

To: Development Services Committee

From: Paul D. Ralph, BES, MCIP, RPP, City Manager,  
Office of the City Manager

Report Number: DS-19-58

Date of Report: April 10, 2019

Date of Meeting: April 15, 2019

Subject: Proposed City-Initiated Amendments to the Official Plan,  
Windfields Part II Plan, Samac Secondary Plan, Zoning By-law  
60-94 and Simcoe Street South Renaissance Community  
Improvement Plan

File: B-3200-1328

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## **1.0 Purpose**

The purpose of this report is to obtain Council authorization to initiate the public process under the Planning Act for Council to consider various proposed City-initiated amendments to the:

1. Official Plan;
2. Windfields Part II Plan;
3. Samac Secondary Plan;
4. Zoning By-law 60-94; and
5. Simcoe Street South Renaissance Community Improvement Plan.

## **2.0 Recommendation**

That the Development Services Committee recommend to City Council:

That, pursuant to Report DS-19-58 dated April 10, 2019, the Development Services Department be authorized to initiate the statutory public process under the Planning Act for Council to consider proposed amendments to the Official Plan, Windfields Part II Plan, Samac Secondary Plan, Zoning By-law 60-94 and the Simcoe Street South Renaissance Community Improvement Plan 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 in Attachment 1.

### **4.2 Other Departments and Agencies**

In the event Council approves the Recommendation, other departments, agencies, the Building Industry Liaison Team including the Durham Region Home Builders' Association 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 Official Plan, Windfields Part II Plan, Samac Secondary Plan, Zoning By-law 60-94 and the Simcoe Street South Renaissance Community Improvement Plan, and reduce the number of Committee of Adjustment applications.

## **6.0 Financial Implications**

Anticipated costs to the City are included in the appropriate 2019 Departmental budgets and relate primarily to newspaper advertising costs for any public meeting and 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.



Warren Munro, HBA, MCIP, RPP, Director,  
Planning Services



Paul D. Ralph, BES, MCIP, RPP, City Manager,  
Office of the City Manager

## 1. Zoning By-law Section 2: Definitions

### Issue:

The Zoning By-law permits a Home Occupation within a dwelling unit subject to a number of regulations. A Home Occupation is defined, in part, as an occupation or business conducted for gain or profit within a dwelling unit by any resident of that dwelling unit. The definition of Home Occupation lists certain exclusions such as, but not limited to, a Medical Office. Medical Office has a separate definition in the Zoning By-law which defines the use as, in part, any profession prescribed within the *Regulated Health Professions Act*. This would include a Registered Massage Therapist, which therefore would not be permitted as a Home Occupation. Conversely, a person could operate in their house a personal service establishment and provide facials, haircuts, makeup applications and other spa related activities, but not a Registered Massage owing to the occupations listing in the *Regulated Health Professions Act*. Therefore, it is appropriate to amend the Zoning By-law to permit massage therapy as a Home Occupation.

### Proposed Amendment:

- (a) Amend the definition of Home Occupation by adding the words “with the exception of massage therapy” after the words medical offices” in the fourth line such that the definition of Home Occupation would read as follows:

“**HOME OCCUPATION**” means an occupation or business conducted for gain or profit within a dwelling unit by any resident of that dwelling unit, excluding the following occupations or businesses: kennels or other animal services, automobile repair garage or automobile body shop or paint shop, medical offices with the exception of massage therapy, restaurants, food preparation services, taxi services, bed and breakfast establishments and newspaper or catalogue distribution centres.”

## 2. Zoning By-law Section 2: Definitions

### Issue:

The Zoning By-law includes a definition of “Home for the Aged”. It is defined as “a building or part of a building for the aged established and maintained under the Homes for the Aged and Rest Homes Act.” The Homes for the Aged and Rest Homes Act was repealed on July 1, 2010 and such uses are now governed by the Long Term Care Homes Act. Therefore, it is appropriate to amend the Zoning By-law in multiple locations by deleting reference to the term “Home for the Aged” and replacing it with term “Long Term Care Facility”.

### Proposed Amendment:

- (a) Delete the definition of “Home for the Aged” and replace it with the following:

“**LONG TERM CARE FACILITY**” means a building or part of a building established and maintained under the Long Term Care Homes Act.”

- (b) Amend the Zoning By-law by deleting the words “Home for the Aged” and replacing it with the words “Long Term Care Facility” throughout the By-law including in the definition of Dwelling Unit in Section 2 and within various parts of Sections 11, 16, 17, 18, 25, 38(B) and 39.

### **3. Zoning By-law Section 2: Definitions**

**Issue:**

The Zoning By-law regulates the maximum allowable size of main building and accessory buildings defined as Lot Coverage which reads as follows:

“**LOT COVERAGE**” means that percentage of the lot area covered by all buildings above ground level, excluding building features that project beyond the main walls of a building such as window sills, cornices, pilasters, cantilevered canopies or roofs, eaves, gutters, bay windows, chimney breasts, unenclosed decks, unenclosed porches or unenclosed platforms, and cantilevered balconies whether open or enclosed.

Under this current definition a fruit cellar is counted towards Lot Coverage because it is part of the foundation and is partially above ground level. However, a fruit cellar is a space that is not finished or heated and does not form part of the defined living space and is typically below an unenclosed porch and stairs leading to an entrance. Therefore, it is appropriate to amend the Zoning By-law by amending the definition of Lot Coverage to exclude a fruit cellar from being counted towards Lot Coverage.

**Proposed Amendment:**

- (a) Amend the definition of Lot Coverage by adding the words “a fruit cellar and” after the word “excluding” in the second line such that the definition of Lot Coverage would read as follows:

““**LOT COVERAGE**” means that percentage of the lot area covered by all buildings above ground level, excluding a fruit cellar and building features that project beyond the main walls of a building such as window sills, cornices, pilasters, cantilevered canopies or roofs, eaves, gutters, bay windows, chimney breasts, unenclosed decks, unenclosed porches or unenclosed platforms, and cantilevered balconies whether open or enclosed.”

### **4. Zoning By-law Section 3: Zones and Symbols**

**Issue:**

This amendment relates to 1399 Simcoe Street North which is currently being used as a temporary automobile sales and service establishment for used vehicles and to 382 Simcoe Street North which is currently permitted to be used temporarily as an administrative office for the Lakeridge Health Foundation. The temporary use by-law that permits the use at 1399 Simcoe Street North expires on April 10, 2019 and the temporary use by-law that permits the use at 382 Simcoe Street North expires on November 28, 2019. The Owners have advised the City that it is intended that the uses continue for an additional period of time. Therefore it is appropriate to extend the expiry date of the

temporary use by-law for 1399 Simcoe Street North to April 10, 2022 and extend the expiry date of the temporary use by-law for 382 Simcoe Street North to November 28, 2022.

**Proposed Amendment:**

- (a) Amend Sentence 3.12.2(1) of Article 3.12.2 Temporary Use Zone Provisions by deleting the reference to the year “2019” and replacing it with the year “2022”.
- (b) Amend Item (a) of Sentence 3.12.2(2) of Article 3.12.2 Temporary Use Zone Provisions by deleting the reference to the year “2019” and replacing it with the year “2022”.

