time immemorial.

We recognize that Oshawa is steeped in rich Indigenous history and is now present day home to many First Nations, Inuit and Métis people. We express gratitude for this diverse group of Indigenous Peoples who continue to care for the land and shape and strengthen our community.

As a municipality, we are committed to understanding the truth of our shared history, acknowledging our role in addressing the negative impacts that colonization continues to have on Indigenous Peoples, developing reciprocal relationships, and taking meaningful action toward reconciliation.

We are all Treaty people

Additional Agenda Items

(As may be presented at the meeting)

Declarations of Pecuniary Interest

(As may be presented by Council Members)

Presentations

None

Delegations

None

Referrals from Council

None

Reports from Advisory Committees

ED-24-29 - Bloor-Simcoe Intensification Study - Consultation Process (Previously OAAC-24-09) (Ward 5)

Recommendation

That the Oshawa Accessibility Advisory Committee recommend to the Economic and Development Services Committee:

1. That based on the presentation from Planning Staff concerning the Bloor-Simcoe Intensification Study-Consultation Process, the Oshawa Accessibility Advisory Committee receive a special report on the potential for model accessibility improvements in the Bloor-Simcoe Intensification Study in both publicly owned lands and private lands in alignment with Oshawa, Durham Region, Ontario Ministry of Transportation and Metrolinx official plans; and,
2. That this shall include key features of Highway 401, CN Rail, Future Go Expansion, Oshawa Creek and Trail Network, Heritage Status and Local Business

ED-24-30 - Durham Region Transit Stop at Harmony Taunton Smart Centres (Previously OAAC-24-05) (Ward 1)

Recommendation

That the Oshawa Accessibility Advisory Committee recommend to the Economic and Development Services Committee:

That the Oshawa Accessibility Advisory Committee advise Durham Region Transit that the transit stop changes recently initiated that removed the Harmony Taunton Smart Centres Stop is adversely impacting people with disabilities and that Durham Region Transit consider returning the stop to the shopping plaza.

Items Requiring Direction

None

Public Consent Agenda

Correspondence with recommendations

ED-24-31 - Correspondence from Diana Turchin concerning the use of Glass Railings in the City of Oshawa (All Wards)

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Recommendation

That the Economic and Development Services Committee recommend to City Council:

That Correspondence ED-24-31, dated February 10, 2024, concerning the use of Glass Railings in the City of Oshawa be received for information.

Staff Reports/Motions with recommendations

ED-24-33 - Refund Request for Draft Plan of Subdivision S-O-2023-01, 20-24 Beatrice Street West, Build Up Real Development Co Oshawa Inc. (Ward 2)

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Recommendation

That the Economic and Development Services Committee recommend to City Council:

Whereas, Build Up Real Development Co Oshawa Inc. (the “Applicant”) is advancing an application for site plan approval (File: SPA-2022-18) for the lands municipally known as 20 and 24 Beatrice Street West to facilitate the development of six (6) semi-detached dwellings and a twenty (20) unit apartment building (stacked townhouses); and,

Whereas, the Applicant has also submitted an application for a proposed draft plan of subdivision (File: S-O-2023-01) to create three (3) blocks, consisting of one (1) block for the proposed apartment building, one (1) block for the proposed semi-detached dwellings and a road widening block; and,

Whereas, the proposed draft plan of subdivision application was submitted to facilitate a future application for a common elements draft plan of condominium, allowing the future Parcels of Tied Land (P.O.T.L.s) associated with the semi-detached dwellings to be created utilizing the removal of part lot control process; and,

Whereas, a public meeting has not been held for the proposed draft plan of subdivision; and,

Whereas, the Applicant is now proposing to advance the development as a standard condominium instead of the originally proposed common elements condominium, negating the need for the proposed draft plan of subdivision; and,

Whereas, the Applicant has decided to withdraw the draft plan of subdivision application and has requested a 75% refund of the draft plan of subdivision application fees in accordance with the letter forming Attachment 1 to this resolution; and,

Whereas, the City does not have a refund policy for draft plan of subdivision applications; and,

Whereas, the City’s refund policy for zoning by-law amendment applications would permit the refund of 50% of a zoning by-law amendment application fee where an application is withdrawn prior to notification of a public meeting being held;

Therefore, be it resolved that pursuant to Item ED-24-33, dated February 28, 2024, the Director of Planning Services be authorized to refund 50% of the application fees submitted by Build Up Real Development Co Oshawa Inc. for draft plan of subdivision S-O-2023-01.

ED-24-34 - City-initiated Amendments to Zoning By-law 60-94 (All Wards)

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Recommendation

That the Economic and Development Services Committee recommend to City Council:

That pursuant to Report ED-24-34 dated February 28, 2024, the Economic and Development Services Department be authorized to initiate the statutory public process under the Planning Act for Council to consider proposed City-initiated amendments to Zoning By-law 60-94, generally in accordance with Attachment 1 to said Report.

ED-24-36 - Economic and Development Services Committee Outstanding Items Status Report - First Quarter (All Wards)

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Recommendation

That the Economic and Development Services Committee recommend to City

Council:

That Item ED-23-36, dated March 4, 2024, being the Economic and Development Services Committee's Outstanding Items Status Report for the first quarter of 2024 be received for information.

Public Discussion Agenda

Matters Excluded from the Consent Agenda

Items Introduced by Council Members

Items Pulled from the Information Package

None

Closed Consent Agenda

Closed Correspondence with recommendations

None

Closed Staff Reports/Motions with recommendations

ED-24-25 - Use of Heritage Easement Agreements to Protect Designated Heritage Properties (All Wards)

Closed Pursuant to Section 239(2)(e) of the Municipal Act, 2001.

(See Pages C1 to C11)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-24-25 dated February 28, 2024, Economic and Development Services staff be authorized to advance amendments to the Delegation of Authority By-law 29-2009, as amended, to remove the delegation restriction under Item 60 of Schedule "A" of said by-law which limits the use of Heritage Easement Agreements to only those properties designated by Council as eligible for a Heritage Property Tax Reduction, generally in accordance with Attachment 3 to said Report; and
2. That, pursuant to Report ED-24-25 dated February 28, 2024, the Commissioner of Economic and Development Services be authorized to execute Heritage Easement Agreements, and cause such agreements to be registered on title, where deemed appropriate under the Ontario Heritage Act, in a form and content satisfactory to the Commissioner of Economic and Development Services and City Solicitor.

ED-24-27 - Acquisition Strategy: Land on Bagot Street (Ward 4)

Closed Pursuant to Section 239(2)(c) and (e) of the Municipal Act, 2001.

(See Pages C104 to C131)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That the Economic and Development Services Committee recommend to City Council that pursuant to Closed Report ED-24-27 dated February 28, 2024, City staff be directed to proceed as outlined in Sections 5.4 and 5.5 of said Report.

ED-24-28 - Third Update on Matters Related to the Oshawa-to-Bowmanville GO Rail Extension (All Wards)

Closed Pursuant to Section 239(2)(h) and (k) of the Municipal Act, 2001.

(See Pages C132 to C188)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Report ED-24-28 dated February 28, 2024, regarding a third update on matters related to the Oshawa-to-Bowmanville GO Rail Extension, Council adopt the position and comments as referenced in Section 2.0 of said Report and authorize staff to proceed as outlined in said Section.

ED-24-35 - Response to Correspondence from the Minister of Municipal Affairs and Housing concerning 2023 Housing Targets and Performance (All Wards)

Closed Pursuant to Section 239(2)(h) of the Municipal Act, 2001.

(See Pages C189 to C192)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That the Economic and Development Services Committee recommend to City Council that, pursuant to Closed Item ED-24-35, the Mayor of Oshawa be directed to respond to the Minister of Municipal Affairs and Housing and the Province of Ontario in the manner outlined in said Closed Item.

Closed Discussion Agenda

Matters Excluded from the Consent Agenda

Items Requiring Direction

ED-24-26 - Results of the Request for Proposal (Reference Number C2023-093) for the Purchase/Lease and Development of the City-owned Land Located at 0 and 20 Harbour Road (Ward 5)

Closed Pursuant to Section 239(2)(c), (j), and (k) of the Municipal Act, 2001.

(See Pages C12 to C103)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Closed Report ED-24-26 dated February 28, 2024, the Economic and Development Services Committee select an appropriate option as set out in Section 5.3 of said Report

Matters Tabled

None

Adjournment

ED-24-31

-----Original Message-----

From: < M.F.I.P.P.A. 14 (1) >

Sent: Feb 10, 2024 12:12:28 PM

To: service@oshawa.ca

Subject: Glass Railings in Oshawa

Dear Environmental Advisory Committee, Glass railings have become increasingly popular, and they represent a significant bird conservation issue.

Many municipalities are incorporating bird-safe building design into their building standards because bird-glass collisions are one of the top three reasons for bird species' decline. Actions taken by municipalities to prevent bird-glass collisions include downward facing lighting, avoiding the use of large glass façades, and the use of visual markers on glass surfaces. The City of Toronto was the first in the world to implement a bird-safe building standard. Since then, other progressive municipalities have followed suit.

Today we are asking your municipality to take action to prevent the use of glass railings that are not bird-safe. The best solution is to use materials other than glass for railings, such as metal or wood. If glass is used, visual markers should be closely spaced on the outside surface of the glass to make birds aware of its presence. Also, opaque, etched, and patterned glass are available for use.

We hope your commitment to being an environmentally sustainable community includes reducing the threat to birds by making your residents and businesses aware of bird-glass collision issues and the available solutions to prevent them. We also respectfully encourage you to implement bird-safe building standards that include bird-safe glass railings.