**5. Zoning By-law Section 4: General Provisions**

**Issue:**

The Zoning By-law permits encroachments into required yards for a variety of building features, including but not limited to balconies, decks and patios. Typically balconies and decks are extended out from a main building such as a single detached dwelling and can be at grade or raised above grade in the case of a walkout. A patio is an area of land that is typically at grade and again typically extends from or at least in proximity to a main building. In recent years, the City has had several Committee of Adjustment applications seeking approval of a balcony, deck or patio that is associated with an accessory building and is located on top of the accessory building or in an elevated position, immediately adjacent to or attached to an accessory building, located in proximity to a rear lot line and adjacent to a pool. The By-law does not currently prohibit a balcony, deck or patio in association with an accessory building that is located on top of the building or in an elevated position. If permitted, such a use could cause privacy concerns from abutting Owners and negatively impact the use and enjoyment of their property. Therefore, is it appropriate to amend the Zoning By-law to prohibit a balcony, deck or patio in association with an accessory building when located on top of the accessory building or in an elevated position.

**Proposed Amendment:**

- (a) Amend Section 4.6 Permitted Yard Encroachments by adding a new Article 4.6.4 as follows:

“4.6.4 Notwithstanding any other provision of this By-law, a balcony, deck or patio is not permitted in association with an accessory building when located on top of the building or in an elevated position greater than 0.6m above grade immediately adjacent to or attached to an accessory building.”

**6. Zoning By-law Section 4: General Provisions**

**Issue:**

The Zoning By-law permits encroachments into required yards for a variety of building features, including but not limited to unenclosed porches and decks. Permitted encroachments are 2.4 metres (8 ft.) into the required front yard and rear yard and 1.5 metres (5 ft.) into the required exterior side yard. Typically a porch or deck is attached to the front or rear of a main building which may have the entrance to the main building

raised above grade thereby requiring the porch or deck to be raised above grade. The result is that stairs are required to access the porch or deck. Currently, the Zoning By-law includes the stairs in the 2.4 metres (8 ft.) or 1.5 metres (5 ft.) maximum encroachment which results in stairs being confined or located off to the side of the porch or deck. The stairs should not be included for the purposes of measuring and determining the encroachment. Therefore, it is appropriate to amend the Zoning By-law.

**Proposed Amendment:**

(a) Amend Section 4.6 Permitted Yard Encroachments by adding a new Article 4.6.5 as follows:

“4.6.5 Notwithstanding any other provision of Table 4.6 to the contrary, stairs associated with an unenclosed porch or deck in the front yard, exterior side yard or rear yard are permitted to encroach an additional 1.5m into the required yard beyond the encroachment permitted for the unenclosed porch or deck.”

## **7. Zoning By-law Section 5: Uses Permitted in Certain Zones**

**Issue:**

Subsection 5.1 of the Zoning By-law regulates the size and location of any building, structure or use accessory thereto to the main use. Article 5.1.4 and all sentences within that Article use the words “accessory building or structure” throughout, with the exception of Sentence 5.1.4(8) that uses the words “accessory building” only. The result in the difference in the language means that one can construct a 10 square metre, 2 metre high building, but not a 10 square metre, 2 metre high gazebo, pergola, or other open structure without walls or a roof. Therefore, the Zoning By-law should be amended to add the words “or structure” to Sentence 5.1.4(8).

**Proposed Amendment:**

(a) Amend Sentence 5.1.4(8) by adding the words “or structure” to the second line after the word “building” such the Sentence 5.1.4(8) would read as follows:

“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.”

## **8. Zoning By-law Section 15: Office Conversion Zones**

### **Issue:**

The OC-A, OC-B and OC-C (Office Conversion) Zones permit a variety of residential, office and commercial uses within the main buildings lawfully existing prior to the conversion. The purpose of the OC (Office Conversion) Zones is to generally permit an existing dwelling to be converted to office/commercial use while maintaining the residential character. However, over the years minor variances been approved for Owners who need to make minor additions to the existing building to provide sufficient space. The variances were needed as the floor area within an existing building is considered small by modern standards when originally constructed. Therefore, it is appropriate to amend the Zoning By-law by adding a new Article 15.2.4 that provides an Owner with the ability to undertake minor additions, similar to the provisions in EU (Existing Use) and UR (Urban Reserve) Zones.

### **Proposed Amendment:**

- (a) Amend Subsection 15.2 by adding a new Article 15.2.4 which permits an Owner in any Office Conversion Zone to make a minor enlargement to the existing building subject to regulations that would read as follows:

“15.2.4 Minor enlargements of existing buildings or structures are permitted provided:

- (a) Such enlargements are not greater than ten percent (10%) of the existing gross floor area of the building or structure being enlarged; and
- (b) Not more than one enlargement is made to the existing building or structure.”



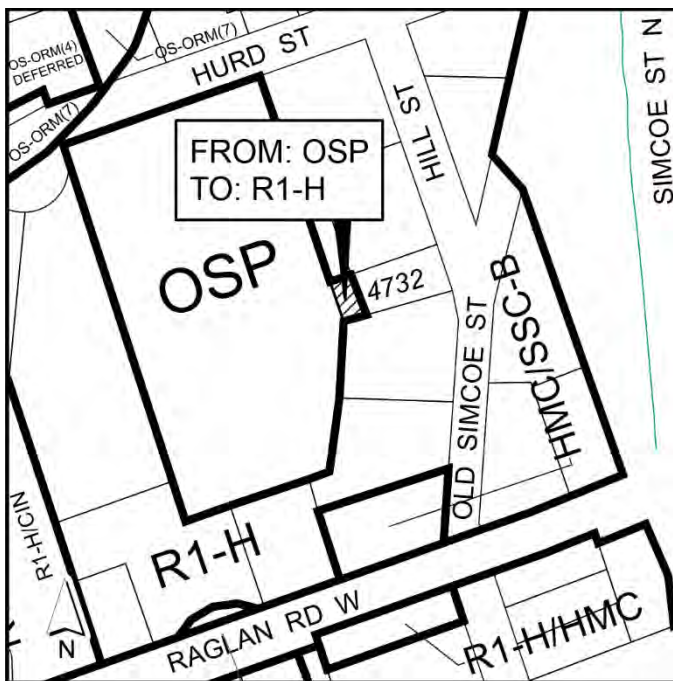
## 9. Zoning By-law Section: Map North Half

### Issue:

Staff have noted that lands municipally known as 4732 Hill Street located in the Hamlet of Raglan is zoned in part OSP (Park Open Space) Zone as the lands abut Raglan Park. The City has no intent of acquiring any portion of 4732 Hill Street and the use of 4732 Hill Street is residential. Therefore, it is appropriate to amend the Zoning By-law Map North Half and rezone the portion of 4732 Hill Street currently zoned OSP (Park Open Space) to R1-H (Residential) Zone. The R1-H Zone permits a single detached dwelling.

### Proposed Amendment:

(a) Amend Zoning Map North Half.