For an example, please refer to the City of Toronto Green Standard:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/toronto-green-standard-version-4/mid-to-high-rise-residential-non-residential-version-4/ecology-biodiversity/>

<<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/toronto-green-standard-version-4/mid-to-high-rise-residential-non-residential-version-4/ecology-biodiversity/>>

You may also want to look at the City of Markham Building Standards.

For more general information, please visit the American Bird Conservancy website, Facts about Bird-Window Collisions.

Information is also available from Environment Canada, FAQ on bird collisions with glass windows.

We are available to answer any questions and hope to hear from you soon.

Thank you for your time.

Pearl Shore

Diana Turchin

(Volunteers)

[www.nevercollide](http://www.nevercollide.com). <<http://www.nevercollide.com>>

Economic and Development Services Committee – March 4, 2024

Refund Request for Draft Plan of Subdivision S-O-2023-01, 20-24 Beatrice Street West, Build Up Real Development Co Oshawa Inc. (Ward 2) (File: S-O-2023-01)

That the Economic and Development Services Committee recommend to City Council:

Whereas, Build Up Real Development Co Oshawa Inc. (the “Applicant”) is advancing an application for site plan approval (File: SPA-2022-18) for the lands municipally known as 20 and 24 Beatrice Street West to facilitate the development of six (6) semi-detached dwellings and a twenty (20) unit apartment building (stacked townhouses); and,

Whereas, the Applicant has also submitted an application for a proposed draft plan of subdivision (File: S-O-2023-01) to create three (3) blocks, consisting of one (1) block for the proposed apartment building, one (1) block for the proposed semi-detached dwellings and a road widening block; and,

Whereas, the proposed draft plan of subdivision application was submitted to facilitate a future application for a common elements draft plan of condominium, allowing the future Parcels of Tied Land (P.O.T.L.s) associated with the semi-detached dwellings to be created utilizing the removal of part lot control process; and,

Whereas, a public meeting has not been held for the proposed draft plan of subdivision; and,

Whereas, the Applicant is now proposing to advance the development as a standard condominium instead of the originally proposed common elements condominium, negating the need for the proposed draft plan of subdivision; and,

Whereas, the Applicant has decided to withdraw the draft plan of subdivision application and has requested a 75% refund of the draft plan of subdivision application fees in accordance with the letter forming Attachment 1 to this resolution; and,

Whereas, the City does not have a refund policy for draft plan of subdivision applications; and,

Whereas, the City’s refund policy for zoning by-law amendment applications would permit the refund of 50% of a zoning by-law amendment application fee where an application is withdrawn prior to notification of a public meeting being held;

Therefore, be it resolved that pursuant to Item ED-24-33, dated February 28, 2024, the Director of Planning Services be authorized to refund 50% of the application fees submitted by Build Up Real Development Co Oshawa Inc. for draft plan of subdivision S-O-2023-01.



February 8, 2024

Economic Development Services Committee
City of Oshawa
50 Centre St S
Oshawa, ON
L1H 3Z7

**20 & 24 Beatrice Street West, Oshawa
Request of Refund – Draft Plan of Subdivision Application**

Dear Committee Members,

Our client, Build Up Real Development Co Oshawa Inc., is currently pursuing an application for Site Plan Approval (SPA), initially submitted June 8, 2022, to facilitate the development of six semi-detached dwelling units and a 20 unit stacked townhouse block at their property municipally known as 20 & 24 Beatrice Street West, in the City of Oshawa. As of the date of this letter, our client is awaiting comments from the City and Agencies related to a fourth submission made on December 21, 2023. On January 24, 2024, approval was received from the City of Oshawa Committee of Adjustment for minor variances proposed within the SPA application.

On January 23, 2023 a Draft Plan of Subdivision (DPS) Application was submitted to the City of Oshawa, to be processed concurrently with the SPA application. This proposed subdivision would establish two blocks for future development: Block 1 for the semi-detached units and Block 2 for the stacked townhouse units. An easement would be required for the shared driveway. A future Common Elements Condominium Application was intended to be submitted once the site plan and subdivision applications were well-advanced in the process. The condominium application would have identified the common elements such as private roads, waste management, communal amenity area. Following the Common Elements Condominium Application, a future Part Lot Control exemption process would facilitate 6 semi-detached lots on 20 Beatrice Street West (Block 1), and the approach with the stacked townhouse block would be to file for a standard condominium application for 24 Beatrice Street West (Block 2).

As the development process advanced, it was determined that the DPS application as proposed was not the preferred approach for the proposed development and a Plan of Standard Condominium would instead be pursued, for the following reasons:

- All stacked townhouse units and semi-detached units will be part of the same condominium corporation, contributing and benefiting from the shared services on the subject lands (private waste management, shared driveway access, etc).
- No easements will be required for shared driveway access, as this will be a common elements portion for the entire development.

- No Parcels of Tied Lands (POTL) will be required to facilitate the interface between subdivided units and the common elements portions.

On June 16, 2023 the first and only round of comments were received regarding the DPS application. Since that date, it is our understanding that City Staff have not dedicated any further resources towards the processing of the application as there have been no further submissions related to the subdivision. Further, as the DPS application was processed concurrently with the SPA application, several comments received related to the SPA application were duplicates from the DPS application.

This letter is to respectfully request a partial refund of planning fees related to the DPS application. A fee of \$38,400 was paid with the application. The processing of the DPS application was effectively paused following the first round of comments in June 2023. For this reason, we are requesting that 75% (\$28,800) of the previously submitted DPS application fee be refunded. Refund of these fees will not impact the concurrent SPA application which is anticipated to receive final approval early 2024.

If you have any questions, please do not hesitate to contact the undersigned.



Max Fedchyshak, M Plan
Planner
NPG Planning Solutions Inc.



Aaron Butler, MCIP, RPP
Principal Planner, Niagara
NPG Planning Solutions Inc.

To: Economic and Development Services Committee

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

Report Number: ED-24-34

Date of Report: February 28, 2024

Date of Meeting: March 4, 2024

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

Ward: All Wards

File: 12-12-4539

1.0 Purpose

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

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-24-34 dated February 28, 2024, the Economic and Development Services Department be authorized to initiate the statutory public process under the Planning Act for Council to consider proposed City-initiated amendments to Zoning By-law 60-94, generally in accordance with Attachment 1 to said Report.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

4.1 Public

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

4.2 Other Departments and Agencies

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

5.0 Analysis

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

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

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

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

6.0 Financial Implications

Anticipated costs to the City are included in the appropriate 2024 Departmental budgets and relate primarily to the passing of any by-laws.

7.0 Relationship to the Oshawa Strategic Plan

The Recommendation advances the Accountable Leadership goal in the Oshawa Strategic Plan.



Tom Goodeve, M.SC.PI., MCIP, RPP, Director,
Planning Services



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

1. Zoning By-law Section 2: Definitions

Issue:

The Zoning By-law includes the following definitions for Clinic and Medical Office:

“**CLINIC**” means a building or part of a building in which the practice of one or more of the self-governing health professions listed in Schedule 1 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, excluding a pharmacy as a main use, is carried on or in which the treatment of humans by a Drugless Practitioner, as defined in the Drugless Practitioners Act, R.S.O. 1990, c. D.18, occurs and may include medical laboratories or an ancillary pharmacy.”

“**MEDICAL OFFICE**” means a building or part of a building in which the practice of one or more of the self-governing health professions listed in Schedule 1 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, excluding pharmacy, is carried on or in which treatment of humans by a Drugless Practitioner, as defined in the Drugless Practitioners Act, R.S.O. 1990, c. D.18, occurs.”

In 2015, the Province revoked the Drugless Practitioners Act, R.S.O. 1990, c. D.18 (the “Drugless Practitioners Act”) and amended the Regulated Health Professions Act, 1991, S.O. 1991, c. 18 (the “Regulated Health Professions Act”) to add naturopathy as a regulated health profession. The Drugless Practitioners Act is still available for reading on the Provincial government’s website, but it is no longer applicable. Therefore, it is appropriate to include the definition of a drugless practitioner from the former Drugless Practitioners Act in the Zoning By-law.

The practice of ophthalmology is not captured by the Regulated Health Professions Act or the definition of drugless practitioner. Therefore, it is appropriate to specifically identify it as being included in the definitions of clinic and medical office.

Proposed Amendment:

- (a) Amend the definition of “Clinic” in Section 2 of Zoning By-law 60-94 to delete the text “a Drugless Practitioner, as defined in the Drugless Practitioners Act, R.S.O. 1990, c. D.18,” and replace it with the text “an ophthalmologist or a drugless practitioner” such that it reads as follows:

“**CLINIC**” means a building or part of a building in which the practice of one or more of the self-governing health professions listed in Schedule 1 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, excluding a pharmacy as a main use, is carried on or in which the treatment of humans by an ophthalmologist or a drugless practitioner occurs and may include medical laboratories or an ancillary pharmacy.”

(b) Amend the definition of “Medical Office” in Section 2 of Zoning By-law 60-94 to:

- (i) Add the word “a” after the word “excluding”;
- (ii) Add the word “the” preceding the word “treatment”; and,
- (iii) delete the text “a Drugless Practitioner, as defined in the Drugless Practitioners Act, R.S.O. 1990, c. D.18,” and replace it with the text “an ophthalmologist or a drugless practitioner”,

such that it reads as follows:

“**MEDICAL OFFICE**” means a building or part of a building in which the practice of one or more of the self-governing health professions listed in Schedule 1 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, excluding a pharmacy, is carried on or in which the treatment of humans by an ophthalmologist or a drugless practitioner occurs.”