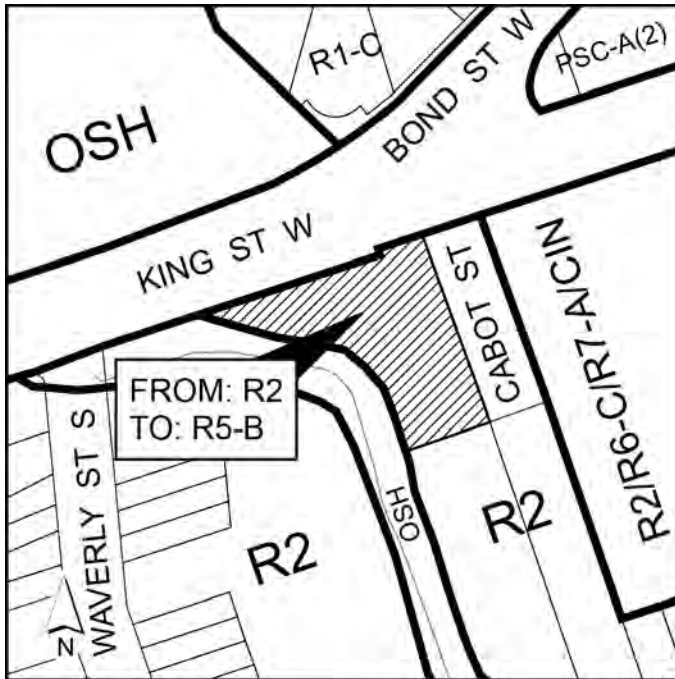
## 10. Zoning By-law Section: Map A2

### Issue:

The subject land is at the southwest corner of King Street West and Cabot Street and is currently zoned R2 (Residential) which permits a range of low density residential dwellings. The lands are located on a Type 'B' Arterial Road and are within the Main Central Area. The Official Plan encourages a variety of uses and densities including mid-rise developments with a minimum of three stories in height and contributing to the density of 75 units per hectare in this area. Therefore, it is appropriate to amend the Zoning By-law Map A2 by rezoning the lands to R5-B (Residential) to also permit a small apartment building as an additional use.

### Proposed Amendment:

(a) Amend Zoning Map A2.



## 11. Zoning By-law Section: Maps A4 and North Half

### Issue:

The subject lands are generally located both north and south of Winchester Road West, west of Simcoe Street North and east of Thornton Road North. The Ministry of Transportation is in the process of investigating the potential of declaring the subject lands as surplus and offering them for sale. The subject lands are designated as Industrial in Official Plan. The future purchaser of the subject lands should be encouraged to develop with a range of light industrial uses and the Zoning By-law should be brought into conformity with the Official Plan. A future north south Collector Road is planned from Windfields Farm Drive West to Winchester Road West and a future purchaser should be made aware of this. Therefore, it is appropriate to amend Zoning By-law Section 3 by adding a new Item (c) to Sentence 3.5.2(45) highlighting the future road connection and to

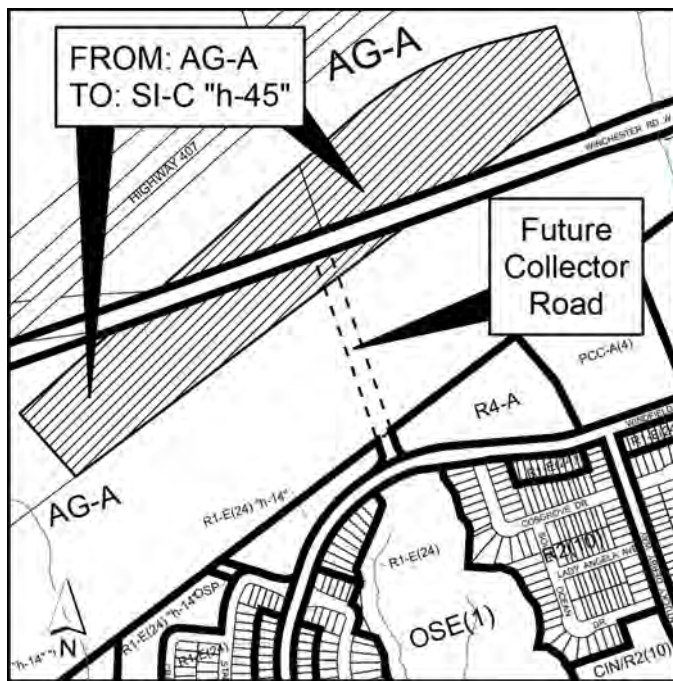
amend Maps A4 and North Half by rezoning the lands from AG-A (Agricultural) to SI-C (Select Industrial) "h-45". The SI-C Zone permits a range of industrial and commercial uses and is also used generally along Winchester Road East, east of Bridle Road.

**Proposed Amendment:**

(a) Amend Sentence 3.5.2(45) by adding a new Item (c) as follows:

“(c) Upon completion of an Environmental Assessment being undertaken by the City to determine the final road alignment and when the Owner conveys to the City any lands required for the future north south Collector Road to connect Windfields Farm Drive West to Winchester Road West.”

(b) Amend zoning Maps A4 and North Half.



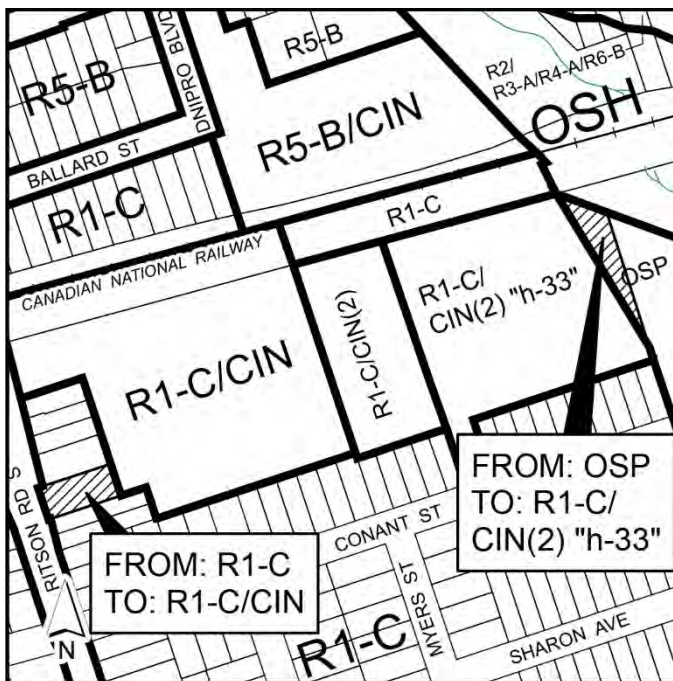
## 12. Zoning By-law Section: Map B1

### Issue:

The subject lands were purchased by the Durham District Catholic School Board from the City. The lands are located generally east of Ritson Road South and north of Conant Street and are related to the Monsignor John Pereyema Catholic Secondary School. Staff identified the need to change the Zoning By-law for the land along Ritson Road South by adding CIN (Community Institutional) zoning to reflect the existing use of that land as a driveway for the school and the need to rezone the other lands at the east end of the school property from OSP (Park Open Space) to R1-C/CIN(2) (Residential/Community Institutional) "h-33" to match the zoning of the balance of the lands to the west. Therefore, it is appropriate to amend the Zoning By-law. The CIN(2) Zone permits outdoor recreational uses and an uncovered surfaced parking lot related to the school and the "h-33" requires site plan approval.

### Proposed Amendment:

(a) Amend Zoning Map B1.



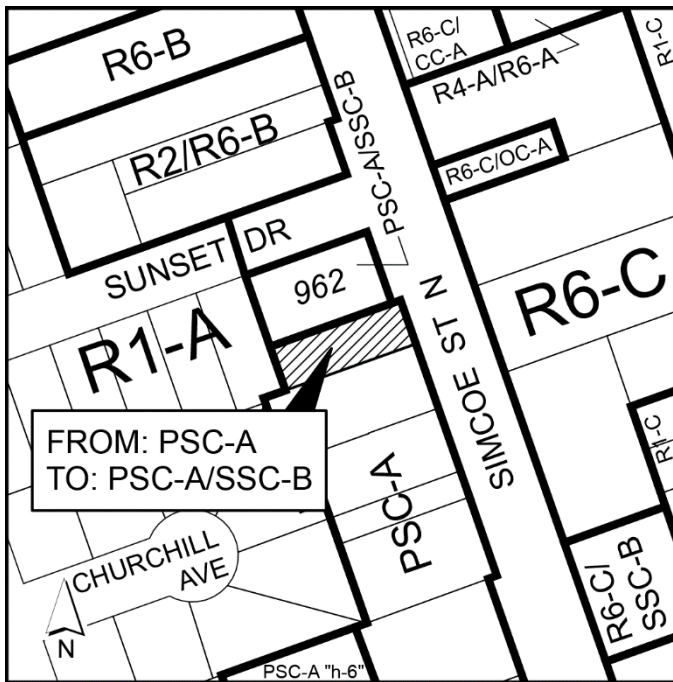
**13. Zoning By-law Section: Map B3**

**Issue:**

The lands municipally known as 962 Simcoe Street North and 0 Simcoe Street North are owned by Shell Canada and are used as an automobile service station and fuel bar. 962 Simcoe Street North is zoned PSC-A/SSC-B (Planned Strip Commercial/Automobile Service Station) and 0 Simcoe Street North is zoned PSC-A (Planned Strip Commercial). The existing fuel bar and the associated underground fuel storage tanks are in the part located on 0 Simcoe Street North. Therefore, it is appropriate to amend the Zoning By-law Map B3 by rezoning 0 Simcoe Street North from PSC-A (Planned Strip Commercial) to PSC-A/SSC-B (Planned Strip Commercial/Automobile Service Station) to have all the lands used for the fuel bar in the same zone category.

**Proposed Amendment:**

- (a) Amend Zoning Map B3.



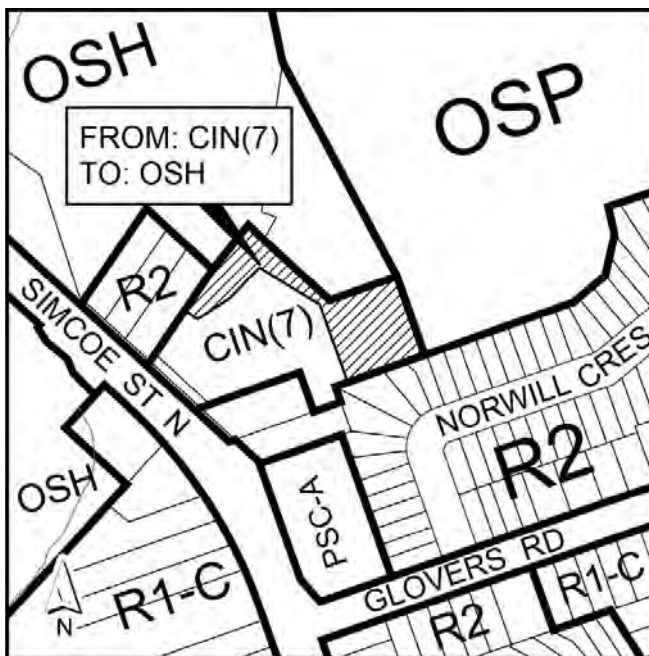
## 14. Zoning By-law Section: Maps B3 and B4

### Issue:

The subject lands are located on the east side of Simcoe Street North, north of Glovers Road adjacent to 1521 Simcoe Street North. The lands are owned by the City and are to be sold to the Region as a buffer to the former Ritson landfill site. Part of the lands are also part of the Natural Heritage System. Therefore, it is appropriate to amend the Zoning By-law Maps B3 and B4 by rezoning the lands zoned CIN(7) (Community Institutional) to OSH (Hazard Lands Open Space).

### Proposed Amendment:

(a) Amend Zoning Maps B3 and B4.



## 15. Official Plan Section 2.8: Prime Agricultural

### Issue:

The Durham Regional Official Plan permits the severance of a farm dwelling that is rendered surplus as a result of consolidation with an abutting farm without an amendment to the Regional Official Plan contingent upon the farms being merged into a single parcel and the retained farm parcel being zoned to prohibit any further severances or the establishment of any additional residential dwelling. The Oshawa Official Plan permits the same severance as the Regional Official Plan but is more restrictive by requiring an amendment to the Oshawa Official Plan. The public interest is protected since the Regional Land Division Committee would hold a statutory public meeting under the Planning Act for the proposed severance. Therefore, it is appropriate to amend Policy 2.8.2.4 to make the Oshawa Official Plan consistent with the Regional Official Plan when considering the severance of a farm dwelling that is rendered surplus as a result of consolidation with an abutting farm and not require an Oshawa Official Plan Amendment.

### Proposed Amendment:

- (a) Amend Policy 2.8.2.4 by deleting the words “by amendment to this Plan,” from the fourth line, deleting the comma and the word “or” at the end of 2.8.2.4(c) and replacing them with a period and deleting Article 2.8.2.4(d) such that Article 2.8.2.4 reads as follows:

“2.8.2.4 Notwithstanding the provisions of 2.8.1.5 and 5.4.1.5, severance of a habitable farm dwelling rendered surplus as a result of being on a farm that is acquired by a farmer for the purposes of expanding an existing farming enterprise may be permitted, provided that:

- (a) The dwelling is not needed for a farm employee;
- (b) Within the Greenbelt Protected Countryside Area, the dwelling was in existence as of December 16, 2004; and
- (c) Where the farm dwelling is rendered surplus as a result of a farm consolidation with an abutting farm, the farms are merged into a single parcel and the retained farm parcel is zoned to prohibit any further severances and the establishment of any residential dwelling.”