(c) Add the following definition for Drugless Practitioner in Section 2.0, Definitions, after the definition for “Driveway” and before the definition for “Dry Cleaning and Laundry Depot”:

“**DRUGLESS PRACTITIONER**” means a person who practices the treatment of any ailment, disease, defect or disability of the human body by manipulation, adjustment, manual or electro-therapy or by any similar method but does not include body rub.”

2. Zoning By-law Sections 2 and 26: Definitions and OS Open Space Zones

Issue:

The Zoning By-law lists “Recreational Use” as a permitted, unrestricted use in various zones. These zones consist of OSU (Urban Open Space), OSW (Waterfront Open Space), SI-A, SI-B and SI-C (Select Industrial), GI (General Industrial), SPI (Special Industrial), AP-B and AP-D (Airport), and SW (Special Waterfront) Zones.

The term can be considered to reflect an activity that is recreational in nature that takes place indoors and outdoors. However, it is not defined, and its implementation can lead to confusion and broad interpretations. There are also other potential variations of the terms “recreation” and “recreational” used in the Zoning By-law, some of which are defined, e.g. commercial recreational establishment, low intensity recreation and private outdoor recreation club, and some of which are not, e.g. indoor recreational activities, outdoor recreational use, and day recreational use. Terms such as “indoor”, “outdoor” and “day” when applied to “recreational” uses, serve to restrict the scope of recreational activities.

It is recommended that a new definition be added to the Zoning By-law for Recreational Use that scopes the term such that it is clear what the term permits and is appropriate for the zones in which it is listed as a permitted use.

Proposed Amendment:

- (a) Add the following definition for Recreational Use in Section 2.0, Definitions, after the definition for “Rear Yard” and before the definition for “Recreational Vehicle”:

“**RECREATIONAL USE**” means an area of land or a building or part of a building used for active or passive recreation purposes, including such purposes as parks, trails, sports courts, fields or pitches, arena, stadium, auditorium, gym or fitness centre, ice or roller rink, bowling alley, miniature golf, golf driving range, virtual golf simulator, track, swimming pool or other such similar use, and shall include a park, low intensity recreation, day recreational use and private outdoor recreation club, but does not include a commercial recreation establishment, gaming establishment, golf course, campground, place of amusement, studio, cemetery, club, outdoor skeet, trap and gun club, billiard hall, or an assembly hall. When prefaced by the term “indoor”, the recreational use shall be limited to recreational activities within a building or a part thereof. When prefaced by the term “outdoor”, the recreational use shall be limited to recreational uses without buildings or structures. When prefaced by the term “day”, the recreational use shall be limited to recreational uses without buildings or structures and only during daylight hours.”

- (b) Amend Sentence 26.1.2(e) to add the word “outdoor” preceding the words “recreational use” such that Article 26.1.2 reads as follows:

“26.1.2 The following uses are permitted in any OSU – Urban Open Space Zone:

- (a) Agricultural uses without buildings or structures”
- (b) Campground
- (c) Golf course, existing as of January 1, 2005
- (d) Park
- (e) Outdoor Recreational Use”

- (c) Amend Sentence 26.1.8(h) to add the word “outdoor” preceding the words “recreational use” such that Article 26.1.8 reads as follows:

“26.1.8 The following uses are permitted in any OSW – Waterfront Open Space Zone:

- (a) Amphitheater
- (b) Auditorium
- (c) Club, excluding a nightclub
- (d) Cultural centre
- (e) Marina, including related sales and service buildings
- (f) Museum
- (g) Park
- (h) Outdoor recreational use”

3. Zoning By-law Sections 2 and 32: Definitions and AG Agricultural Zones

Issue:

Certain farms require additional labour on a year-round basis for the day-to-day operation of the farm or on a seasonable basis over an extended growing season. The Provincial Policy Statement, 2020 allows “accommodation for full-time farm labour when additional labour is required” in prime agricultural areas. To account for how the labour needs of farms may change over time, it is best practice to consider alternative housing options for farmers’ workers rather than limiting the potential to a farm dwelling which is a separate permanent dwelling for farm help. By allowing a wider variety of forms of accommodation to be used by seasonal workers, the Zoning By-law will better accommodate the changing needs of the agricultural community.

Policy 2.8.2.1 of the Oshawa Official Plan states that in areas designated as Prime Agricultural, a second farm-related dwelling on the existing farm parcel for persons employed on the farm may be permitted where the size and nature of the operation warrants additional employment, provided that a severance to create a separate parcel is not required.

Despite the Oshawa Official Plan policies, the Zoning By-law does not permit accommodations for additional farm workers on agricultural properties. Section 2 and Section 32 of the Zoning By-law should be amended to clarify what seasonal worker housing is and where it can be permitted. This amendment would reflect the intent of the Provincial Policy Statement and the Oshawa Official Plan and aligns with the policies of the Ministry of Agriculture, Food and Rural Affairs.

Severance of land with housing for farm labour is not permitted given that land division fragments the agricultural land base. Fragmentation of the land base can affect the future viability of agriculture over the long term.

Regardless of the accommodation type being temporary or permanent, all seasonal worker housing will still be required to meet the requirements of the Oshawa Official Plan, Oak Ridges Moraine Conservation Plan and the Greenbelt Plan, and farm operators will be required to obtain a building permit.

Proposed Amendment:

(a) Add the following new definition:

“SEASONAL WORKER HOUSING UNIT” means a dwelling unit intended to accommodate full-time farm labour when additional labour is required due to the size and nature of the farm operation, and which is accessory to an agricultural use.

- (b) Amend the definition of “Farm Dwelling” by adding the text “but shall not include a seasonal worker housing unit” at the end of the definition, such that the definition reads as follows:

“**FARM DWELLING**” means a single detached dwelling which is located or intended to be located on a lot used for agricultural purposes but shall not include a seasonal worker housing unit.”

- (c) Amend Subsection 32.1 as follows:

- (i) Add Seasonal Worker Housing Unit as a permitted use within the AG-A (Agricultural) Zone such that Article 32.1.2 reads as follows:

“32.1.2 The following uses are permitted in any AG-A Zone:

- (a) Accessory retail stands for the sale of seasonal produce, produced on the farm;
- (b) Agricultural uses including a maximum of one farm dwelling;
- (c) One single detached dwelling on an existing lot or on a lot created by consent;
- (d) One seasonal worker housing unit accessory to a farm dwelling;
and
- (e) Riding stable.”

- (ii) Add Seasonal Worker Housing Unit as a permitted use within the AG-ORM (Oak Ridges Moraine Agricultural) Zone such that Article 32.1.4 reads as follows:

“32.1.4 The following uses are permitted in any AG-ORM Zone:

- (a) Accessory retail stands for the sale of seasonal produce, produced on the farm;
- (b) Agricultural uses including a maximum of one farm dwelling;
- (c) One single detached dwelling on an existing lot or on a lot created by consent;
- (d) One seasonal worker housing unit accessory to a farm dwelling;
- (e) Riding stable; and
- (f) Low intensity recreation.”

(iii) Amend Subsection 32.2 by adding a new Article 32.2.4 that reads as follows:

“32.2.4 The following regulations shall apply to a seasonal worker housing unit:

- (a) A seasonal worker housing unit shall only be permitted as an accessory use to an agricultural use having a farm dwelling in an AG-A, AG-B or AG-ORM Zone.
- (b) A maximum of one seasonal worker housing unit shall be permitted.
- (c) A seasonal worker housing unit shall only be permitted on lots having a minimum lot area of 20 hectares.
- (d) A seasonal worker housing unit shall be separated from the farm dwelling on the same lot by not more than 100m.
- (e) A seasonal worker housing unit shall be considered an accessory building and the regulations of Subsection 5.1 shall apply, except that the maximum height shall be 9m.”

4. Zoning By-law Subsection 3.5: Holding “h” Zones

Issue:

Section 36 of the Planning Act, R.S.O. 1990, c. P.13 allows a municipality to use a holding symbol in a zoning by-law to specify the permitted interim use of lands until such time as the holding symbol is removed by amendment to the zoning by-law.

In 2022, Council amended Delegation of Authority By-law 29-2009, as amended, to delegate authority to the Commissioner of Economic and Development Services to pass by-laws to remove holding symbols when the conditions for lifting of the holding symbol have been satisfied.

Subsection 3.5 of Zoning By-law 60-94, as amended, contains numerous holding symbols applicable to many properties across the City. A number of these holding symbols require that a site plan agreement be executed between the City and the developer prior to the commencement of any construction.

A site plan agreement is not always necessary for a developer to commence construction of certain work, namely, site servicing and building foundations, as long as the proposed development complies with the Zoning By-law, the City and agencies approve of the site and building designs, and certain other conditions are satisfied, such as taxes being up to date, a site improvement security being provided, and any required road widenings being conveyed to the City and/or Region. However, the existence of a holding symbol prevents the issuance of a building permit while the holding symbol is in place.

It is recommended that the h-1, h-2, h-7, h-11, h-13, h-22, h-25, h-36, h-40, h-42, h-47, h-52, h-59, h-82, h-83 and h-85 Holding symbols be amended to delete the references to a site plan agreement and instead require site plan approval.

It is also recommended that reference to the 1996 Provincial Policy Statement under the h-13 holding symbol be replaced with a general reference to the Provincial Policy Statement.

It is further recommended that the h-33 holding symbol applicable to 370 Conant Street be deleted in its entirety given that the h-33 holding symbol has now been lifted from 370 Conant Street to allow the Durham Catholic District School Board to construct a new sports field and parking lot, and the h-33 holding symbol does not apply to any other lands in the City.

Proposed Amendment:

- (a) Amend the Purpose section of Sentence 3.5.2(1)(a) to delete the words “an appropriate site plan agreement is executed with the City which addresses such matters as” and replace with the words “the City has granted site plan approval and the following matters have been addressed to the satisfaction of the City.”
- (b) Amend the Purpose section of Sentence 3.5.2(2)(c) to delete the words “an appropriate site plan agreement shall be executed” and replace with the words “the City has granted site plan approval.”
- (c) Amend the Purpose section of Sentences 3.5.2(7)(a)(i), 3.5.2(13)(b), 3.5.2(82)(a) and 3.5.2(85)(a) to delete the words “An appropriate site plan agreement is executed with the City” and replace with the words “The City has granted site plan approval.”
- (d) Amend the Purpose section of Sentence 3.5.2(11)(d) by deleting the words “ in the site plan agreement” such that it reads as follows: “A vibration study is completed to the satisfaction of the City to review the impact of the construction of the proposed development on adjacent buildings, and any necessary mitigation measures are implemented.”
- (e) Amend the Purpose section of Sentence 3.5.2(13)(a)(i) to delete the text “Policy 3.1.3 of the Provincial Policy Statement, 1996” and replace with the text “Section 3.1 of the Provincial Policy Statement” such that it reads “Section 3.1 of the Provincial Policy Statement regarding lands subject to erosion hazards is met.”
- (f) Amend the Purpose section of Sentence 3.5.2(22)(a) to delete the words “An appropriate site plan agreement or” and replace with the words “The City has granted site plan approval or an appropriate” such that it reads “The City has granted site plan approval or an appropriate subdivision agreement is executed with the City.”

- (g) Amend the Purpose section of Sentences 3.5.2(25) and 3.5.2(36)(a) to delete the words “A site plan agreement is executed with the City” and replace with the words “The City has granted site plan approval.”
- (h) Amend Sentence 3.5.2(33) to remove the provision such that it reads as follows:
“3.5.2(33) [deleted]”
- (i) Amend the Purpose section of Sentence 3.5.2(40)(a) to delete the words “an appropriate site plan agreement is executed with the City which addresses such matters as” and replace with the words “the City has granted site plan approval and the following matters have been addressed.”
- (j) Amend the Purpose section of Sentence 3.5.2(42) to delete Sentence 3.5.2(42)(a) and replacing it with the following:
“(a) The City has granted site plan approval; and,
(b) The owner conveys Part 5, Plan 40R-14385 as valley land and an appropriate access easement from King Street East to the valley land to the City’s satisfaction and at no cost and in a condition acceptable to the City.”
- (k) Amend the Purpose section of Sentence 3.5.2(47)(a) to delete the words “An appropriate site plan agreement shall be executed with the City” and replace with the words “The City has granted site plan approval.”
- (l) Amend the Purpose section of Sentence 3.5.2(52)(a) to delete the words “an appropriate site plan agreement or” and replace with the words “the City has granted site plan approval or an appropriate” such that it reads “the City has granted site plan approval or an appropriate subdivision agreement, where applicable, is executed with the City;”.
- (m) Amend the Purpose section of Sentence 3.5.2(59)(c) to delete the words “ through a site plan agreement” such that it reads “A noise study is completed to the satisfaction of the City and any recommendations are implemented;”
- (n) Amend the Purpose section of Sentence 3.5.2(83)(a) to delete the words “Appropriate site plan and subdivision agreements are” and replace with the words “The City has granted site plan approval and an appropriate subdivision agreement is” such that it reads “the City has granted site plan approval and an appropriate subdivision agreement is executed with the City.”
- (o) Amend the Purpose section of Sentence 3.5.2(83)(b) to delete the words “or site plan agreement which is executed” and replace with the words “agreement which is

executed or are addressed to the City's satisfaction at the time site plan approval is granted by the City", such that it reads as follows:

- (b) Appropriate arrangements shall be made for the provision of adequate sanitary, water, storm and transportation services and facilities to serve this development and included in a subdivision agreement which is executed or are addressed to the City's satisfaction at the time site plan approval is granted by the City."

5. Zoning By-law Subsection 3.12: Temporary Use Zones

Issue:

Subsection 3.12, Temporary Use Zone Provisions, of the Zoning By-law contains temporary use permissions for two properties:

- 1399 Simcoe Street North: TEMP-1 Zone which permits an automobile sales and service establishment for used vehicles until April 10, 2024; and,
- 382 Simcoe Street North: TEMP-2 Zone which permits an administrative office for the Lakeridge Health Foundation until November 28, 2024.

Both of these temporary uses expire in 2024. However, the temporary uses are intended to continue beyond 2024.

Accordingly, it is appropriate to amend the Zoning By-law to extend the temporary use permission for both properties to 2027.

Proposed Amendment:

Amend Subsection 3.12 as follows:

- (a) Amend Sentence 3.12.2(1) by deleting the year "2024" and replacing it with the year "2027".
- (b) Amend Sentence 3.12.2(2) by deleting the year "2024" and replacing it with the year "2027".

6. Zoning By-law Subsection 4.8: Access Regulations

Issue:

The Zoning By-law requires each residentially-zoned lot to have its own driveway access from the travelled portion of an improved street. A growing trend in infill housing developments is the severance of a lot into two lots and the construction of a single detached dwelling, duplex or triplex on each lot with a shared driveway between them, straddling the mutual property line and leading to a rear yard parking area. These driveways are typically 3.0m (9.84 ft.) wide, divided equally between the two properties,

i.e. 1.5m (4.92 ft.) on each side. The rear yard of each property contains the required parking spaces, and the required 6.5m (21.33 ft.) driveway aisle behind each parking space spans both properties equally, i.e. 3.25m (10.66 ft.) on each side. The shared driveways and aisles have an easement (right-of-way) on them to guarantee shared access in perpetuity. In these cases, the applicant needs the approval of the Committee of Adjustment for minor variances to permit each portion of the driveway on each lot to be 1.5m (4.92 ft.) wide and each portion of the driveway aisle on each lot to be 3.25m (10.66 ft.) wide. Examples of sites developed in this fashion include 139 and 143 Celina Street, 140 and 144 Mary Street North and 75 and 79 Hogarth Street.

Staff recommend that Subsection 4.8, Access Regulations, be amended to permit shared driveway access for lots with residential zoning provided that a mutual right-of-way access is registered on the title to each property. Currently the Zoning By-law only permits driveway access between lots zoned for non-residential purposes.

Proposed Amendment:

(a) Amend Subsection 4.8 by adding the following article:

“4.8.3 Notwithstanding any provision of this By-law to the contrary, the width of a single driveway and the width of an associated aisle may span two abutting residentially-zoned lots subject to a right-of-way for mutual access being registered on the title to each property.”

7. Zoning By-law Subsection 4.19: Driveways Leading to Private Garages

Issue:

Subsection 4.19, Driveways Leading to Private Garages, stipulates that any driveway leading to a private garage shall have a minimum length of 6.0m (19.69 ft.) from the street line to the garage. This regulation only applies to freehold dwelling units with driveways leading from public roads such as single detached dwellings, semi-detached dwellings and street townhouse dwellings or to block townhouse dwellings in a common elements condominium. This regulation does not account for individual driveways leading from a private road to the individual garage of a block townhouse dwelling unit or a stacked townhouse dwelling unit in a rental development or standard condominium.

It is appropriate to amend the Zoning By-law to specify that driveways leading from private roads to private garages must be a minimum of 5.75m (18.86 ft.) in length, which is equivalent to the minimum length of a parking space.

Proposed Amendment:

(a) Add a new Article 4.19.2 that reads as follows:

“4.19.2 The minimum length of an individual driveway leading from a private road or aisle to a private garage of a dwelling unit in a Residential Zone shall be 5.75m.”

8. Zoning By-law Article 5.12: Accessory Apartments

Issue:

On November 28, 2022, the Provincial government passed Bill 23, More Homes Built Faster Act, 2022, which made amendments to the Planning Act to stipulate that no municipal zoning by-law could prohibit:

- a) Two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- b) Three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential unit; or,
- c) One residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

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 size and setbacks of accessory buildings containing accessory apartments.

Article 5.12.6 was added to the Zoning By-law which requires any accessory apartment located within a single detached dwelling, semi-detached dwelling or street townhouse dwelling to have at least seventy-five percent (75%) of its floor area located wholly above or below another dwelling unit on the lot within the main building. It is recommended that this article be amended to reduce the percentage to fifty percent (50%) to be consistent with the definition for duplex contained in the Zoning By-law.

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 complied with the minimum lot frontage or 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. This regulation expired June 23, 2023. 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, 2026.

When Bill 23 was passed on November 28, 2022, it amended the Planning Act to state, in part, that where a property contained an accessory apartment, a municipality could not require more than one parking space per residential unit. This meant that for a single detached dwelling with one accessory apartment, only two parking spaces would be required, whereas many municipal zoning by-laws at the time required two parking spaces for the main unit and one parking space for additional units.