- (b) Adding the following new Policy 2.8.2.5 and renumbering the existing Policies 2.8.2.5 to 2.8.2.7 as 2.8.2.6 to 2.8.2.8:

“2.8.2.5 Notwithstanding the provisions of 2.8.1.5 and 5.4.1.5, severance of a habitable farm dwelling rendered surplus as a result of being on a farm that is acquired by a farmer for the purposes of expanding an existing farming enterprise may be permitted, by amendment, provided that:

- (a) The dwelling is not needed for a farm employee;
- (b) Within the Greenbelt Protected Countryside Area, the dwelling was in existence as of December 16, 2004; and
- (c) Where the farm dwelling is rendered surplus as a result of a farmer acquiring a non-abutting farm, the farm parcel to be acquired is to be of a size which is viable for farming operations and shall be zoned to

prohibit any further severances and establishment of any residential dwelling.”

(c) Amend Policy 2.7.4.2(b) by inserting the words “or Policy 2.8.2.5” after the words “Policy 2.8.2.4” such that Policy 2.7.4.2(b) as amended reads as follows:

“(b) In areas designated as Prime Agricultural, Prime Agricultural ORM – Countryside or Open Space and Recreation ORM – Countryside, through the severance of a habitable farm dwelling rendered surplus as a result of being on a farm that is acquired by a farmer for the purposes of expanding an existing farming enterprise, in accordance with the provisions of Policy 2.8.2.4 or Policy 2.8.2.5 of this Plan.”

(d) Amend Policy 2.8.2.8, as renumbered by this amendment, by inserting the words “or Policy 2.8.2.5” after the words “Policy 2.8.2.4” such that Policy 2.8.2.8 as amended reads as follows:

“2.8.2.8 A severance involving the minor adjustment of lot lines for purposes such as easements, rights-of-way, correction to titles, building or servicing encroachments on abutting lots, conveyances between existing lots of record that do not result in the creation of a new lot(s) may be considered, provided that non-viable farm parcels are not created, agricultural land is not fragmented and agricultural activities are not adversely affected. Consistent with the intent of Policy 5.4.15, this policy is not intended to permit a separate lot for a residential dwelling, or the consideration of *non-farm residential* lots that are surplus to a farm operation in accordance with Policy 2.8.2.4 or Policy 2.8.2.5. Nor is this policy intended to permit any other building lot that would otherwise require an amendment to this Plan.”

(e) Amend Policy 9.9.9(e) by inserting the words “, Policy 2.8.2.5,” after the words “Policy 2.8.2.4” such that Policy 9.9.9(e) as amended reads as follows:

“(e) The provisions of Policies 2.8.2.4, 2.8.2.5, 5.4.15, 5.13.4.2 and 5.14.5.1, where applicable.”

## **16. Official Plan Section 2.12: Infrastructure and Utilities**

### **Issue:**

Report DS-18-162 dated September 20, 2018 was prepared to provide an update on activities occurring in the City that will position Oshawa as a gigabit city and to receive Council endorsement of a broadband strategy. A number of strategic directions approved by Council were identified to advance and help achieve this objective. One of those directions was to include wording in the Official Plan to acknowledge the importance of broadband. Therefore, it is appropriate to amend Section 2.12 of the Official Plan.



**Proposed Amendment:**

(a) Amend Section 2.12 Infrastructure and Utilities by adding a new Policy 2.12.1.6 as follows:

“2.12.1.6 Notwithstanding any other policies of this Plan to the contrary, broadband is recognized as an essential utility. The City recognizes the need for the continued growth and maintenance of broadband infrastructure to ensure fast, reliable and affordable high-speed internet access for all residents and businesses within the City of Oshawa.”

**17. Official Plan: Section 2.2 Commercial, Zoning By-law Section 17: Planned Commercial Centre Zones**

**Issue:**

The subject lands are generally bounded by First Avenue to the west, Front Street to the south, the Canadian Pacific Railway to the north and Howard Street to the east. The subject lands are currently designated as Planned Commercial Centre in the Oshawa Official Plan subject to site specific policies that do not permit residential uses, and are zoned PCC-B(2) (Planned Commercial Centre) subject to site specific regulations that do not permit residential uses. Amendment 179 to the Oshawa Official Plan implemented a variety of changes to the Official Plan including the identification of a Future Commuter Station for GO Transit, which in part includes the subject lands. It is anticipated that Metrolinx will not require all the lands that they have acquired for the future GO station and associated parking. As with other provincial projects excess or surplus lands are likely to become available in the future. The current commercial Official Plan designation and Zoning that does not permit residential uses does not reflect the long term vision for the subject lands. Therefore, to be consistent with the Official Plan and to encourage residential and mixed-use development on any surplus lands it is appropriate to amend the Official Plan and Zoning By-law to permit apartments and flats.

**Proposed Amendment:**

(a) Amend Section 2.2 Commercial by adding a new sentence to the end of Policy 2.2.10.1 as follows:

“In addition, residential apartments and mixed-use buildings featuring commercial uses at grade with residential dwelling units above are permitted at appropriate densities subject to policies 2.1.7 and 2.1.8 and subject to the inclusion of appropriate provisions in the zoning by-law ”

(b) Amend Article 17.3.5 by adding a new Sentences 17.3.5(12) and 17.3.5(13) as follows:

“17.3.5(12) Notwithstanding any other provision in Article 17.3.5 of this By-law to the contrary in any PCC-B(2) Zone, an apartment building and flat are permitted.

17.3.5(13) Notwithstanding any other provision in Article 17.3.5 of this By-law to the contrary, the provisions of Subsections 2, 3, 4, 5, 39.3B and Article 17.2.2 shall apply any apartment building or flat.”

**18. Official Plan: Schedule 'A' Land Use North Half, Windfields Part II Plan: Schedule 'A' Land Use and Road Plan and Zoning By-law Section: Map A4**

**Issue:**

On June 9, 2003 City Council approved the location of the Windfields Community Park as designated in the Oshawa Official Plan and Windfields Part II Plan on the south side of Britannia Avenue West between Simcoe Street North and Thornton Road North.

In October 2015, City Council approved the Phase 4 of the draft plan of subdivision S-O-2012-01 subject to a number of conditions including that the Community Park Block be conveyed to the City at no cost and in a condition acceptable to the City. The Community Park lands in the Tribute Communities (Tribute) draft plan of subdivision S-O-2012-01 were conveyed to the City on September 9, 2016.

The staff report that recommended approval of the Phase 4 draft plan (DS-15-189) indicated that Community Services staff wanted to explore a future land exchange with Ontario Tech U (Ontario Tech) to move the Community Park from the location shown in the Windfields Part II Plan to lands owned by Ontario Tech U at the northeast corner of Thornton Road North and the future extension of Britannia Avenue West.

On June 13, 2016, City Council authorized City staff to initiate the process for Council to consider a proposed new location for the Windfields Community Park.

On September 12, 2016 a non-statutory public meeting was held by the Joint Development Services and Community Services Committee to obtain public input on the proposal to relocate the proposed location of the Windfields Community Park. At the conclusion of the meeting, the matter was referred back to staff for further review and a recommendation report.

In accordance with Report DS-18-111 dated May 31, 2018, the recommended new location for the Windfields Community Park is at the northeast corner of Thornton Road North and the future extension of Britannia Avenue West. The site is approximately 13.39 hectares (33.1 ac.) in size and is comprised of two (2) separately owned properties: a 7.85 hectare (19.4 ac.) property owned by the Ontario Tech U and a 5.54 hectare (13.7 ac.) property owned by Tribute.