However, on April 6, 2023, the Province introduced Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023, for First Reading in the Legislature. Bill 97 further amended the Planning Act to clarify that a maximum of one parking space could be required for the additional dwelling unit and that there would be no restriction on the number of parking spaces that could be required for the main unit. On May 29, 2023, Council approved a City-initiated zoning by-law amendment which carried forward the requirement for two parking spaces for the main unit and one parking space for each accessory apartment.

On June 8, 2023, Bill 97 received Royal Assent. During the period between November 28, 2022 and May 29, 2023, a number of property owners had advanced building permit applications and minor variance applications on the basis of requiring only one parking spaces per unit. In order to protect the rights of those property owners, the City added Sentence 5.12.7(3) to Zoning By-law 60-94 which stipulates that, notwithstanding the updated parking standards, in cases where a complete building permit application has been received by the Chief Building Official between November 28, 2022 and May 29, 2023, inclusive, for a single detached dwelling, semi-detached dwelling, semi-detached building or street townhouse dwelling with one or two accessory apartments, or the Committee of Adjustment has approved an application related to a single detached dwelling, semi-detached dwelling, semi-detached building or street townhouse dwelling between November 28, 2022 and May 10, 2023, inclusive, and the purpose of the building permit or Committee of Adjustment application is to facilitate the additional use of the lot for one or two accessory apartments, only one parking space per dwelling unit on the lot shall be required. However, Sentence 5.12.7(3) cross references Article 5.12.5 whereas it should reference Article 5.12.4 which contains the parking regulations.

Proposed Amendment:

(a) Amend Article 5.12.6 by deleting the text “seventy-five percent (75%)” and replacing it with the text “fifty percent (50%)” such that it reads as follows:

“5.12.6 Where an accessory apartment is located within a single detached dwelling, semi-detached dwelling or street townhouse dwelling, each dwelling unit on the lot within the main building shall have at least fifty percent (50%) of its floor area located wholly above or below another dwelling unit on the lot within the main building.”

(b) Amend Sentence 5.12.7(2) by deleting the text “2023” and replacing it with the text “2026” such that it reads as follows:

“5.12.7(2) The provisions of Sentence 5.12.7(1) shall only apply until June 23, 2026.”

(c) Amend Sentence 5.12.7(3) by deleting the text “5.12.5” and replacing it with the text “5.12.4” such that it reads as follows:

“5.12.7(3) Notwithstanding Article 5.12.4 and Article 39.3.1 of this By-law to the contrary, in cases where a complete building permit application has been received by the Chief Building Official between November 28, 2022 and May 29, 2023, inclusive, for a single detached dwelling, semi-detached dwelling, semi-detached building or street townhouse dwelling with one or two accessory apartments or the Committee of Adjustment has approved an application related to a single detached dwelling, semi-detached dwelling, semi-detached building or street townhouse dwelling between November 28, 2022 and May 10, 2023, inclusive, and the purpose of the building permit or Committee of Adjustment application is to facilitate the additional use of the lot for one or two accessory apartments, only one parking space per dwelling unit on the lot shall be required.”

9. Zoning By-law Subsection 5.13: Parcel of Tied Land

Issue:

Article 5.13.1 of the Zoning By-law reads as follows:

“5.13.1 A Parcel of Tied Land shall be treated as a lot and a condominium common element road shall be treated as an improved street for the purposes of this section. Uses on a Parcel of Tied Land shall comply with all the provisions of Section 4: General Provisions, Section 5: Uses Permitted in Certain Zones and Section 39: Parking and Loading.”

However, not all regulations in Sections 4, 5 and 39 can reasonably be applied to each individual parcel of tied land (P.O.T.L.) in a common element condominium. For example, each parcel of tied land cannot have visitor parking. Rather, the overall development site has the visitor parking which is a common element in the condominium.

For the purpose of adding clarity, Subsection 5.13 should be amended to clarify which specific provisions in Sections 4, 5 and 39 can be applied to P.O.T.L.s.

On this basis, it is appropriate to amend the Zoning By-law to specify which provisions should apply in order that the intent of Sections 4, 5, and 39 is implemented.

Proposed Amendment:

(a) Amend Subsection 5.13 by deleting Article 5.13.1 and replacing it with the following new Articles:

- “5.13.1 For the purpose of this Article, a parcel of tied land shall be considered a lot and a common element condominium road shall be treated as an improved street. Not less than fifty percent (50%) of the front yard, exterior side yard and rear yard of every lot abutting an improved street in every Residential Zone shall be maintained as landscaped open space.
- 5.13.2 Notwithstanding any other provision of this By-law to the contrary, no person shall erect or use a building or structure on a parcel of tied land unless the property line of the parcel of tied land that is parallel to and abutting the common element condominium road has a minimum length of 5.5m.
- 5.13.3 For the purpose of this Article, a parcel of tied land shall be considered a lot. Notwithstanding any other provision of this By-law to the contrary, the total combined lot coverage of all accessory buildings on a parcel of tied land in any Residential Zone shall not exceed eight percent (8%) of the lot area.
- 5.13.4 Notwithstanding any other provision of this By-law to the contrary, on a parcel of tied land in a Residential Zone, no accessory building or structure shall be located between a main building and an improved street or a common element condominium road, and shall not be closer than 0.6m to a lot line of a parcel of tied land. For clarity, this Article shall not apply to a heat pump, air exchanger and/or air conditioner associated with a dwelling unit where the only exterior building wall of the dwelling unit at ground level is the building wall facing an improved street or a common element condominium road.”

10. Zoning By-law Article 11.3.3 and Schedule “A”: Map B2

Issue:

The lands subject to this proposed amendment are generally located at the northwest corner of First Avenue and Albert Street, and were formerly part of the property municipally known as 505 Simcoe Street South. The City acquired ownership of the eastern portion of 505 Simcoe Street South in 2023 for the purpose of increasing parkland and greenspace in this neighbourhood. The intention is to enlarge Elena Park located immediately to the north of the acquired lands.

The subject lands that have been acquired by the City remain zoned as R6-B(1) (Residential) which permits an Apartment Building, Long term Care Facility, Nursing Home or a Retirement Home. To recognize their intended use as part of a

neighbourhood park, it is appropriate to rezone the lands from R6-B(1) (Residential) to OSP (Park Open Space) for consistency with the current zoning of Elena Park.

The acquisition also requires that the regulations of the R6-B(1) Zone be amended to reflect the current conditions of 505 Simcoe Street South following the removal of the eastern portion of the property.

Proposed Amendment:

(a) Amend Article 11.3.3 by deleting Sentence 11.3.3(2), and replacing it with the following:

“11.3.3(2) Notwithstanding any other provision of this By-law to the contrary, in any R6-B(1) Zone, the street line abutting First Avenue shall be deemed to be the front lot line, and parking may be located in the front yard and exterior side yard.”

(b) Amend Sentence 11.3.3(4) by adding the text “and Sentence 11.3.3(2)” after the text “Subsection 4.10” and deleting the second occurrence of the word “Street” and replacing it with the word “Avenue” such that Sentence 11.3.3(4) reads as follows:

“11.3.3(4) Notwithstanding Subsection 4.10 and Sentence 11.3.3(2) to the contrary, in any R6-B(1) Zone, no part of any parking area shall be located closer than 1.0m to the Simcoe Street South and First Avenue streetlines.”

(c) Amend Article 11.3.3 by adding the text “, except any accessory building or structure existing as of the date of the passing of this By-law” to the end of Sentence 11.3.3(5), such that Sentence 11.3.3(5) reads as follows:

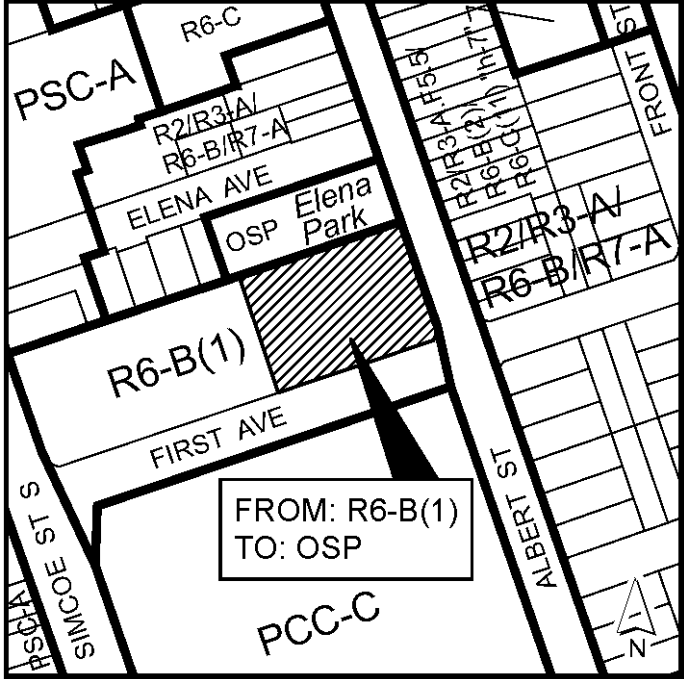
“11.3.3(5) Notwithstanding Sentence 5.1.4(7) to the contrary, in any R6-B(1) Zone, an accessory building or structure shall be permitted in the front yard provided any accessory building or structure is not located within the required minimum front yard, except any accessory building or structure existing as of the date of the passing of this By-law.”

(d) Amend Article 11.3.3 by adding new Sentences 11.3.3(6) and 11.3.3(7) as follows:

“11.3.3(6) Notwithstanding any other provision of this By-law to the contrary, in any R6-B(1) Zone, the minimum rear yard depth shall be 7.5m.

11.3.3(7) Notwithstanding any other provision of this By-law to the contrary, in any R6-B(1) Zone, there shall be no minimum required landscaped open space in the exterior side yard.”

(e) Amend Schedule “A” – Map B2 of the Zoning By-law to rezone the lands generally located at the northwest corner of Albert Street and First Avenue as shown in hatching on the map below from R6-B(1) (Residential) to OSP (Park Open Space).



11. Zoning By-law Section 38(B): Mixed Use Zones

Issue:

The Mixed Use Zones implemented through Section 38(B) of the Zoning By-law were created with the intention of only being utilized along the Simcoe Street North corridor near the Durham College and Ontario Tech University campuses. One of the regulations of Section 38(B) requires new buildings to have a minimum 60% building frontage along Conlin Road East or Simcoe Street North. Specifically, the regulation requires new buildings to be located closer to these arterial roads such that at least 60% of the length of the property’s frontage along the arterial road has to have part of a building located within a setback of between 3m (9.84 ft.) and 5.5m (18.04 ft.). Further, the height of the building within this setback has to be at least 5.5m (18.04 ft.). The purpose of this regulation is to create an urban, human-scale streetscape that encourages walking and transit use and locates parking areas behind buildings rather than in front of them.

The Mixed Use Zones are now being applied elsewhere in the City such as the Kedron Planning Area. Consequently, Sentence 38(B).2.2(a) will not apply to lands that do not have frontage on either Conlin Road East or Simcoe Street North.

It is recommended that reference to Conlin Road East and Simcoe Street North be replaced with reference to arterial roads in general, such that the minimum building

frontage requirement of the Mixed Use Zones can also be applied adjacent to roads such as Harmony Road North, Ritson Road North and Britannia Avenue East.

Proposed Amendment:

(a) Amend Sentence 38(B).2.2(a) to delete the text “Simcoe Street North or Conlin Road East, as the case may be,” and replace with the text “an arterial road”, such that Article 38(B).2.2 reads as follows:

“38(B).2.2 Notwithstanding the definitions in Section 2 of this By-law to the contrary, in any MU Zone, as shown on Schedule “A” to the By-law, the following definition shall apply:

(a) Minimum building Frontage means that percentage of the frontage on an arterial road where, cumulatively, the length of walls of main buildings facing the street are constructed in the area ranging from the minimum front yard and exterior side yard depth to the maximum front yard and exterior side yard depth applicable to the relevant Zone. Any areas affected by easements for hydro services shall be excluded from the frontage calculation.”

(b) Amend Sentence 38(B).3.13(5) to remove the provision such that it reads as follows:

“38(B).3.13(5) [deleted]”

(c) Amend Sentence 38(B).3.15(5) to remove the provision such that it reads as follows:

“38(B).3.15(5) [deleted]”

12. Zoning By-law Schedule “A”: Map A4

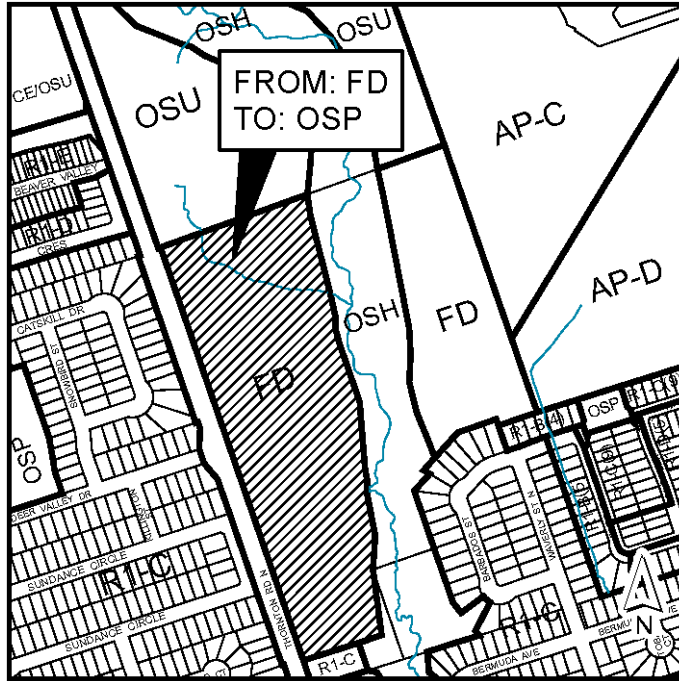
Issue:

The lands subject to this proposed amendment are generally located on the east side of Thornton Road North, opposite the Thornton Road North and Deer Valley Drive intersection, and are municipally known as 1095 Thornton Road North. The western portion of the property along Thornton Road North is zoned FD (Future Development). The northern portion of this site contains the City’s recently constructed B.M.X. Park and the City is currently constructing the new Rose Valley Community Park in the southerly portion of the site.

To reflect the current and future use of the property as a neighbourhood park, it is appropriate to rezone the lands from FD (Future Development) to OSP (Park Open Space) to reflect its current and future use.

Proposed Amendment:

- (a) Amend Schedule “A” – Zoning Map A3 of the Zoning By-law to rezone the lands shown in hatching on the map below from FD (Future Development) to OSP (Park Open Space).



13. Zoning By-law Schedule “A”: Maps B4 and North Half

Issue:

The subject lands are generally located on the south side of Windfields Farm Drive East, west of Bridle Road. The lands are comprised of two separate parcels owned by the Durham District School Board. The currently vacant lands are intended to be developed collectively by the Board as a public secondary school.

The two parcels are located within different plans of subdivision. The eastern parcel is part of Block 118 in Registered Plan 40M-2548 which was a plan of subdivision submitted by Minto and registered in 2015. The western parcel consists of Block 13 in Registered Plan 40M-2605 which was a plan of subdivision submitted by RioCan and registered in 2017.

The western parcel is zoned CIN/R1-E(21)/R3-A(8) “h-14” and the eastern parcel is zoned CIN/R1-E(21)/R3-A(8) in part and CIN/R1-D(3) in part. Staff note that the western parcel is subject to an “h-14” holding symbol whereas the eastern parcel does not currently have a holding symbol. The secondary school is permitted by the CIN zoning.

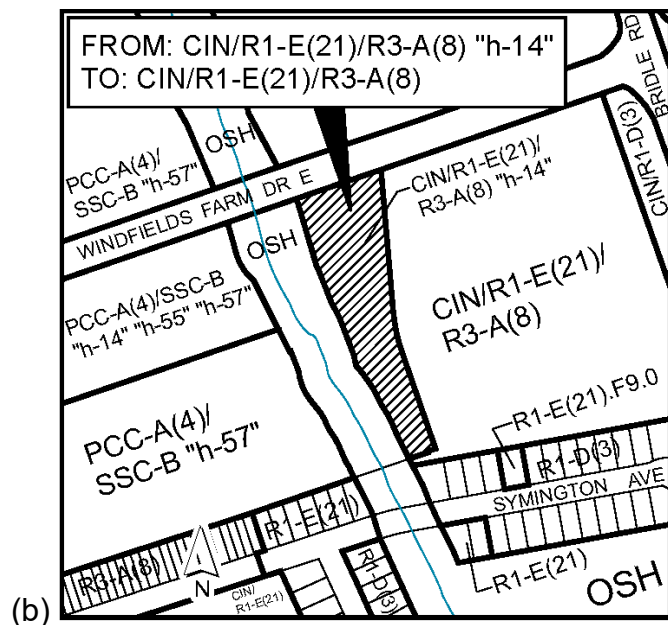
The holding symbol was removed from the Minto plan of subdivision in 2015, including for the eastern parcel. Registered Plan 40M-2605 containing the western parcel was registered in 2017 but the holding has never been removed. The Durham District School Board purchased both parcels from the respective subdividers.

The purpose of the “h-14” holding symbol is to ensure appropriate arrangements are made for the provision of adequate sanitary, water, storm and transportation services and facilities to serve the development and included in a subdivision agreement. This condition has already been fulfilled for the subject lands. Accordingly, it is appropriate to remove the “h-14” holding symbol from the western parcel so that it matches the eastern parcel.

The Durham District School Board intends to commence construction of the public secondary school in 2024.

Proposed Amendment:

- (a) Amend Schedule “A” – Maps B4 and North Half of the Zoning By-law to rezone Block 13 in Registered Plan 40M-2605 as shown in the hatching on the map below from CIN/R1-E(21)/R3-A(8) “h-14” (Community Institutional/Residential) to CIN/R1-E(21)/R3-A(8) (Community Institutional/Residential).



14. Zoning By-law Schedule “A”: Maps B4 and North Half

Issue:

The lands subject to this amendment are generally located on the east side of Simcoe Street North, south of Windfields Farm Drive East, and are municipally known as 2545 Simcoe Street North and 2530 Steeplechase Street. These lands consist of Block 9 in Registered Plan 40M-2605 which was a plan of subdivision submitted by

RioCan and registered in 2017. The property is the site of Tribute Communities' Universal City Towers 2 and 3. The subject property is zoned PCC-A(4)/SSC-B "h-57" (Planned Commercial Centre/Automobile Service Station). However, the property does not require retention of the SSC-B (Automobile Service Station) Zone component as the property is being developed solely for residential purposes.