On June 5, 2018 City Council conditionally declared surplus the subject City land to facilitate the relocation of the Windfields Community Park. Since that time the City has been working with Ontario Tech and Tribute to advance the purchase and sale agreements in order to acquire ownership of the lands at the northeast corner of Thornton Road North and future Britannia Avenue West and an agreement from the Ontario Tech U for it to acquire the existing lands designated for a Community Park.

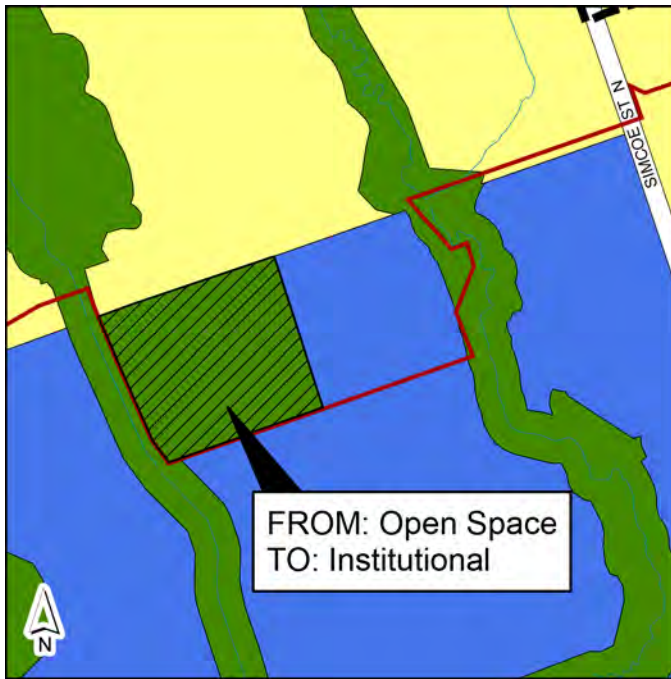
Therefore, it is appropriate to amend the Official Plan Schedule 'A' Land Use North Half by amending the designation from Open Space and Recreation to Institutional, amending the Windfields Part II Plan Schedule 'A' Land Use and Road Plan from Open Space and Recreation – Community Park to Institutional – University of Ontario Institute of Technology by deleting reference to “Community Park” in 8.6.9.1.1, 8.6.9.3, 8.6.9.3.1 and deleting 8.6.9.3.2 in its entirety and amend the Zoning By-law Map A4 from AG-A (Agricultural) to MIN (Major Institutional).

Part of the lands south of Britannia Avenue West and associated with a small creek area are proposed to be zoned OSH (Hazard Lands Open Space).

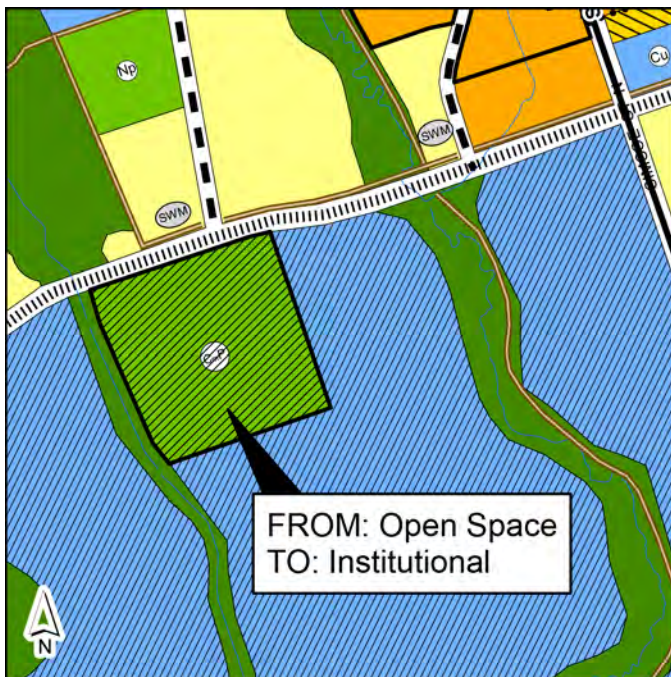
The implementing amendments to the Part I Plan, Part II Plan and Zoning By-law will only be adopted and passed when the land transactions are complete.

**Proposed Amendments:**

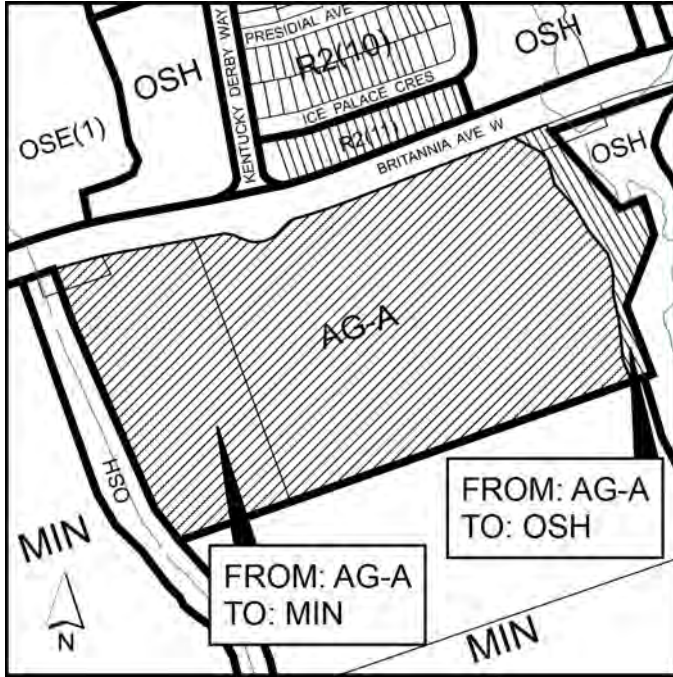
(a) Amend Schedule 'A' Land Use North Half of the Oshawa Official Plan.



(b) Amend Schedule 'A' Land Use and Road Plan of the Windfields Part II Plan.



(c) Amend Zoning Map A4.



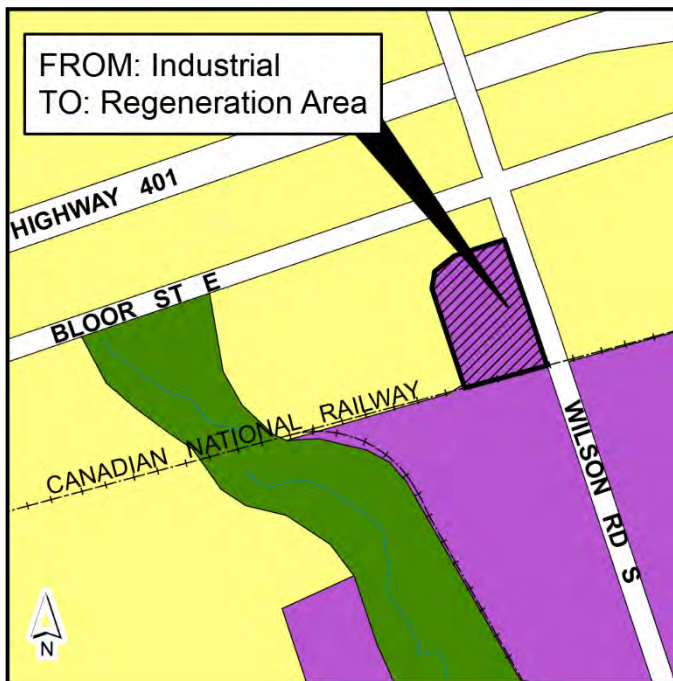
## 19. Official Plan: Schedule 'A' Land Use South Half

### Issue:

The subject lands are generally located at the southwest corner of Wilson Road South and Hastings Avenue, municipally known as 710 Wilson Road South and 555 Hastings Avenue. The lands are designated Industrial in the Official Plan. There are existing policies in the Official Plan that allow lands to be designated as a Regeneration Area which is described as an area in transition, with lands and/or buildings that are underutilized, derelict, vacant, in need of revitalization or which would be more appropriately and efficiently used for non-industrial land uses. The lands generally located at the southwest corner of Wilson Road South and Hastings Avenue meet that description as all other lands in that area are designated Residential. Designating the lands as Regeneration Area does not remove the Industrial designation, instead the lands remain designated as Industrial pending further planning studies by the City, the Region or proponent of development to determine appropriate land use alternatives. Therefore, it is appropriate to amend the Official Plan by designating the lands as Regeneration Area.

### Proposed Amendment:

(a) Amend Schedule 'A' Land Use South Half.





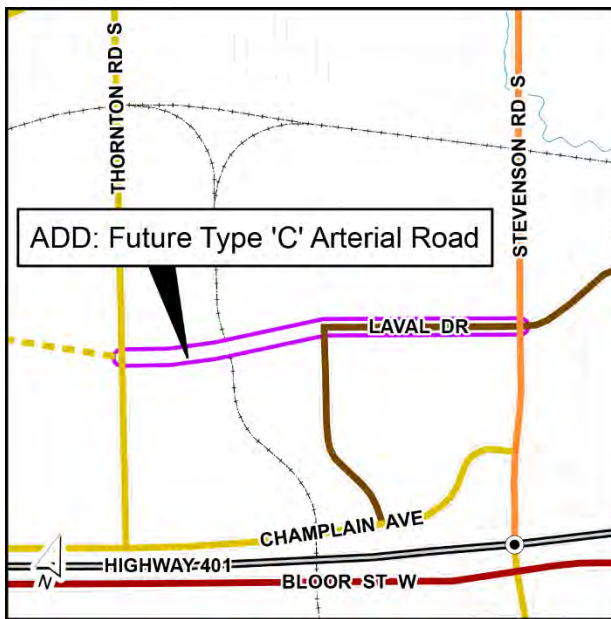
**20. Official Plan: Schedule 'B' Road Network North Half and South Half**

**Issue:**

Regional Official Plan Amendment 171 included changes to certain road classifications. Keeping road classifications current is important as they dictate function of the roadway. Therefore, Schedule 'B' Road Network North Half and South Half of the Official Plan should be amended as shown below to bring the Oshawa Official Plan into conformity with the Regional Official Plan.

**Proposed Amendments:**

(a) Amend Schedule 'B' Road Network and South Half.



**21. Samac Secondary Plan: Schedule 'A' Land Use and Street Plan and Zoning By-law Maps A3, B1, B3, B4 and C1**

**Issue:**

Amendment 179 to the Oshawa Official Plan implemented a variety of changes to the Official Plan including the identification of Intensification Areas and Regional Corridors within the City. The intensification areas subject to this amendment are:

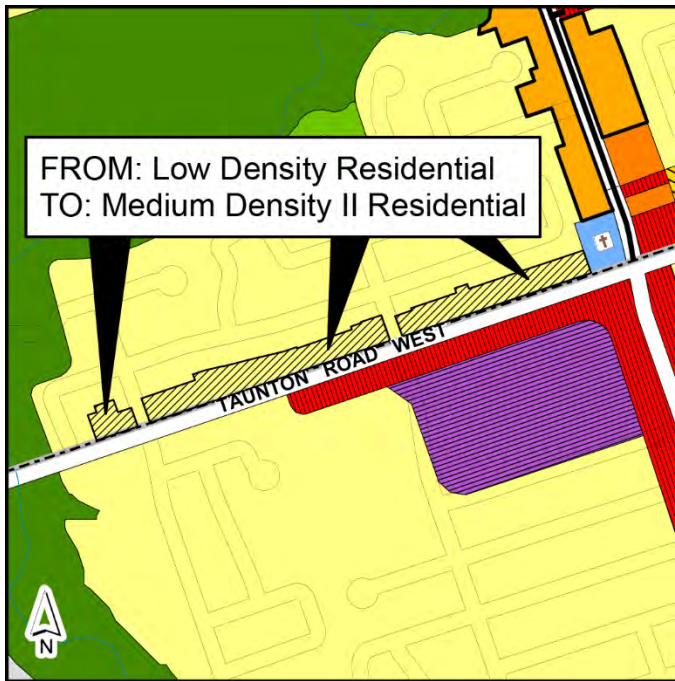
- Generally located along the north side of Taunton Road West, between Simcoe Street North and the Oshawa Creek;
- Generally located on the east and west side Simcoe Street North, between Taunton Road and the east branch of Oshawa Creek; and
- Generally located on the south side of Bloor Street East, between Wilson Road South and Farewell Street.

The rationale behind identifying Intensification Areas and Regional Corridors was to encourage new development with medium density residential uses in certain areas of the City. Although the Official Plan was updated the Zoning By-law was not. Provincial,

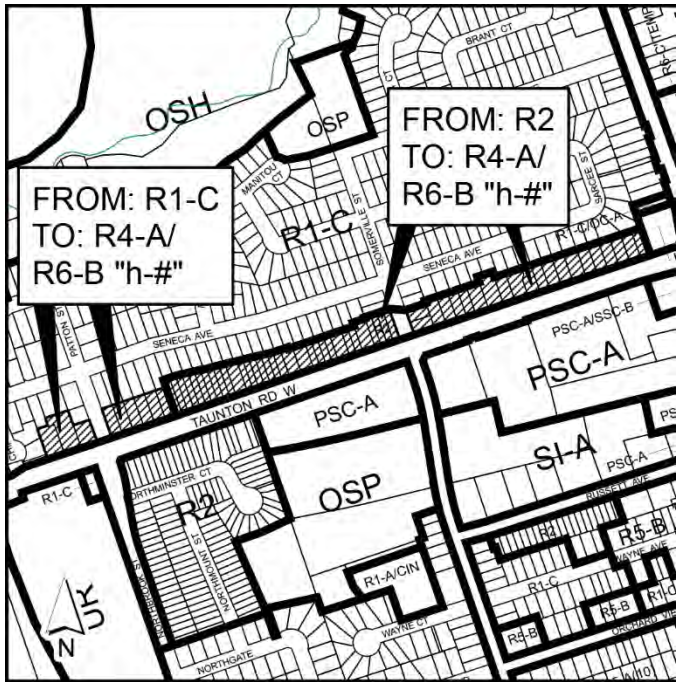
Regional and City policies require that 39% of new residential units that are approved must be located within the existing urban area. Therefore, it is appropriate to amend the Samac Secondary Plan by designating the lands along Taunton Road West as Medium Density II Residential subject to Policy 4.23 which permits MDI uses and amending Zoning By-law Maps A3, B1, B3, B4 and C1 to introduce R4-A/R6-B zoning along the subject area of Taunton Road West, Simcoe Street North and Bloor Street East. The amendment to the Zoning By-law would include a holding “h” symbol that permits existing R1/R2 uses to continue as interim uses until such time as development is ready to proceed.