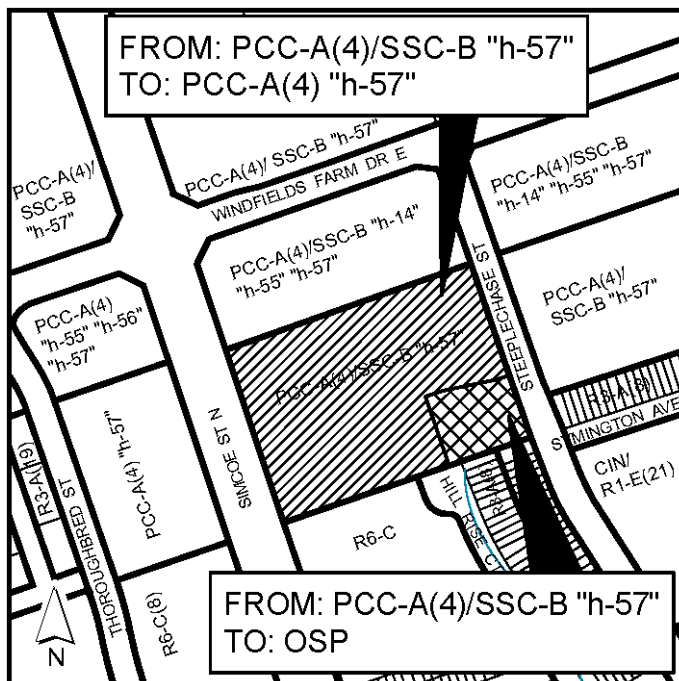
The SSC-B Zone was applied to several blocks within the aforementioned RioCan subdivision to allow a fuel bar and/or automobile service station to be developed, as necessary. This zoning permission is no longer appropriate for the subject lands.

Through the development process for the Universal City project, Tribute Communities provided a 0.373 hectare (0.92 ac.) parcel of land to the City as parkland dedication at the southeast corner of the subject property (2530 Steeplechase Street). These lands currently retain the PCC-A(4)/SSC-B "h-57" zoning.

It is appropriate to rezone the lands being developed for Towers 2 and 3 of the Universal City residential project from PCC-A(4)/SSC-B "h-57" (Planned Commercial Centre/Automobile Service Station) to PCC-A(4) "h-57" (Planned Commercial Centre) to reflect the intended use of these lands, and to rezone the future City parkette lands at the southeast corner of the subject site from PCC-A(4)/SSC-B "h-57" (Planned Commercial Centre/Automobile Service Station) to OSP (Park Open Space).

Proposed Amendment:

- (a) Amend Schedule "A" – Maps B4 and North Half of the Zoning By-law to rezone the lands shown in hatching on the map below from PCC-A(4)/SSC-B "h-57" (Planned Commercial Centre/Automobile Service Station) to PCC-A(4) "h-57" (Planned Commercial Centre) in part and to OSP (Park Open Space) in part.



15. Zoning By-law Schedule "A": Map C3

Issue:

The lands subject to this amendment are generally located at the southwest corner of Whitelaw Avenue and Townline Road North and are municipally known as 1200 Townline Road North. The subject property is currently zoned FD (Future Development). However, the property is owned by Hydro One Networks Inc. and is currently operating as a hydro substation.

The FD Zone is intended to apply to lands where there is insufficient information to determine specific zoning categories or where the development of such lands is considered to be premature or not in the public interest.

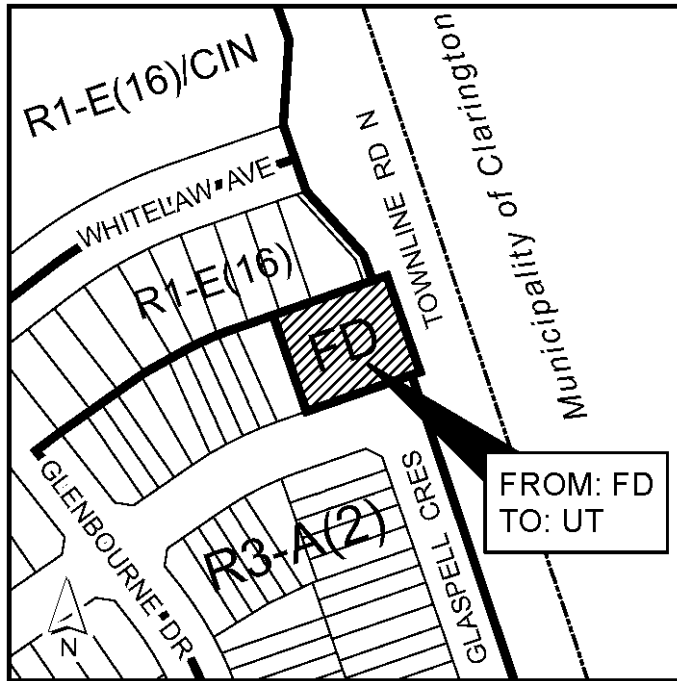
The subject property is designated Medium Density I Residential in the Pinecrest Part II Plan. It is appropriate to rezone the lands from FD (Future Development) to UT (Utilities) to reflect the existing use of the property. The UT (Utilities) Zone permits the following uses:

- (a) Electric power transformer stations owned and operated by Ontario Hydro that transform power to 44 kv
- (b) Water pollution control plant
- (c) Water supply plant

This proposed change conforms to the Oshawa Official Plan, as infrastructure and utilities (such as hydro substations) are generally permitted in any land use designation, pursuant to Policy 2.12.2.4 of the Oshawa Official Plan.

Proposed Amendment:

- (a) Amend Schedule “A” – Map C3 of the Zoning By-law to rezone 1200 Townline Road North as shown in hatching on the map below from FD (Future Development) to UT (Utilities).



16. Zoning By-law Schedule “A”: Map C4

Issue:

The subject lands are located at the northwest corner of Conlin Road East and Harmony Road North, and are municipally known as 2050 Harmony Road North. These lands consist of Block 169 in Registered Plan 40M-2706 which was a plan of subdivision submitted by Sorbara in the Kedron Planning Area. This subdivision was draft approved and rezoned for development in 2018. After Council considered Report DS-18-148 dated September 20, 2018 and approved Sorbara’s rezoning application. This included rezoning the subject lands to an appropriate MU/SSC (Mixed Use/Automobile Service Station) Zone to permit a range of residential and commercial uses, including a car wash and fuel bar.

This property is currently zoned MU-B.DBR 60-85/SSC “h-14” “h-30” (Mixed Use/Automobile Service Station).

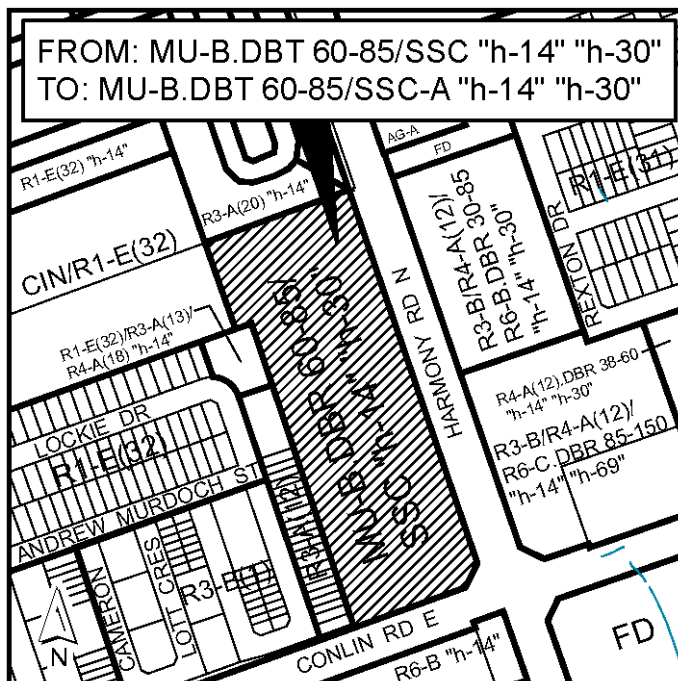
There are three categories of SSC (Automobile Service Station) zoning in the Zoning By-law, namely SSC-A, SSC-B and SSC-C Zones. Subsections 21.1 and 21.2 of the Zoning By-law outline the uses permitted in each zone and the applicable regulations for each zone. The implementing zoning by-law for Sorbara’s plan of subdivision inadvertently zoned the lands as SSC without including the suffix “-A”, “-B” or “-C”.

In view of the foregoing, it is appropriate to amend the Zoning By-law by amending Schedule "A" – Map C4 by changing the zoning of the subject lands from MU-B.DBR 60-85/SSC "h-14" "h-30" (Mixed Use/Automobile Service Station) to MU-B.DBR 60-85/SSC-C "h-14" "h-30" (Mixed Use/Automobile Service Station).

The SSC-C Zone permits a fuel bar, car wash and automobile service station.

Proposed Amendment:

- (a) Amend Schedule "A" – Zoning Map C4 of the Zoning By-law to rezone the lands shown in hatching on the map below from MU-B.DBR 60-85/SSC "h-14" "h-30" (Mixed Use/Automobile Service Station) to MV-B.DBR 60-85/SSC-C "h-14" "h-30" (Mixed Use/Automobile Service Station).



Economic and Development Services Committee’s Outstanding Items Status Report ED-24-36

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
1.	Applications to Amend the Taunton Part II Plan and Zoning By-law 60-94 and for Approval of Draft Plan of Subdivision S-O-2012-03, North of Coldstream Drive, Between Harmony Road North and Grandview Street North, Silwell Developments Ltd. and 1229403 Ontario Ltd.	DSC – May 27/13 DS-13-166	EDSC- Jan 8/24 ED-24-08	Revised Application Approved by Council	Planning Services	TBD (Awaiting info from applicant)
2.	Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision (S-O-2014-01), 850, 880 and 1040 Conlin Road East, Conlin (Oshawa) 130 Acres Inc. (Sorbara Group)	DSC – Feb 29/16 DS-16-33	DSC – Sept. 24/18 DS-18-148	Referred to staff for a report. Phase 1 approved by Council.	Planning Services	TBD (Awaiting info from applicant)

Economic and Development Services Committee’s Outstanding Items Status Report ED-24-36

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
3.	Applications to Amend Zoning By-law 60-94 and for Approval of Draft Plan of Subdivision, 135 Bruce Street and Certain City-owned lands, Bruce Street Developments Ltd. (Medallion Corporation)	DSC- June 20/16 DS-16-118	DSC– Sept. 10/18 DS-18-139	Referred to staff for a report Phase 1 approved by Council.	Planning Services	TBD (Awaiting info from applicant)
4.	Applications to amend Official Plan and Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision, for a Portion of the Lands Municipally Known as 2466 and 2651 Harmony Road North, Minto (Harmony Road) LP	DSC – Feb. 5/18 DS-18-12	DSC-June 25/20 DS-20-71	Subdivision Draft Approved – Except for Community Park	Planning Services	TBD (Awaiting info from applicant)
5.	Application to Amend Zoning By-law 60-94, 1226 King Street East, 784464 Ontario Ltd. (Ward 3)	EDSC – Jan 8/24 ED-24-07	EDSC – Jan 8/24 ED-24-07	Referred to staff for report	Planning Services	TBD

Economic and Development Services Committee’s Outstanding Items Status Report ED-24-36

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
6.	Investigation of New Street Naming Policy	DSC-Oct 21/19 DS-19-208	EDSC – Jan 8/24 ED-24-01	City of Oshawa Street Naming Policy as approved in principle; and Staff Report back on the development of formal policy document	Planning Services	TBD
7.	Offer to Purchase Land at the Oshawa Executive Airport	DSC-Jan 13/20 DS-20-14	EDSC Sep 11/23 ED-23-152	Staff directed to defer any land transactions at the Oshawa Executive Airport until a 2024 Airport Action Plan is adopted	Planning Services	Q3 2024
8.	Offer to Purchase Land at the Oshawa Executive Airport North Field	DSC-Dec 9/19 DS-19-238	EDSC Sep 11/23 ED-23-152	Staff directed to defer any land transactions at the Oshawa Executive Airport until a 2024 Airport Action Plan is adopted	Planning Services	Q3 2024
9.	Provincial Property Circulation – Broader Public Sector Review Various Surplus Lands along Highway 407 East	DSC-June 24/19 DS-19-132	CNCL-Sept 27/21 DS-21-164	Staff Report back	Planning Services	TBD
10	Request by Atria Development for use of Municipal Parking Lot on Athol Street	DSC-Feb 8/21 DS-21-21	CNCL Dec 11/23 ED-23-216	Referred back to staff to report back	Planning Services	TBD

Economic and Development Services Committee's Outstanding Items Status Report ED-24-36

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
11	Marlene Grass Requesting Designation of 310 Columbus Road East Oshawa	September 13/21 DS-21-146	September 13/21 DS-21-146	Referred to Heritage Oshawa and property owner for input	Planning Services	TBD
12	Community Park and Community Centre in Northwest Oshawa	June 21/21 CS-21-66	June 21/21 CS-21-66	Referred to staff to advance Item 6 in the Council directive	Planning Services	TBD
13	Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94, Dines Plaza Inc., 400 King Street West (Related Correspondence: DS-22-17)	January 10/22 DS-22-01	January 10/22 DS-22-01	Referred to staff for a report	Planning Services	TBD
14	Environmental Assessment Study - Windfields Farm Drive Connection	DSC Feb 7/22 DS-22-28	CNCL Feb 22/22 DS-22-28	Staff initiate the property acquisitions and report back	Planning Services	TBD
15	Request for Land Acquisition on Park Road South	DSC Apr 11/22 DS-22-84	EDSC Sept 11/23 ED-23-142	Staff authorized to execute disposal strategy and report back	Planning Services	TBD
16	Proposed Temporary Closure of the existing Albert Street Road Bridge in the City of Oshawa	DSC Apr 11/22 DS-22-86	DSC Apr 11/22 DS-22-153	Proceed as outlined in Report DS-22-153 and report back	Planning Services	TBD

Economic and Development Services Committee’s Outstanding Items Status Report ED-24-36

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
17	Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision, lands north of Conlin Road East and east of the future northerly extension of Wilson Road North, Kedron North GP Inc. (Sorbara)	DSC Sept 12/ 2022 DS-22-172	DSC Sept 12/ 2022 DS-22-172	Referred to staff for a report	Planning Services	TBD (Awaiting info from applicant)
18	Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, 737, 741 and 745 Taunton Road East (Related Correspondence: DS-22-191)	DSC Sept 12/ 2022 DS-22-168	DSC Sept 12/ 2022 DS-22-168	Referred to staff for a report	Planning Services	TBD (Awaiting information from applicant)

Economic and Development Services Committee’s Outstanding Items Status Report ED-24-36

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
19.	Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94, Urban Solutions on behalf of Albany Street Investments Limited, 63 Albany Street and 467 and 469 Albert Street	DSC Sept 12/ 2022 DS-22-186	DSC Sept 12/ 2022 DS-22-186	Referred to staff for a report	Planning Services	TBD (Awaiting information from applicant)
20	Heritage Oshawa's Recommendation to Designate 10 Sites under the Ontario Heritage Act	HTG April 28/ 2022 HTG-22-21	ED-24-16 – Feb 5/24	Staff in process of reporting back to designate sites	Planning Services	2024 Q4
21	Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94, D.G. Biddle and Associates Limited on behalf of Scugog River Developments Inc., 245 and 255 Bloor Street West and 671 and 675 Park Road South (Related Correspondence: ED-22-221)	EDSC Nov 28/ 2022 ED-22-207	EDSC Nov 28/ 2022 ED-22-207	Referred to staff for a report	Planning Services	TBD (Awaiting info from applicant)

Economic and Development Services Committee’s Outstanding Items Status Report ED-24-36

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
22	Request for Permission to Use City-owned Parking Lot on Simcoe Street South	EDSC Jan 9/23 ED-23-17	EDSC Jan 9/23 ED-23-17	Referred to staff for a report	Planning Services	TBD (Awaiting information from applicant)
23	Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road (Related Correspondence: ED-23-19)	EDSC Jan 9/23 ED-23-10	EDSC Jan 9/23 ED-23-10	Referred to staff for a report	Planning Services	TBD (Awaiting information from applicant)

Economic and Development Services Committee's Outstanding Items Status Report ED-24-36

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
24	Results of Stage 3 of the Integrated Major Transit Station Area Study for Central Oshawa	EDSC March 6/23 ED-23-55	EDSC Sep 11/23 ED-23-167	Staff directed to report back to with the results of the public consultation.	Planning Services	TBD
25	Application to Amend Zoning By-law 60-94, Rossland Residences Corp., 555 Rossland Road West	EDSC April 17/23 ED-23-78	EDSC April 17/23 ED-23-78	Referred to staff for a report	Planning Services	TBD (Awaiting information from applicant)
26	Mind Your Plastic inquiring if the City of Oshawa would adopt a Policy Banning Single-Use Plastics	EDSC May 8/23 ED-23-108	EDSC Oct 16/23 ED-23-188	That the Oshawa Environmental Advisory Committee be directed to report to the Economic and Development Services Committee on the results of the presentation.	Planning Services	TBD
27	Request to Purchase City-owned Christine Crescent Road Allowance	EDSC Jun 5/23 ED-23-129	EDSC Jun 5/23 ED-23-129	Referred to staff for a report	Planning Services	TBD
28	Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94, GHD on behalf of 2702758 Ontario Ltd., 88 King Street West	EDSC Jun 5/23 ED-23-120	EDSC Jun 5/23 ED-23-120	Referred to staff for a report	Planning Services	TBD (Awaiting info from applicant)

Economic and Development Services Committee’s Outstanding Items Status Report ED-24-36

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
29	Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 144 and 155 First Avenue, First Avenue Investments (Oshawa) Inc. (Ward 5)	EDSC Sept 11/23 ED-23-159	EDSC Sept 11/23 ED-23-159	Referred to staff for a report	Planning Services	TBD
30	Application to Amend Zoning By-law 60-94, 184 Bond Oshawa Limited, 184 Bond Street West (Ward 4)	EDSC Sept 11/23 ED-23-158	EDSC Sept 11/23 ED-23-158	Referred to staff for a report	Planning Services	TBD
31	Proposed Future Use of the City-owned Public Parking Lot (Lot 4) located on the North side of Athol Street East, between Centre Street South and Simcoe Street South (Ward 4)	ED-23-149 Sept 11/23	EDSC Feb 5/24 ED-24-18	Staff directed to proceed with option 2, of said report (ED-24-18); and Staff to report back	Planning Services	TBD
32	Proposed Focused Intensification Study along certain portions of the Bloor Street and Simcoe Street South Corridors	EDSC Oct 16/23 ED-23-192	EDSC Oct 16/23 ED-23-192	Staff to report on results of the Interim Control Bylaw and Focused Study	Planning Services	Q2 2024

Economic and Development Services Committee’s Outstanding Items Status Report ED-24-36

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
33	Request to Participate in a Durham Regional Technology Development Site Municipal Opportunity	Nov 27/23 ED-23-219	Nov 27/23 ED-23-219	Staff to report back	Economic Development Services	TBD