**Proposed Amendments:**

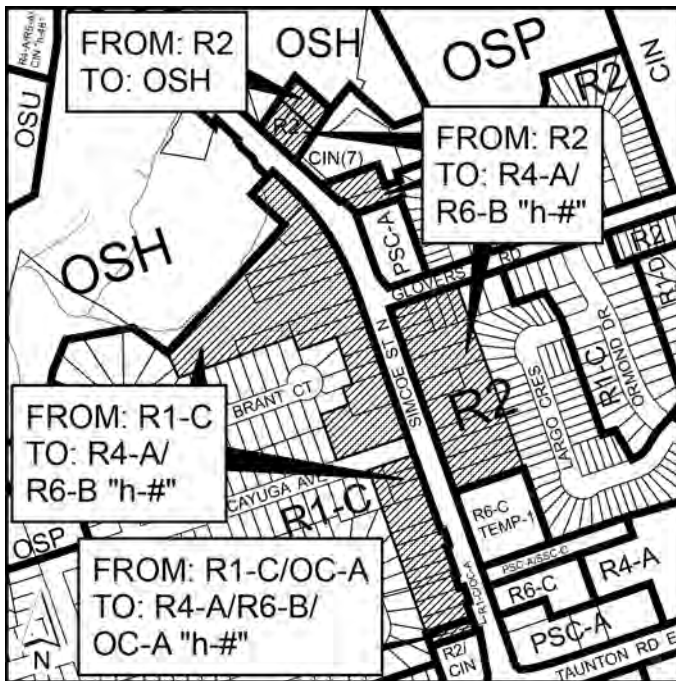
- (a) Amend Schedule ‘A’ Samac Land Use and Street Plan of the Secondary Plan for the Samac Community.



(b) Amend Zoning Maps A3 and B3.

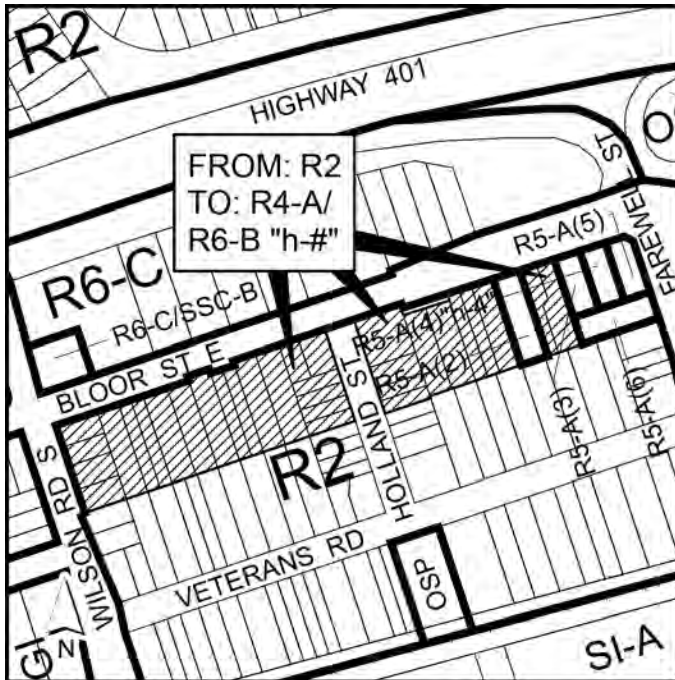


(c) Amend Zoning Maps B3 and B4.





(d) Amend Zoning Maps B1 and C1.



## 22. Official Plan Section 4 and Simcoe Street South Renaissance Community Improvement Plan

### Issue:

The City is looking to encourage redevelopment, infill development and intensification within the Simcoe Street South corridor generally located from the Highway 401 north to John Street. This is an important gateway corridor leading from Highway 401 to the Downtown. This area is highly visible and is located in proximity to the future GO station at the former Knob Hill Farm. The goals and objectives of the Community Improvement Plan regarding maintaining and improving the building stock and recognizing the corridor as an important transportation link have not been met. Currently the Simcoe Street South Renaissance Community Improvement Plan only contains a grant for Façade Improvements and Accessibility Improvements, whereas other Community Improvement Plans in the City contain a wider suite of programs, the most popular of which is the Increased Assessment Grant. The Increased Assessment Grant provides a grant on a sliding scale for part or all of the increase in City taxes attributable to the improvement of a building and/or redevelopment of a property. This is attractive to the development community as it provides a grant over time once the development is assessed upon completion of a redevelopment. The Upgrade to Building, Fire and Electrical Safety Codes Grant provides a grant to assist property owners with the financing of building improvements required to bring existing older buildings into compliance with the current Ontario Building, Fire and Electrical Safety Codes. The Economic Stimulus Grant provides a grant to assist property owners with the financing of leasehold improvements and associated accessibility enhancements to ground floor or upper storey units. The goal of these programs is to encourage, stimulate and incentivize leasehold improvements and associated accessibility enhancements in order to support a variety of businesses in the Simcoe Street South corridor. As the goals and objectives of the Community Improvement Plan have yet to be achieved, it is appropriate to amend the Official Plan to introduce

wording regarding increased assessment grants, upgrade to building, fire and electrical safety code grants and economic stimulus grants. It is also appropriate to amend the Simcoe Street South Renaissance Community Improvement Plan by adding wording to introduce an Increased Assessment Grant, an Upgrade to Building, Fire and Electrical Safety and Economic Stimulus Grant for eligible redevelopments. Only changes to Part B of the Community Improvement Plan need to be undertaken by amendment. If adopted by Council, staff will concurrently also advance changes to the Community Improvement Plan that appear in Parts A and C that govern staff procedures and background information and do not need to be advanced by an amendment.

**Proposed Amendment:**

- (a) Amend Section 4.2.3(c) of the Oshawa Official Plan to provide enabling policies.
- (b) Amend the Simcoe Street Renaissance Community Improvement Plan to introduce enabling policies to advance an Increased Assessment Grant Program, an Upgrade to Building Fire and Electrical Safety Codes Grant Program and an Economic Stimulus Grant Program
- (c) Amend the Simcoe Street Renaissance Community Improvement Plan to extend the expiry date from December 31, 2020 to December 31, 2023.